

議員個人利益監察委員會 就對田北辰議員及劉皇發議員 的投訴提交的報告

Report of the
Committee on Members' Interests
on complaints against
Hon Michael TIEN and
Dr Hon LAU Wong-fat

2016年7月 July 2016

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Report of the Committee on Members' Interests on complaints against Hon Michael TIEN and Dr Hon LAU Wong-fat

Chapter 1

Introduction

Purpose of the Report

1.1 This is the report of the Committee on Members' Interests ("CMI") on its consideration and investigation of the complaints against two Members of the Legislative Council ("LegCo"), namely Hon Michael TIEN and Dr Hon LAU Wong-fat.

Membership and terms of reference of CMI and its procedure for handling complaints

- 1.2 The membership of CMI is in **Appendix 1**.
- 1.3 As provided in Rule 73(1) of the Rules of Procedure ("RoP") (**Appendix 2**), the terms of reference of CMI, among other things, are to consider any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so and, if it thinks fit after consideration, investigate such complaint.
- 1.4 For the purpose of handling complaints, CMI has adopted a "Procedure of the Committee on Members' Interests for Handling Complaints" ("the Procedure") (**Appendix 3**) 1 .

The complaints

On 20 April 2016, the Clerk to CMI received two letters from Dr Hon KWOK Ka-ki, lodging a complaint against Hon Michael TIEN and Dr Hon LAU Wong-fat respectively (pages 1 and 2 of **Appendix 4**). Dr KWOK referred to a number of media reports issued that day, reporting that Mr TIEN and his wife owned a company registered in British Virgin Islands ("BVI"), and Dr LAU's family owned three offshore companies. Dr KWOK alleged that Mr TIEN and Dr LAU had breached the registration requirements under RoP 83 (**Appendix 5**) by failing to register their interests.

The latest version of the Procedure has been adopted since 9 December 2014.

- 1.6 On 22 April 2016, the Clerk to CMI received a joint letter (pages 3 to 5 of Appendix 4) from two district council members, lodging similar complaints against Mr TIEN and Dr LAU. The complainants alleged that Mr TIEN and Dr LAU had breached the registration requirements under RoP 83 by failing to register their interests in the aforesaid companies under the categories of "remunerated directorships" in RoP 83(5)(a) and "shareholding interests" in RoP 83(5)(h).
- 1.7 CMI considers that the complaints relate to the two Members' registration of interests under RoP 83 and, according to RoP 73(1)(c), CMI should consider such complaints.

Rules relevant to the allegations in the complaints

- RoP 83 provides for the requirements for Members to register their interests. Particulars of the interests registered by Members are entered in a Register of Members' Interests, which is available for public inspection. Under RoP 83(1), every Member is required to register his registrable interests not later than the first meeting of each LegCo term. Under RoP 83(3), where there is any change in a Member's registrable interests, the Member is required to register such change within 14 days of the change. To register interests, a Member furnishes to the Clerk to LegCo particulars of his registrable interests in such form² as may be approved by the President of LegCo.
- 1.9 "Registrable interests", as defined in RoP 83(5), include:

"remunerated directorships of companies, public or private, and if the company concerned has a holding company within the meaning of section 13 of the Companies Ordinance (Cap. 622), also the name of that holding company" ("remunerated directorships") (RoP 83(5)(a)); and

"the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shares of a number greater than one-hundredth of the total number of issued shares" ("shareholding interests") (RoP 83(5)(h)).

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² Registration Form on Members' Interests.

Consideration and investigation of the complaints

- 1.10 From 10 May to 14 June 2016, CMI held a total of 3 meetings³ to consider the complaints. All the meetings were held in camera in accordance with the Procedure.
- 1.11 After considering the contents of the complaints, the media reports referred to by the complainants (**Appendix 6**), the relevant interests registered by the two Members under complaint and the relevant rules of RoP, CMI decided to investigate the complaints.
- 1.12 According to the Procedure, CMI informed the two Members concerned of the complaints against them and CMI's decision to conduct an investigation into the complaints. CMI also invited them to provide information and explanations in response to the complaints. After considering the information and explanations given by the two Members, CMI completed its investigation. Pursuant to paragraph 16 of the Procedure, CMI forwarded the relevant parts of its draft report to the two Members for their written comments before the report was finalized for submission to the Council under RoP 73(1)(e).

The Report

1.13 This Chapter sets out the procedural steps taken by CMI in handling the complaints according to the Procedure. Chapters 2 and 3 of this Report set out respectively the information gathered by CMI in respect of the complaints against Hon Michael TIEN and Dr Hon LAU Wong-fat, as well as CMI's deliberations and conclusions on such complaints.

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³ 10 and 31 May 2016 and 14 June 2016.

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Chapter 2

Complaints against Hon Michael TIEN

2.1 This Chapter sets out the complaints against Hon Michael TIEN, the information and explanation provided by Mr TIEN, as well as CMI's deliberations and conclusion on the complaints.

Consideration and investigation of the complaints

Alleged breach of RoP

2.2 Having regard to RoP 83(1) and RoP 83(5)(a) and (h), CMI has examined the particulars of the complaints and determined the alleged breach of RoP by Mr TIEN as follows:

That Hon Michael TIEN has breached RoP 83(1) for failure to register, not later than the first meeting of the current LegCo term (i.e. 10 October 2012), his remunerated directorship and shareholding interest in Glorious Pacific Limited ("GPL"), as provided in RoP 83(5)(a) and (h).

Registration records

2.3 Mr TIEN was first elected as LegCo Member in September 2012. He first registered his interests on 9 October 2012 and such interests did not contain any remunerated directorship and shareholding interest in GPL. CMI notes that Mr TIEN registered his shareholding interest in GPL on 20 April 2016, after the publication of the relevant media reports on the same day.

Hon Michael TIEN's response and CMI's deliberations

Shareholding interest

2.4 According to the information provided in Mr TIEN's reply (Appendix 7), Mr TIEN, following media enquiries made to him, instructed Tricor Services Limited on 18 April 2016 to conduct a company search on GPL at the Registry of Corporate Affairs of BVI. Mr TIEN then confirmed that GPL had been incorporated in June 1997 in BVI. At GPL's first director meeting held on 21 July 1997, Mr TIEN and Mrs TIEN were appointed as directors of GPL and each of them was allotted one share in that company on the same day. The only asset held by GPL is a corporate membership of Shenzhen Xili Golf Club ("the Golf Club"). Mr TIEN

claimed that there had been no change in the following since the incorporation of GPL: (a) GPL being an inactive company with no substantive business; (b) the total number of shares issued by GPL; (c) the number of shares held by him; and (d) the asset held by GPL.

As Mr TIEN has been holding one of the two shares issued by GPL since 1997, he has a 50% shareholding interest in GPL, which has exceeded the 1% registration threshold stipulated in RoP 83(5)(h). Given that Mr TIEN did not register his registrable shareholding interest in GPL when he first registered his interests on 9 October 2012, CMI unanimously determined that Mr TIEN had breached the registration requirement under RoP 83(1).

Remunerated directorship

- 2.6 According to the information and explanation provided in Mr TIEN's reply, Mr TIEN had forgotten about his non-remunerated directorship in GPL until he received a letter dated 18 November 2015 from the Golf Club inviting GPL to extend its golf club membership. Thereafter, Mr TIEN registered his directorship in GPL with the Commission on Poverty ("CoP") on 23 December 2015. However, he did not register his shareholding interest in GPL with CoP. He explained that he could not ascertain his shareholding as the relevant paper records were lost after the departure of his employee who had been responsible for the incorporation of GPL some 19 years ago.
- 2.7 CMI notes that on 18 January 2016, Mr TIEN also registered his directorship in GPL with the Tsuen Wan District Council ("TWDC"), of which he is a member, and de-registered such directorship on 20 April 2016 with a note clarifying that the directorship was not registrable as it was non-remunerated (**Appendix 8**).
- 2.8 Hon Gary FAN expressed concern that Mr TIEN did not explain why an offshore company (i.e. GPL) needed to be set up for holding a golf club membership. He has doubts on Mr TIEN's claim that his directorship in GPL was non-remunerated. Moreover, Mr FAN considers that Mr TIEN acted inconsistently as he registered his directorship in GPL with CoP and TWDC but not with LegCo. Some other CMI members have different In their view, the fact that Mr TIEN registered his directorship in GPL with CoP and TWDC before the media reported on his directorship and shareholding interest in GPL reflects that he had no intention to conceal his These members do not doubt Mr TIEN's claim that shareholding in GPL. the directorship in GPL is non-remunerated, given that GPL is an inactive company with no substantive business other than holding a golf club membership.

2.9 As members had divergent views, CMI voted on the following question: CMI had sufficient evidence to substantiate the complaints that Hon Michael TIEN had breached the registration requirement under RoP 83(1) by failing to register his remunerated directorship in GPL. Hon Gary FAN voted for the question, Hon Emily LAU, Hon Jeffrey LAM, Hon Frankie YICK and Hon CHAN Yuen-han voted against it, and Hon Dennis KWOK abstained. As the majority of members voted against the question, the question was negatived.

Whether sanction should be recommended

- 2.10 Having determined that Hon Michael TIEN had breached the registration requirement under RoP 83(1) by failing to register his shareholding interest in GPL (see paragraph 2.5 above), CMI deliberated on whether or not to recommend a sanction against Mr TIEN under RoP 73(1)(e), and if so, what sanction should be recommended ⁴. In accordance with paragraph 18 of the Procedure, CMI has taken into consideration whether there is evidence that the breach of the registration requirement by Mr TIEN (a) was a deliberate act, and (b) involved any conflict of interests with his role as a LegCo Member.
- 2.11 Hon Michael TIEN explained that he had not registered his shareholding interest in GPL on 9 October 2012 because of the loss of the written records about GPL after the departure of his employee who was responsible for the incorporation of GPL. Mr TIEN submitted that he had no intention to conceal his shareholding interest in GPL, which can be evidenced by his registration of directorship in GPL with CoP well before the media reported on his directorship and shareholding interest in GPL.
- 2.12 After deliberations, CMI concludes that there is no information showing that Mr TIEN's failure to register his shareholding interest in GPL was a deliberate act or involved any conflict of interests with his role as a LegCo Member. On the basis of the available information and in view of its past experience in handling similar cases, CMI decided not to recommend any sanction against Mr TIEN.
- 2.13 Given that the main purpose for Members' registration of interests is to provide information of any pecuniary interest or other material benefits received by a Member which might reasonably be thought by others to influence the Member's actions, speeches or votes in the Council, or actions taken in his capacity as a LegCo Member, CMI reiterates the importance for Members to comply with the registration requirements under RoP 83.

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RoP 85 provides, among other things, that any Member who fails to comply with the registration requirement under RoP 83 may be admonished, reprimanded or suspended by the Council on a motion to that effect.

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Chapter 3

Complaints against Dr Hon LAU Wong-fat

3.1 This Chapter sets out the complaints against Dr Hon LAU Wong-fat, the information and explanation provided by Dr LAU, as well as CMI's deliberations and conclusion on the complaints.

Consideration and investigation of the complaints

Relevant period

Paragraph 2(c) of the Procedure provides that CMI will not consider a complaint on a Member's act(s) or omission(s) which allegedly took place seven years or more prior to the date of the complaint. As the first complaint against Dr Hon LAU Wong-fat was received on 20 April 2016 and Dr LAU was a Member of the Fourth LegCo which commenced on 1 October 2008, CMI decided that the period relevant to the complaints was from 20 April 2009 to 19 April 2016 (both days inclusive) ("the relevant period").

Alleged breach of RoP

3.3 Having regard to RoP 83(1) and (3) and RoP 83(5)(a) and (h), CMI has examined the particulars of the complaints and determined the alleged breach of RoP as follows:

That Dr Hon LAU Wong-fat has breached RoP 83(1) and/or (3) for failure to register his remunerated directorships and shareholding interests in the following companies during the relevant period:

- (a) N.T. Development Limited ("NTDL");
- (b) Get Nice Holdings Limited ("GNHL"); and
- (c) Wing Tung Yick Enterprises Limited ("WTYEL").

Registration records

- 3.4 The registration records of Dr LAU during the relevant period do not contain any registration of remunerated directorships in the above three companies.
- 3.5 During the relevant period, Dr LAU registered his shareholding interests for 18 times and his registrations in respect of shareholding interests in the three companies are set out in the table below.

De		Date	Companies related to the complaints		aints
			NTDL	GNHL	WTYEL
		20.4.2009	Seven years before	ore the receipt of the fir	st complaint
	(1)	11.5.2009	✓	×	×
		28.12.2009	Began to hold more than 1% shares		
	(2)	11.1.2010	✓	×	×
	(3)	30.9.2010	✓	×	×
	(4)	4.10.2010	✓	×	×
	(5)	5.10.2010	✓	×	×
	(6)	7.7.2011	✓	*	×
	(7)	11.7.2011	✓	×	×
Relevant		18.7.2011	Ceased to hold more than 1% shares		
Period	(8)	21.7.2011	×	×	×
	(9)	4.8.2011	×	×	×
	(10)	29.8.2011	×	×	×
	(11)	13.10.2011	×	×	×
	(12)	6.3.2012	×	×	×
	(13)	24.4.2012	×	×	×
	(14)	30.7.2012	×	×	×
	(15)	5.10.2012	×	×	×
	(16)	10.12.2012	*	×	×
	(17)	22.7.2013	×	×	×
	(18)	9.10.2013	×	×	×
		19.4.2016	The day befo	ore receipt of the first co	omplaint

[✓] Registration of shareholding interests included this company

Dr Hon LAU Wong-fat's response and CMI's deliberations

Remunerated directorships

- 3.6 According to the response given by Dr LAU (**Appendix 9**), Dr LAU was not a remunerated director of any of the three companies during the relevant period.
- 3.7 CMI notes that no details were provided by the complainants to substantiate their allegation that Dr LAU was a remunerated director of the three companies during the relevant period. CMI further notes that it was reported in the relevant media reports that Dr LAU (a) was a director of NTDL and WTYEL in April 1992 and September 1993 respectively, and

^{*} Registration of shareholding interests did not include this company

- (b) ceased to be a director of NTDL in July 2011. However, there is no information or allegation in the media reports that such directorships were remunerated.
- 3.8 Given Dr LAU's response and the absence of any information contradicting his response, CMI has determined that there is insufficient evidence to substantiate the complaints that Dr LAU has breached the registration requirement by failing to register his remunerated directorships in NTDL, GNHL and WTYEL.

Shareholding interests

- According to Dr LAU's reply, he began and ceased to hold more than 1% of the shares in NTDL on 28 December 2009 and 18 July 2011 respectively. CMI notes that during this period, Dr LAU registered such an interest for six times pursuant to RoP. Dr LAU ceased to hold more than 1% of the shares in NTDL on 18 July 2011 and, as reflected in the registration records, he de-registered such interests on 21 July 2011 (i.e. 3 days later). Such de-registration was in compliance with RoP 83(3), which requires a Member to register any change in his registrable interests within 14 days of such change.
- 3.10 CMI notes that no details were provided by the complainants in relation to Dr LAU's shareholding interests in NTDL, GNHL and WTYEL during the relevant period. CMI further notes that it was reported in the relevant media reports that Dr LAU's family members owned shares in these three companies. There is, however, no information or allegation in the media reports that Dr LAU personally, or with or on behalf of his spouse or infant children, has any beneficial interest of over 1% of the shares in any of the three companies.
- 3.11 Given Dr LAU's response and the absence of any information contradicting his response, CMI has determined that there is insufficient evidence to substantiate the complaints that Dr LAU has breached the registration requirement by failing to register his shareholding interests in NTDL, GNHL and WTYEL.
- 3.12 CMI also notes that according to Dr LAU's reply, Dr LAU began to hold more than 1% of the shares in NTDL on 28 December 2009 but the registration records show that he registered his shareholding interest in NTDL on 11 May 2009, which was seven months before he began to hold more than 1% of the shares. CMI has enquired with Dr LAU why he had registered such non-registrable interest. Dr LAU explained that as the allotment of

shares of NTDL had not yet completed at the relevant time, he registered such shareholding interest as a matter of prudence (**Appendix 10**).

3.13 CMI considers that while the registration of a non-registrable interest by a Member does not constitute a breach of RoP 83, such registration may mislead the public into believing that the Member has such an interest. CMI calls on Members to take all reasonable steps to verify the accuracy of the particulars of their interests before registering them. Where a Member decides to register an interest because he is unsure whether it is registrable, or where a Member decides to register for the sake of transparency an interest which is beyond the registration requirement⁵, the Member should give sufficient details of the interest so as to avoid any misunderstanding.

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⁵ Paragraph III(1) of the Guidelines on Registration of Interests.

Appendix 1

The Fifth Legislative Council Committee on Members' Interests

Membership List

Chairman Hon IP Kwok-him, GBS, JP

Deputy Chairman Hon Emily LAU Wai-hing, JP

Members Hon Jeffrey LAM Kin-fung, GBS, JP

Hon Frankie YICK Chi-ming, JP

Hon Gary FAN Kwok-wai

Hon CHAN Yuen-han, SBS, JP

Hon Dennis KWOK

Clerk Mr Arthur LEUNG

Legal Adviser Mr Kelvin LEE

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Committee on Members' Interests

Terms of Reference

(Rule 73(1) of the Rules of Procedure)

- (1) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (2) to consider any proposals made by Members or others as to the form and contents of the Register;
- (3) to consider any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so and, if it thinks fit after consideration, investigate such complaint;
- (4) to consider any complaint made in relation to the conduct of Members referred to in Rule 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) and, if it thinks fit after consideration, investigate such complaint;
- (5) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters; and
- (6) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests, Operating Expenses or Operating Funds).

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Procedure of the Committee on Members' Interests for Handling Complaints

(9 December 2014)

Part I: Initial handling of a complaint

1. All complaints lodged with the Committee on Members' Interests ("the Committee"), whether by a Member or a member of the public ("the complainant"), must be in writing. The complainant's identity will be disclosed to the Member under complaint and in any report on the complaint made by the Committee to the Council.

2. Where a complaint:

- (a) is made by an anonymous person, or by a person (i) who cannot be contacted, (ii) whose identity cannot be verified, or (iii) who has refused to allow his or her identity to be disclosed; or
- (b) is made against a former Member; or
- (c) is about a Member's act(s) or omission(s) which allegedly took place seven years or more prior to the date of receipt of the complaint; or
- (d) is outside the purview of the Committee, as set out in Rule 73(1)(c) and (ca) of the Rules of Procedure ("the RoP"),

the Clerk should send a written reply to the complainant, if the complainant can be contacted, that the Committee will not consider the complaint, and circulate the complaint and the written reply to members of the Committee ("members"). Where the Member under complaint has given the advance instruction that the Member should be informed of any complaint against the Member which the Committee does not consider, the Clerk should forward the complaint and the written reply to the Member. If item (a)(iii) of this paragraph is applicable, the Clerk should block out the information in relation to the identity of the complainant before forwarding the complaint to the Member under complaint.

3. Unless the complaint has been disposed of under paragraph 2, the Clerk should invite the Chairman to decide whether the Committee should hold a meeting to consider the complaint. The Chairman should inform the Clerk of such a decision within three working days from the date of being notified of the complaint.

- 4. The Chairman may decide not to hold a meeting to consider the complaint for the following reasons:
 - (a) the complaint is based merely on speculations, inferences or unfounded judgements; or
 - (b) the complaint involves substantially repeated allegations which have already been dealt with by the Committee and no fresh information has been produced; or
 - (c) other reasons the Chairman deems appropriate.
- 5. If the Chairman decides not to hold a meeting to consider the complaint, the Chairman should inform the Clerk of the reason(s) for the decision. The Clerk should then forward the Chairman's decision and the reason(s) therefor to members by a circular. Any member disagreeing with the Chairman's decision should reply to the Clerk within three working days from the date of the circular.
 - (a) If the Clerk has received replies from a majority of members indicating disagreement with the Chairman's decision upon the expiry of the aforesaid three working days, the Chairman should forthwith direct the Clerk to arrange a meeting to be held within 10 working days to consider the complaint.
 - (b) If the Clerk has received replies from less than a majority of members indicating disagreement with the Chairman's decision upon the expiry of the aforesaid three working days, the Chairman's decision and reason(s) therefor will be deemed to be those of the Committee and the Committee will not take further action on the complaint. The Clerk should forward the Committee's decision and the reason(s) therefor to the complainant in writing. Where the Member under complaint has given the advance instruction that the Member should be informed of any complaint against the Member which the Committee does not consider, the Clerk should forward the complaint and the written reply to the Member.
- 6. If the Chairman decides to hold a meeting to consider the complaint, the Clerk should arrange for the meeting to be held within 10 working days from receipt of notification of such a decision.

Part II: Consideration of a complaint

- 7. The Committee may hold one or more closed meetings for consideration of a complaint. The purpose of such meeting(s) is to decide whether the Committee will conduct an investigation into the complaint after taking into account the following:
 - (a) the information contained in the complaint;
 - (b) the relevant rules(s) that the Member under complaint is alleged to have breached; and
 - (c) any other relevant information readily available, such as records of interests registered by the Member under complaint, A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council ("Reimbursement Guide"), media reports, etc.
- 8. If the Committee decides not to conduct an investigation into the complaint, it will not take further action on the complaint. The Clerk should forward the decision and the reason(s) therefor to the complainant in writing. Where the Member under complaint has given the advance instruction that the Member should be informed of any complaint against the Member which the Committee does not investigate, the Clerk should forward the complaint and the written reply to the Member.
- 9. If the Committee decides to conduct an investigation into the complaint, the Clerk should inform the Member under complaint of the complaint and the Committee's decision.

Part III: Investigation of a complaint

- 10. The Committee may hold one or more meetings for investigation of a complaint. During the investigation of a complaint, the Committee may:
 - (a) invite the Member under complaint to provide information in writing and/or to attend the Committee's meeting(s) to give explanations and provide information;
 - (b) invite the complainant or any other persons to provide information in writing and/or to attend the Committee's meeting(s) to provide information; and
 - (c) gather or cause to be gathered information relevant to the complaint from any other sources as the Committee deems appropriate.

- 11. If the complaint relates to a Member's claims for reimbursement of operating expenses or applications for advance of operating funds, the Committee should have regard to the provisions of the Reimbursement Guide, as provided in Rule 73(1A) of the RoP.
- 12. The Committee may invoke the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to order by summons any person to attend before the Committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.
- 13. The Committee may cause any person summoned to attend before it to be examined upon oath, and ask the person to verify upon oath any information and statements that the person has provided previously or at any previous meetings.
- 14. Meetings of the Committee for investigating the complaint should be closed meetings unless the Committee has acceded to the request of the Member under complaint, or of any person invited or ordered to attend the relevant meeting(s), that they be held in public.
- 15. In attending meeting(s) before the Committee, the Member under complaint may be accompanied by a maximum of three persons for the purpose of giving the Member assistance or advice ("accompanying persons"). The accompanying persons may be different persons for different sessions of meetings of the Committee and may include legal adviser(s). The accompanying persons are not allowed to address the Committee. The Member under complaint must answer questions, give explanations or provide information personally.

Part IV: Report to the Council

16. Upon completion of investigation of the complaint, the Committee should submit a report on the complaint to the Council under Rule 73(1)(e). The relevant parts of the draft of the report should be forwarded to the Member under complaint, subject to the Member signing of a confidentiality undertaking referred to in paragraph 23. The Member under complaint may, within seven working days from the date of receipt of the relevant parts of the draft report, make a written response to the Committee.

- 17. After considering the written response of the Member under complaint under paragraph 16, if any, the Committee may finalize its report. The transcripts of evidence taken at meeting(s) should be published in full as far as possible in, and form part of, the Committee's report to the Council.
- 18. Where the Committee is of the opinion that the Member under complaint has breached any of the relevant rule(s) of the RoP, the Committee may make a recommendation on sanction of the Member under Rule 85 of the RoP. In considering whether or not to recommend a sanction, or what sanction to recommend, the Committee may take into account, among other things, whether there is evidence that the breach of the relevant rule(s) of the RoP by the Member under complaint:
 - (a) was a deliberate act; and
 - (b) involved any conflict of interests with the Member's role as a Legislative Council Member.
- 19. Upon reporting to the Council, the Committee should make available a copy of the report to the complainant.

Part V: Suspension of work on a complaint

20. If, in the course of considering or investigating a complaint, the Committee has come to the knowledge that the complaint is or matters related to it are being investigated by a law enforcement agency or related to a case pending in a court of law, the Committee may suspend its consideration or investigation of the complaint until the conclusion of the investigation by the law enforcement agency or the legal proceedings.

Part VI: Confidentiality requirements

21. All members, and other persons attending closed meetings of the Committee (except the Member under complaint), must each sign a confidentiality undertaking that the member or person will not publish, without the prior written authorization of the Committee, any matter relating to the proceedings of closed meetings of the Committee, including evidence taken before the Committee, documents produced to it, its deliberations and decisions, except such matter that has already been published or contained in any report presented by the Committee to the Council.

- 22. Where the Committee finds that a member or any person has breached the undertaking given to the Committee, the Committee will consider whether and how to deal with the member or that person, and may take actions including moving a motion in the Council for the admonishment or reprimand of the member under Rule 81 (Premature Publication of Evidence) of the RoP, or passing a motion of the Committee expressing its disapproval of the member or that person for breaching the undertaking.
- 23. Before the Committee forwards the relevant parts of its draft report to the Member under complaint under paragraph 16, the latter must sign a confidentiality undertaking that the Member will not publish, without the prior written authorization of the Committee, any matter relating to the draft report, except such matter that has already been published or contained in any report presented by the Committee to the Council. Where the Committee finds that the Member under complaint has breached the undertaking given to the Committee, the Committee may consider whether and how to deal with the Member, and may take actions including passing a motion of the Committee expressing its disapproval of the Member for breaching the undertaking.

Part VII: Participation of members in the handling of complaints

24. No member is allowed to participate as a member of the Committee in the handling of a complaint or to attend any of the meetings of the Committee to deliberate on or inquire into a complaint where the complaint is made by or against that member.

Appendix 4

郭家麒醫生

立法會議員



Dr. Hon. Kwok Ka Ki

Legislative Councillor

香港特別行政區立法會 議員個人利益監察委員會 葉國謙議員, GBS, JP

葉主席:

盡快徵查並跟進田北辰議員漏報離岸公司利益一事

今天,傳媒廣泛報道田北辰議員及其妻子擁有一間名為 Glorious Pacific Limited 的英屬處女島公司,卻沒有向立法會及扶貧委員會申報利益。在事件揭發後,他才作出有關申報,於今天更新《議員個人利益登記冊》,並聲稱為「不活動公司」。

但根據《議事規則》第83條所列明,議員不得遲於每屆任期舉行首次會議當天,以立法會主席批准的格式,向立法會秘書提供其須予登記的個人利益詳情。而田北辰夫婦早於1997年透過巴拿馬律師行成立該公司,未能符合《議事規則》要求。

就此,我希望 閣下同意將上述事件列為議員個人利益監察委員會的 跟進事項,作出正式調查,並向公眾公開調查報告。

專此函達,順頌

台安!

fer

郭家麒議員

2016年4月20日



香港中環立法會道1號立法會綜合大樓812室 Room 812, 8/F., Legislative Council Complex, 1 Legislative Council Rd., Central, H. K. 電話 TEL: 2677 6877 傳真 FAX: 2677 6876

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郭家麒醫生

立法會議員



Dr. Hon. Kwok Ka Ki

Legislative Councillor

香港特別行政區 立法會 議員個人利益監察委員會 葉國謙議員, GBS, JP

葉主席:

盡快徹查並跟進劉皇發議員漏報離岸公司利益一事

今天,傳媒廣泛報道劉皇發家族共有 3 間離岸公司,分別為 N. T. Development Limited、Get Nice Holdings Limited 及 Wing Tung Yick Enterprises Limited,前兩者卻沒有向立法會申報利益。

但根據《議事規則》第83條所列明,議員不得遲於每屆任期舉行首次 會議當天,以立法會主席批准的格式,向立法會秘書提供其須予登記的個 人利益詳情。

就此,我希望 閣下同意將上述事件列為議員個人利益監察委員會的 跟進事項,作出正式調查,並向公眾公開調查報告。

專此函達,順頌

台安!

郭家麒議員

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立法會議員個人利益監察委員會主席 葉國謙議員

葉主席:

要求委員會調查田北辰議員及劉皇發議員

沒有按議事規則登記個人利益事官

近日有傳媒報導,立法會議員田北辰及劉皇發被揭發未有申報離岸公司利益,其中田北辰在 1997 年透過巴拿馬律師行開設離岸公司 Glorious Pacific Limited,並由田北辰夫婦擔任公司唯一股東及董事;而劉皇發家族則於 90 年代起註冊三間離岸公司,其中一間更由劉皇發親自出任董事,但翻查立法會個人利益登記冊,兩位議員均未有在報導刊出前,如實申報相關的利益。

根據《議事規則》第83條第(1)款,每名議員不得遲於每屆任期舉行首次會議當天,以立法會主席批准的格式,向立法會秘書提供其須予登記的個人利益詳情,包括:第83條第(5)(a)款訂明的公共或私營公司的受薪董事職位,及第83條第(5)(h)款列明的公司或其他團體的名稱,如據議員所知,其本人,或連同其配偶或未成年子女,或代表其配偶或未成年子女持有的公司或團體的股份的實益權益,而該等股份的數目超過該公司或團體已發行股份總數的百分之一者。

我們認為田議員和劉議員沒有申報上述報導中的離岸公司資料,明顯違反了 《議事規則》第83條對議員個人利益的登記的條文。尤其田議員經已在報導刊 出翌日,承認自己的確沒有妥善申報相關的離岸公司資料。

故此,我們現特來函向委員會作出投訴,促請委員會跟進田議員和劉議員違 反《議事規則》第83條的規証,並作出適當處分。順祝

台安!

By MH (3) Council Business

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Pay Jam

區議員

關永業

譚凱邦 謹啟

2016年4月21日

附件:兩篇有關立法會議員田北辰及劉皇發未有申報離岸公司利益的報導



附件一:

2016年4月21日 明報 劉皇發田北辰任離岸董事無申報

劉皇發田北辰任離岸董事無申報

。巴拿馬文件」香港名單除披露公職人士的國籍身分申報外,亦發現立法會議員劉皇發和新民黨議員田北辰涉嫌漏報問題。文件顯示,劉皇發家族在英屬處女群島(BVI)持有3個離岸公司,其中。問劉皇發有份擔任董事的公司,曾透過本地公司投資物業獲利逾2000萬元,而劉皇發有向立法會申報該雜岸公司股份,但無申報其董事職。

劉臥病在牀 劉業強:應由父親決定怎回應

對皇發助理接受查詢時表示,由於劉皇發卧病在床,未能 轉達相關查詢,他本人並不熟悉劉皇發的公司事務 **劉皇發** 長子劉難強回應,關於涉及父親及家人的問題,應由當事人 決定如何回應

「巴拿馬文件」顯示劉皇發家族共有3間離岸公司,其中 N.T. Development Limited 及 Get Nice Holdings Limited 其 體業務不詳;面 1993 年9月成立的永同益企業有限公司 (Wing Tung Yick Enterprises Limited,下稱永同益企 業)、期在港攤有公司。

文件顯示,永同益企業股份由不具名股東擁有,直至劉母伍英於1999年12月承接所有股份,董事則包括劉皇發、伍英於1999年12月承接所有股份,董事則包括劉皇發、伍英、劉業强和劉皇發次子劉業光; 2006年伍英去世,之後的股份繼承情况不詳。香港公司註册處資料顯示,永同益企業爲本地公司 Gibsland Properties Elmited 的大股東,佔99.8%股份,劉吳妹珠(劉皇發妻子)、劉業强、劉業光及劉皇發3名女兒、6人各佔 Gibsland Properties 0.01%股份,伍英期佔0.06%。

Gibsland Properties 曾在电門花園持有價值逾千萬元雜位,公司在1981年以2050.4萬元,購入电門花園地下商場、南間舖位及1樓全層,後來於2004年至2005年出售,查朋顯示劉皇發有份在轉讓契約上簽名,兩宗交易合其獲利約2100萬元。

不過,據立法會利益申報紀錄,劉皇發在2000年9月至 2008年9月,曾申報擁有永同益企業公司股份,但無申報任 董事:劉皇發在2008年11月至2010年9月,則申報持有 『Wing Tung Ying Enterprise Ltd』股份。

田北辰:「不活動公司」 無實質業務

另外,「巴拿馬文件」又顯示,新民黨立法會議員田北辰和妻子田梁錦儀,於1997年6月成立離岸公司 Glorious Pacific Limited,夫妻兩人各持1股,而田北辰在立法會個人利益申報册中無作出申報。田北展接受查詢時解釋,Glorious Pacific Limited 一直是不活動公司(dormant company),成立公司只爲購入及持有深圳西觀高爾夫球會會籍,並無打算作任何商業活動及實質業務,所以採用BVI公

劉皇發從政及家族離岸公司

時間	The state of the Control of the Cont
1992年4月	BVI公司 N.T. Development Limited 成立,董事包括劉皇發、其變劉吳妹珠及5名子女,各人均申報為英籍,股份以不記名形式持有"
1993年9月	BVI 公司 Wing Tung Yick Enterprises Limited 成立,董事包括劉皇發、其毋伍英、長子 劉業強及次子劉業光,股份初期以不記名 形式持有,至1999年轉讓予劉母伍英
1997年1月 至今	劉皇發出任臨時立法會議員至1998年6 月,7月起出任立法會議員
2000年9月 至08年9月	劉皇發向立法會申報持有Wing Tung Yick Enterprises股份,但無申報任董事
2009年1月	劉皇發出任行政會議非官守成員
2011年7月	劉學發辦任N.T. Development董事,並轉讓股份予劉吳妹珠、劉業強、劉麗華及劉麗芬,劉歎光及劉玉蓮則獲發新股;公問董事註冊文件顯示、劉皇發、劉吳妹珠及其5名子女在當日前仍爲英繼籍
2011年8月	一份行會利益申報冊顯示,劉皇發並無申 報持有 Wing Tung Yick Enterprises 股份 及任董事
2012年6月	劉皇發離任行會成員

資料來源 ICIJ、明報資料室



對量發曾持股及擔任董事的BVI公司永同益企業,是香港公司 Gibsland Properties Limited 的最大股東,Gibsland 曾於 2004 及 05 年出售屯門花園(圖)物業,獲利逾 2000 萬元。

司運作。他又說、由於人事變動,2012年當時因財務資料 不齊全而未有申報,而他所佔股份是否超過百分之一須向立 法會申報,有待英屬處女島公司註數處核實。



附件二:

2016年4月21日 明報 田北辰致歉認漏報利益

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《明報》取得 ICU「巴拿馬文件」資料庫 中,關於立法會議員田北級特有的離岸公司 文件。文件顯示二人於1997年7月21日成立 BVI公司Glorious Pacific Limited (上國), 夫總兩人各持1股,各佔50% (下圖),惟 田北殿無向立法會申報。

田北辰致歉 認漏報利益

新民黨立法會議員田北反被揭與妻子 自1997年起持有離岸公司股份及擔任額 事,但從未向立法會申報。田北展昨日承 認關報利益,並就事件致數、強調並非存 心髓翳,獨報是因爲自己公司內部紀錄 「完全無這間 (離岸) 公司的存在 ; · 他 未來數天將向立法會申報相關利益。

稱傳媒「幫我搵憑條鎖匙」

公民黨郭家麒昨表示・已去信立法會 議員額人利益監察委員會、要求委員會召 開會議跟進事件和調查,並盡快向 公家發表調查報告 - **委員會** 主席業團謙稱・相關投訴 成立與否、主要考慮時 事議員有否剝意隱瞞利 益、若投訴成立、委員

新民黨立法會議員 會才會調查

田北辰重申、其英屬 公司多年來無其他活動。他構充,球會在一 兩年前通知他要爲會精緻期,他才得悉自己 特有 Glorious Pacific,故其後已在2015年出 任扶貧委員會委員,及2016年出任匯議員 查看有否其他利益未曾申報。

處女群島公司 Glorious Pacific Lamited 的唯一時,作出相關申報。但當時仍難法知悉 一資產,是一所採期高爾夫球會的會籍,該 Glorious Pacific 在何處註册及自己持有多少 股份,形容該離岸公司是「失點夾萬」,直 至傳媒報道「幫我提番條鎖匙」。田北辰 稱,正歸查個人紀錄及巴拿馬律師行文件,



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Rule 83 of the Rules of Procedure of the Legislative Council

83. Registration of Interests

- (1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the first meeting of each term, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests. (L.N. 107 of 1999)
- (2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.
- (3) Every Member shall furnish to the Clerk, in such form as may be approved by the President, particulars of any change in such registrable interests, within 14 days of any such change.
- (4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.
- (5) In this Rule, "registrable interests" means
 - (a) remunerated directorships of companies, public or private, and if the company concerned has a holding company within the meaning of section 13 of the Companies Ordinance (Cap. 622), also the name of that holding company; (L.N. 73 of 2006; L.N. 1 of 2014)
 - (b) remunerated employments, offices, trades, professions or vocations;
 - (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;

- (d) (i) all donations, as a candidate in the Legislative Council election in which the Member was elected as a Member of the Council, received by the Member or any person on his behalf for the purpose of meeting the Member's election expenses in the election; or (L.N. 107 of 1999)
 - (ii) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect; (*L.N.* 107 of 1999)
- (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
- (f) any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of:
 - (i) any government or organization of a place outside Hong Kong; or
 - (ii) any person who is not a Hong Kong permanent resident;
- (g) land and property;
- (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shares of a number greater than one-hundredth of the total number of issued shares. (L.N. 1 of 2014)

劉皇發田北辰任離岸董事無申報

「巴拿馬文件」香港名單除披露公職人士的國籍身分申報外,亦發現立法會議員劉皇發和新民黨議員田北辰涉嫌漏報問題。文件顯示,劉皇發家族在英屬處女群島(BVI)持有3間離岸公司,其中一間劉皇發有份擔任董事的公司,曾透過本地公司投資物業獲利逾2000萬元,而劉皇發有向立法會申報該離岸公司股份,但無申報其董事職。

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田北辰:「不活動公司」無實質業務

另外,「巴拿馬文件」又顯示,新民黨立法會議員田北辰和妻子田梁錦儀,於1997年6月成立離岸公司Glorious Pacific Limited,夫妻兩人各持1股,而田北辰在立法會個人利益申報冊中無作出申報。田北辰接受查詢時解釋,Glorious Pacific Limited 一直是不活動公司(dormant company),成立公司只為購入及持有深圳西麗高爾夫球會會籍,並無打算作任何商業活動及實質業務,所以採用BVI公司運作。他又說,由於人事變動,2012年當時因財務資料不齊全而未有申報,而他所佔股份是否超過百分之一須向立法會申報,有待英屬處女島公司註冊處核實。

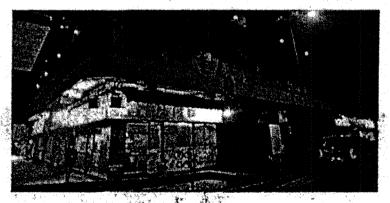
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報章 | A02 |專頁 字數: 899 words

劉皇發從政及家族離岸公司		
時間	事件	
1992年4月	BVI公司 N.T. Development Limited 成立,董事包括劉皇發、其妻劉吳妹珠及5名子女,各人均申報為英籍,股份以不記名形式持有	
1993年9月	BVI 公司 Wing Tung Yick Enterprises Limited 成立,董事包括劉皇發、其母伍英、長子劉業強及次子劉業光,股份初期以不記名形式持有,至1999年轉讓予劉母伍英	
1997年1月 至今	劉皇發出任臨時立法會議員至1998年6 月,7月起出任立法會議員	
2000年9月 至08年9月	劉皇發向立法會申報持有Wing Tung Yick Enterprises股份,但無申報任董事	
2009年1月	劉皇發出任行政會議非官守成員	
2011年7月	劉皇發辭任N.T. Development董事,並轉 讓股份予劉吳妹珠、劉紫強、劉麗華及劉 麗芬。劉紫光及劉玉蓮則獲發新股:公司 董事註冊文件顯示,劉皇優、劉吳妹珠及 其5名子女在當日前仍與英國籍	
	一份行會利益申報冊顯示,劉皇發並無申 /報持有 Wing Tung Yick Enterprises 股份 及任董事	
2012年6月	制象發繫仟行會成員	

資料來源:ICIJ、明報資料室



到異發曾持股及擔任董事的BVI公司永同益企業,是香港公司 Gibsland Properties Limited 的最大股東,Gibsland 曾於2004及05年出售屯門花園(圖)物業,獲利逾2000萬元。

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巴拿馬文件 港政商BVI 大曝光

「巴拿馬文件」掀起的離岸公司文件泄密風波席捲全球,繼歐美多名政要陷入逃稅醜聞,《明報》、《香港01》及《壹週刊》分別與國際調查記者同盟(ICIJ)接觸,獲得巴拿馬文件中部分與香港有關的資料。本報深入偵查後,發現「政治新星」、青年事務委員會主席劉鳴煒持英國國籍,他日後若更上層樓,參與行政會議或立法會便要放棄英籍。另外有立法會議員涉嫌漏報擔任離岸公司董事,城中多名富豪操作離岸公司,隱密地處理生意的蹤迹亦一一曝光。

首階段偵查可見多名本地名人的離岸公司操作(見圖)。其中在1997至2002年任行會非官 守成員的唐英年,在回歸日前夕與地產商鄭維志合組離岸公司,雖然唐已申報該公司,惟外 界一直不知該公司業務及股東另涉其他商人。

另一行會前成員、「新界王」劉皇發亦與家族成員捲入英籍疑雲,另外劉皇發任董事的離岸公司亦間接持香港公司,並投資物業獲利過千萬,劉皇發當時只申報是公司股東,沒向立法會申報董事職務。

為何至今方能窺其端倪?因為香港一直依賴從政者自願申報利益,傳媒及公眾只能透過本地查冊系統對照監察,當遇到「離岸公司」便無法追溯董事、股東和資金業務等資料,申報制度的「陽光」根本不能「射透」。

香港向依賴從政者自願申報

其實,富人開設離岸公司並不違法,這種做法在商界及金融界相當普遍。巴拿馬文件揭示, 長和系主席李嘉誠及恒地主席李兆基也不是例外,前者藉離岸公司管理資產,後者用作持有 部分家族財產。影星成龍則與多名內地富商合作成立公司,股東名單首次曝光。此外,香港 稅制下,居民的海外收入一般毋須繳稅。因此,居民如通過離岸公司持有海外資產或業務, 並不構成瞞稅嫌疑。

另一方面,涉嫌賄賂聯合國大會前主席的澳門大亨吳立勝,原來家族成員投資足迹早已遍佈香港,巴拿馬文件助本報重組其家族在香港的買賣,發現他們坐擁逾億元資產。

巴拿馬文件一石激起千重浪,折射香港申報及查冊制度問題。ICIJ統計資料顯示,涉及香港的註冊離岸公司中介機構有2212間,服務3.77萬間離岸公司,屬全球之冠。巴拿馬文件披露本港行政會議、立法會及其他公職人員的身影,暫時暴露在陽光之下文件屬冰山一角。

一年多前《南德意志報》從匿名者獲得位於巴拿馬、屬全球第四大離岸金融服務公司的莫薩克·馮賽卡律師行(MossackFonseca & Co.)逾1150萬份文件,資料橫跨近40年,容量達2.6TB,報社遂向ICIJ求助。ICIJ組織80個國家和地區的記者,經過一年調查,終在今個月上旬公布結果,冰島總理頁勞格松更成為「第一滴血」,因涉嫌隱瞞海外資產而下台。

面對坊間指其協助客戶逃稅及洗黑錢等指控,莫薩克·馮賽卡律師行回覆本報查詢時表示,會嚴謹為客人做全面的財務盡職調查(Due diligence),其客戶多來自有信譽的律師行及金融

機構,受國際「認識你的客戶」(Know your client)協議及當地法律約束。按一般協議,若客戶涉及非法活動,須通知律師行,律師行會中止服務;律師行亦會向執法機構舉報不法活動,配合調查。《明報》、《香港01》及《壹週刊》3間機構對獲取的資料分別自行調查採訪,並協議同時發表有關報道。

明報記者

劉鳴煒華人置業主席

持有離岸公司:Beauty Opal Ltd. 等多間公司

解密內容:「巴拿馬文件」顯示劉鳴煒擔任多間離岸公司董事及股東,他在多份董事登記冊上,報稱為英國籍,他接受查詢時確認自己英籍身分,並指不打算放棄

劉皇發及其家族

行政會議前成員、鄉議局前主席

持有離岸公司:N.T. Development Limited、Wing Tung Yick EnterprisesLimited、GetNice Holdings Limited

解密內容:劉皇發家族於1990年代起註冊3間離岸公司,其中劉皇發和長子劉業強等成員, 曾在一份董事登記冊上報稱為英國籍,劉業強接受查詢時無正面回應英籍問題,稱有需要自 會申報,其父國籍則應由當事人自行決定如何回應

唐英年行政會議前成員、前政務司長

持有離岸公司:Fair Alliance Investment Limited

解密內容: 唐英年於1997年初獲委任為回歸後首屆行政會議非官守成員,在上任前13天,即6月18日,與富聯國際集團(現稱永泰地產)主席鄭維志成立離岸公司FairAlliance Investment Limited,公司業務不詳。唐英年上任行會後有申報該公司股份,董事名單至今才曝光

成龍影視巨星

持有離岸公司:龍泉有限公司(Dragon Stream Limited)等6間解密內容:成龍與內地富豪關係網曝光。他與9人合資約210萬美元註冊離岸公司「龍泉有限公司」,除成龍出任大股東,本港上市公司銀泰百貨(集團)董事長沈國軍等4名內地富豪亦注資持股,業務未明

李嘉誠長實和黃主席

持有離岸公司:Bowen Enterprises S.A.、Fonzwick DevelopmentsLtd等

解密內容:李嘉誠早於1970年代註冊及解散多間巴拿馬公司,較和黃於1990年代投資巴拿馬 貨櫃碼頭的時間早得多,部分巴拿馬公司是長江基建經離岸公司控制,間接持有電能實業股權

李兆基恒基主席

持有離岸公司:Henderson (BVI) Holdings Limited

解密内容:1990年李兆基以個人名義成立Henderson (BVI)Holdings Limited,作為投資控股公司,直至2005年6月,才轉以BVI 註冊的兆基財經作為Henderson (BVI)的最終控股公司。公司董事包括長子李家傑等,但無幼子李家誠

吳立勝全國政協委員、澳門新建業集團創辦人

持有離岸公司: Goluck Limited、南南新聞國際集團有限公司

解密內容:吳立勝2015 年因涉嫌賄賂聯合國大會前主席JohnAshe而被美國當局拘捕及起訴,密件揭示吳立勝持有兩間離岸公司,經本報追查下,發現吳妻潘暖荷持有香港多個物業,價值逾1.2億元

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劉鳴煒劉業強報稱英籍 劉鳴煒確認:不打算放棄

「巴拿馬文件」令以千萬計的離岸公司的註冊資料曝光,本報在「國際調查記者同盟」 (The International Consortium of Investigative Journalists,簡稱ICIJ)授權下,從資料庫取得多 名公職人士的離岸公司文件調查。其中屬政治新星、青年事務委員會主席劉鳴煒,以及繼承 父親劉皇發鄉議局主席一職的劉業強,其離岸公司註冊文件顯示二人皆報稱英國國籍。

劉鳴煒向本報確認擁有英國國籍,亦不打算放棄。劉業強則說,在有需要向公眾申報的情况下,自會申報國籍問題。明報記者

特首立會議員須中國公民擔任《基本法》列明,行政長官、行政會議成員、立法會議員及主要官員皆須由在外國無居留權的香港永久居民中的中國公民擔任。換言之,持有外國國籍者,政壇發展有可能就此止步。

政治人物的國籍一直備受公眾關注,2008年有5名副局長遭揭發持有雙重國籍,當時政府曾表示,不應收緊對國籍的要求,否則不能達至用人唯才的目標,又指個別副局考慮放棄外國居留權屬個人決定,最終5名副局長先後放棄外國國籍。

據本報取得的「巴拿馬文件」顯示,劉鳴煒擔任多間離岸公司董事和離岸公司股東,從莫薩克·馮賽卡律師行(Mossack Fonseca &Co.)在2008 年9 月更新劉的資料中,其中16 間離岸公司的董事登記冊(Register of Directors),顯示劉報稱國籍為英籍。

劉鳴煒:未成年時母親代申請

劉鳴煒以電郵回覆本報稱,在未成年之前,其母寶詠琴已為他及家人申請英國國籍,他並不打算放棄該國籍。本報追問劉是否不考慮擔任特首、行會成員、立法會議員及主要官員等職務,至昨晚截稿前未有回覆。華人置業主席劉鳴煒是新一代「公職王」,他擔任青年事務委員會主席,亦是策略發展委員會成員及城大校董等,過去有指政府有意找他出任創新及科技局副局長。

劉鳴煒於2012 年特首選舉擔任唐英年競選辦公室副秘書長開始為人熟悉,唐早前在訪問中點名笑言劉是特首人選。劉於去年10 月突辭任華置行政總裁一職,聲稱投放更多時間服務公共事務及其他商務或個人事務。面對港獨爭議,劉鳴煒曾在港台節目表示,做一個香港人完全與中國人身分無牴觸,「點解唔可以自豪地認自己係香港人,同時間認自己係中國人?」

巴拿馬文件另揭示,鄉議局主席劉業強及其父親「新界王」劉皇發,曾擔任一離岸公司N.T. Development Limited的董事,二人同於2011年7月更新的董事登記冊報稱英籍。劉皇發去年退位,鄉議局主席一職由劉業強接棒。劉皇發今年初突然辭去屯門鄉事委員會一職,劉業強其後表示,有意參選龍鼓灘村代表及屯門鄉事委員會。政界一直流傳劉業強有意在9月循鄉議局功能組別出選立法會,接替父親任議員。

劉業強:有需要自會申報

劉業強(圓圖)以書面回覆本報查詢稱,有需要向公眾申報的情况下,自會申報國籍,父親

的國籍則由他決定如何回應。劉皇發助理稱劉皇發患病,不便轉達本報查詢,有關國籍問題早在10多年前已澄清,只持有BDTC(英國屬土公民)護照。

行會秘書處表示,劉皇發已停止擔任行政會議成員,基於私隱要求,不會提供相關資料。本報向英國駐港總領事館查詢,英領館以私隱為由,未有透露劉皇發及劉業強現時是否擁有居 英權的英籍公民。

劉皇發早年澄清只持BDTC

本報翻查資料,劉皇發在1994年8月曾發聲明澄清只持有英國屬土公民護照(BDTC),他沒有持有其他國家發出的護照。

BDTC護照於1997年7月1日起失效,港英政府回歸前曾推出「居英權計劃」,讓5萬名擁有BDTC或英國國民(海外)(BNO)身分的社會精英,及其配偶和未成年子女申請居英權。

劉皇發在回歸後5屆立法會選舉均循鄉議局或區議會功能組別進入議會,並於2009年1月至 2012年6月晉身行政會議,出任非官守成員。《立法會條例》第37條列明,除指定的12個功 能組別外,所有立法會參選人不得擁有中國國籍外的其他國籍,鄉議局及區議會功能界別不 在豁免之列。

任何人參選立法會,均須在提名表格上就國籍作出聲明,在有關文件上作虛假陳述,屬刑事罪行,可判監6個月及罰款5000元。

本報向行會查詢如何核查成員的國籍資料,以及若有雙重國籍的情况會如何處理,但當局未有回覆。

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離岸公司隱蔽如黑洞公職申報利益須透明

「巴拿馬文件」涉及香港部分,《明報》今日報道多名政商界人士在外地成立離岸公司,包括BVI公司的情况。不過,基於離岸公司的隱蔽性,報道只有離岸公司的表面資料,無法深入了解股東與業務營運;即使如此,情况仍然暴露公職人士若涉及離岸公司,可能有潛在利益衝突。離岸公司制度運行已久,以本港的自由港特質和優勢,不可能、也不應該堵絕。不過,為避免出現公職人物以權謀私,政府應該完善利益申報制度,公職人士若涉及離岸公司,例如可採取「兩級申報制」,盡量顯露公職人員的利益網絡,減少腐敗的風險。

唐英年劉皇發行會申報並無離岸公司具體資料

今日本報的報道,關於長實和黃主席李嘉誠、恆基主席李兆基、演藝人員成龍以至澳門名人 吳立勝等,由於他們涉及的離岸公司從成立、董事和披露的情况,未見任何不法不當之處, 因此有關資料曝光,只能反映他們與不少人一樣,以較隱蔽方式營運生意或管理資產等。嚴 格而言,就增加公衆對他們的了解,也極其有限。不過,其他兩名前公職人員的情况,即使 以僅有資料,仍然反映一些問題。

據「巴拿馬文件」披露,前任政務司長唐英年當年的利益申報,值得討論。1997年回歸,唐英年是首屆行政會議成員,而在7月1日就任前13日,唐英年與從事地產業務的鄭維志透過本港一家秘書服務公司在英屬處女島成立離岸公司;據公司章程顯示,這家公司成立目的,包括投資股票、債券及地產市場等。直至2002年,時任特首董建華委任唐英年為問責官員,出任工商及科技局長,他在就任前3日辭任這家離岸公司的董事和退股,由家人接替。

文件只有這些資料。至於公司具體涉及什麼生意、資金情况如何,並無任何披露。唐英年涉及的離岸公司,在他任董事的5年內,本港地產市場波動,當年行政會議討論樓市政策時,唐英年是否有適當申報和避席,已經無法查究。這個個案,顯示唐英年申報持有離岸公司,卻沒需要申報公司其他成員或業務狀况,公衆根本無從監察,政府也不知道。若非「巴拿馬文件」披露,外界根本不知道唐英年的離岸公司拍檔,與地產有關。

劉皇發在2009年1月至2012年6月擔任行政會議成員期間,與其家族成員共同持有3家離岸公司,涉及物業買賣。同樣地,即使劉皇發在擔任行政會議成員期間,有申報持有離岸公司,卻一樣沒需要披露公司其他成員身分和具體業務。這在行政會議討論房地產政策時涉及的利益衝突,是否獲得恰當處理,現在劉皇發已經離任,也無從查核了。

本港就公職人士申報利益,一貫奉行自願申報原則,傳媒和公衆可以透過本地查冊系統,發揮對照監察。不過,大量事例證明,每當查到「離岸公司」的時候,監察功能就止步,因為離岸公司的董事、股東和資金等都無從追溯,申報制度恍似遇到陽光照射不到的死角,形同具文,失去作用。唐英年和劉皇發的個案,一定程度反映了這種情况。

公職人士知情掌握機密

應向特首披露離岸公司詳情

離岸公司除了企業營運,在金融世界更是投資理財的載體。因此,若說全面取締離岸公司或

限制其營運,並不切實際,只能從強化監察着手,特別是對掌握和參與機要的公職人士,要有辦法應對他們涉及離岸公司的隱蔽實質。關於公職人士的申報制度,目前沿用的規定和要求,可以繼續實行。由於司局長掌握大量機密資料、行政會議成員參與機要,若他們涉及離岸公司,就應該多做一重申報。例如向行政長官申報公司的成員、股東和資金等具體情况,這部分資料可不公開,但是要讓行政長官知道,改變只要是離岸公司就宛如黑洞,無從知曉簡中情况的局面。

目前在離岸公司掩護之下,權力和知情權與監察正處於不對稱狀態。司局長和行政會議成員 獲賦予權力,最重要是他們對政策的知情權,若作不當運用,可涉及巨大利益。因此,就他 們的權力和知情權可能衍生的情况,都要置於可監察之下。在尊重離岸公司隱蔽性同時,只 有行政長官知道司局長與行政會議成員的離岸公司「內情」(若有的話),對社會和公衆仍 然保密,應該是合理和可接受的安排。愈多隱蔽,就愈有可能是腐敗之源,行政長官和政府 應該完善申報制度,堵塞漏洞。

【相關新聞刊AI至A6】

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英籍劉鳴煒擁14離岸公司

【巴拿馬洩密】

【本報訊】揭露全球政商名人開設離岸公司的「巴拿馬文件」繼續發酵,多名香港政商界人士的離岸公司昨曝光。被視為政界明日之星的華置兼青年事務委員會主席劉鳴煒,被揭先後持有14間離岸公司,文件顯示他是英國籍;前政務司司長唐英年被指2002年上任工商及科技局局長後未有在行會申報一間涉機場業務的公司,唐回覆否認漏報。

唐英年涉漏報公司利益

最新涉及香港的巴拿馬文件由《壹週刊》、《明報》及《香港01》向國際調查記者同盟取得,發現華人置業主席劉鳴煒、前政務司司長唐英年、立法會議員田北辰、發展局局長陳茂波等都涉及離岸公司。其中華置主席劉鳴煒,被揭先後持有14間離岸公司,文件並顯示他是英國籍。他在報道未刊出前另找傳媒解畫,指自己已做足申報;他又指英國籍在未成年之前由其母寶詠琴為他申請,他並不打算放棄。

至於唐英年則被指在1997年6月與永泰地產主席鄭維志合組離岸公司Fair Alliance,作為香港商用航空中心的投資工具。唐在1998年任立法會議員時亦有申報該公司,但至2002年唐上任工商科技局局長前,他就將股份轉由父親唐翔千的信託持有,雖然他有向行會申報將自己的「家族公司」交由信託持有,但未提及他作為受益人的這個信託內,還有這間與外人合組的離岸公司涉嫌漏報公司利益。

唐英年同樣在報道刊出前率先發聲明回應,否認漏報或涉利益衝突,強調一直按照機制申報 利益,又聲言會向「罔顧事實的誹謗」保留追究權利。

立法會議員田北辰則被揭發1997年與妻子成立離岸公司Glorious Pacific Limited,但未有向立法會申報;田回覆時聲稱公司只用作持有深圳高爾夫球會會籍,並無商業活動,開設離岸公司是為了免卻每年向公司註冊處提交申報表,又指會了解,如須申報會補回。立法會議員劉皇發及其子、鄉議局主席劉業強同被發現申報英國籍,劉皇發助手解釋劉持有的英國屬土公民護照(BDTC),劉業強則拒評論。

■記者林偉聰

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巴拿馬文件風暴 唐英年18名港澳權貴捲入

【大陸中心/綜合報導】香港《壹週刊》、《明報》、《香港01》等媒體昨踢爆,《巴拿馬文件》也爆出香港多位政商名人。曾參選香港特首的唐英年透過海外公司與密友共同經營未公開的事業,藝人成龍則與中國政界名人合組公司。香港《壹週刊》與《明報》及《香港01》接觸國際調查記者聯盟(ICIJ),獲得巴拿馬文件中與香港有關的機密資料,經追查後得知至少有18名港澳地區的權貴捲入洩密風暴。包括香港首富李嘉誠、恒基地產主席李兆基、立法會議員劉皇發、政務司前司長唐英年、全國人民代表大會代表陳智思、青年事務委員會主席劉鳴煒及立法會議員田北辰等人;澳門地產發展商吳立勝及傅老榕家族的後人傅厚澤也牽涉其中。

唐英年未如實申報曾任特區政務司司長的唐英年,當年出任行政會議成員時,曾與富豪老友鄭維志共同持有一間境外公司,而他擔任政務司長前,以1美元把公司轉讓給父親唐翔千。至於陳智思、田北辰及劉鳴煒等,也未如實申報持有的部分境外公司。影星成龍有6間境外公司,生意夥伴除富商及電影界人士,更包括中國共產黨認可的8個民主黨派之一的致公黨要員沈國軍,其中龍泉公司是成龍與沈國軍等中國政商人物合組。成龍兒子房祖名、妻子林鳳嬌也擔任部分公司的股東及董事。監察利益出現漏洞設立境外公司不一定代表當事人從事不法活動,但以唐英年等人為例,雖然有向行政會議申報,但外界從不知道這些境外公司的股東及董事名單,大大減弱申報機制的效用,讓監察利益衝突出現極大漏洞。

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【短片:巴拿馬文件】田北辰致歉 認無向立會申報 稱非存心隱瞞(13:49)

新民黨立法會議員田北辰承認,在1997年和妻子成立一間離岸公司,並各持一半股份,但無向立法會申報利益,他對漏報利益致歉,強調非存心隱瞞。其他報道:【巴拿馬文件】「政治新星」劉鳴煒被揭持英籍其他報道:【巴拿馬文件】唐英年與地產商鄭維志開離岸公司田北辰指,有關離岸公司「唯一資產」是持有一間深圳高爾夫球會的會籍,多年來無其他活動。他又稱自己公司的內部紀錄「完全無呢間(離岸)公司嘅存在」,故無向立法會申報,將會在這幾日向立會申報。

田又說,上述公司已經在去年和今年,於扶貧委員會及區議會上申報,「如果我存心隱瞞,唔會喺扶貧啊、區議會度浮返出嚟」。他補充是因為一兩年前,深圳高爾夫球會告知他要為會籍續期,「先令我哋知道原來有呢間咁嘅公司揸住呢個會籍」,形容該離岸公司是「失匙夾萬」,現傳媒報道「幫我搵返條鎖匙」。他又說,正翻查個人紀錄及巴拿馬律師行的文件,查看有無其他利益未有申報。其他報道:領展:千呎以下非連鎖商戶佔整體6成 「小商戶減少」是錯覺其他報道:方剛指水貨活動屬不正常經濟 但質疑「係咪要踢爛呢個飯碗呢?」

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《經濟通通訊社20日專訊》巴拿馬文件顯示,多名香港政商界人士開設離岸公司,包括發展局局長陳茂波、立法會議員劉皇發及田北辰。文件顯示,劉皇發及其兒子劉業強申報國籍為英籍。劉業強澄清自己是中國籍,只是文件資料未有更新。 文件顯示,行會前成員、立法會議員劉皇發與家人在90年代起,在英屬處女島註冊三間離岸公司。劉皇發和他兒子鄉議局主席劉業強都是申報英籍。而基本法規定,行政會議成員不可以有外國居留權。 劉業強回應電視台查詢時澄清,他與父親一直都是中國籍,只是離岸公司資料沒有更新。至於劉皇發有否申報任離岸公司董事,劉業強表示不清楚詳情,要留待父親自已交代。 另外,立法會議員田北辰則被指於97年6月在英屬處女島成立一間離岸公司,但有報道指他並未在立法會利益申報紀錄中披露。

劉業強指與父親一直是中國籍

而發展局局長陳茂波的家族旗下兩間離岸公司,即擁有新界東北農地的公司,在90年代初已積極為他人從事註冊離岸業務。陳茂波出席立法會會議時沒有回應事件。 田北辰主動回應報道,就漏報衷心致歉,強調自己不是存心隱瞞,會補回向立法會申報。田北辰解釋,涉及他個人的公司註冊及其他買賣,都由同一位他非常信任的財務助理負責記錄,但這名財務助理在1995至2005年間離職,因此沒有記錄公司成立,亦沒有在出任立法會議員及區議員時申報。田表示,有關離岸公司的唯一資產是深圳高爾夫球會會藉,直至1年多前高爾夫球會通知他續會,他才得悉自己持公司股份,因此在2015年出任扶貧委員會委員及2016年出任區議員時已經申報這間公司,但仍無法知道公司在哪裡註冊以及自己持有多少股份,形容公司是「失匙的夾萬」,直至傳媒聯絡他,他才找回公司的註冊地址等資料,已叫同事跟進其他「巴拿馬文件」的資料,檢查有沒有其他在1995至2005年間註冊、但沒有紀錄的公司。(eh)

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2016年04月19日 請選擇

【壹週刊 - 巴拿馬文件襲港】田北辰認漏報陳智思劉鳴煒離岸公司曝光

63,932



「巴拿馬文件」揭露各國政治人物與精英們未曝光的海外資產,風波燒到香港,同時暴露了公職人員利益申報制度的漏洞。其中梁班子的現屆行會成員中,有「公職王」之稱的陳智思,同樣捲入事件,文件披露了兩間分別名為Robina International Group Limited及Claremont Capital Holdings Ltd.的離岸公司,陳智思二零一三年時

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均持有股份及出任董事,翻查行政會議的成員利益申報紀錄,陳智思曾申報在兩者都擔任董事,以及持有後者超過1%的股份。

不過,申報了同樣不代表利益衝突不存在,皆因這兩間均以英屬處女島(BVI) 為註冊地的離岸公司,外間並不知悉其他股東及董事的名單,甚至無從知曉陳 智思擁有多少利益。

文件揭露,兩間公司似乎都跟陳智思家族有關,陳智思在Robina International Group Limited直接持有約0.01%股份,這間公司的其他股東,除多間陳智思均出任董事的關聯公司(部分亦屬離岸公司)外,還包括陳智思之父陳有慶、其兄

【壹週刊 - 巴拿馬文件襲港】田北辰認漏報 陳智思劉鳴煒離岸公司曝光 | 即時新聞 | 陳智文、兄嫂陳李彩珍、其姊妹AVILASAKUL Jhayanec、堂姊妹陳麗翠、陳智思當年在保險公司的上司劉奇喆等人。Claremont Capital Holding Ltd.的情況亦相若,截止一三年三月,陳智思直接持有約0.7%股權。

陳智思回覆本刊時表示,兩間公司均由家族持有,由於計及太太在Claremont Capital的股權達1.05%,所以作出申報;對於本刊發現他出任部分公司董事卻未在行會申報,他稱自己只是替任董事或非受薪董事,同時有申報自己持有該公司股權。他同時解釋,現時申報制度只要求申報出任受薪董事的公司及關連或附屬公司,也要申報持股逾1%的公司,但非受薪董事不在要求之內。 奇怪的是,他表示,旗下公司從未曾顧涉事的巴拿馬Mossack Fonseca律師事務

奇怪的是,他表示,旗下公司從未曾顧涉事的巴拿馬Mossack Fonseca律師事務所,不排除是中介秘書公司向Mossack Fonseca作委託。

對於離岸公司不用披露背景,外界無從監管,令申報制度如同虛設,陳智思指出任公職時申報利益同時自行把關,他認為現有申報制度可以加強,「可以搵一套方式出來」,但承認當中亦有困難,例如如果他在離岸公司只持有小量股權,其他董事或股東未必同意把公司資料公開。

另一個公職王、近期因package誘人而被封為「男神」的青年事務委員會主席劉鳴煒,「巴拿馬文件」顯示他最少持有三間離岸公司的股份,但翻查他出任委員的扶貧委員會中報紀錄,未見他申報持有名為BEST KEEN INVESTMENTS LTD離岸公司達99.8%股權。《壹週刊》、《明報》及《香港01》本週二晚上尚未按協議同時發表報導前,劉鳴煒早上已向《星島日報》澄清,出任扶貧委員會公職時,已取消註冊或解散有關公司。

現任新民黨常務副主席、新界西立法會議員田北辰就有漏報問題,回歸前夕他透過Mossack Fonseca在英屬處女島成立了公司Glorious Pacific Limited,跟太太梁錦儀同時為公司董事,不過,田二少僅在區議會申報為該公司的董事,未有在立法會申報。他回應時承認漏報,惟因該公司只是用來購買及持有深圳西麗高爾夫球會籍,九七到現時都沒有任何實際業務或商業活動,本來負責的同事離職,才以為不活動公司不需要報,又指如果再選立法會將會再出申報。

當日相關文章

【短片】【壹週刊 - 巴拿馬文件襲港】涉港政商界 超人唐唐成龍有份

巴拿馬文件殺到香港 唐唐、Package劉都上榜

巴拿馬文件遭揭開離岸公司 人力轟陳茂波無恥拒下台

【壹週刊 - 巴拿馬文件襲港】辣招拒簽名 長實職員:我老細好有錢

【壹週刊】「巴拿馬文件襲港」IFC都關BVI事 香港地標係離岸公司資產

【壹週刊 - 巴拿馬文件襲港】唐英年涉利益衝突 揭行會申報黑洞

【壹週刊 - 巴拿馬文件襲港】成龍靠害? 祖名涉毒再捲巴拿馬風波

【壹週刊 - 巴拿馬文件襲港】 成龍識人多! 孖內地億萬富豪開巴拿馬公司

【壹週刊 - 巴拿馬文件襲港】文件鬥霸氣 誠哥4叔50年恩怨

【壹週刊-巴拿馬文件襲港】獨家踢爆四叔父子郭氏兄弟同是英國人

【壹週刊-巴拿馬文件襲港】 劉鳴煒被揭擁英籍 表明不放棄

追實城中突發大小事,即 like 蘋果【現場】FB!

讚好 ₹17 萬

2016.4.21 17:17 星期四 27℃

香港

/ 港間

主頁 | 新聞 | 01觀點 | 01博評 | 國際 | 體育 | 娛樂 | 01議題 | 社區

重點新聞 巴拿馬文件燒到香港 揭政商界避過公眾監督有法

港聞

【巴拿馬文件】田北辰與妻成立BVI公司 立法會扶貧會俱無申報

發佈日期: 2016-04-19 21:55 最後更新日期: 2016-04-20 11:43 撰文:香港01記者

標籤: 巴拿馬文件 田北辰 ICIJ

微好 分亭 (1,274)

weet 選擇文章: 【巴拿馬文件】田北辰與妻成立BVI公司 立法會扶貧會俱無申報、

新民黨立法會議員兼服裝連鎖集團G2000創辦人田北辰的足迹,也出現在這批巴拿馬解密文件之中。文件披露,田北辰夫婦在97年透過巴拿馬律師行,以5萬美元股本開設了一間BVI公司,二人為唯一股東及董事,但2012年田擔任立法會議員及扶貧委員會,均無按要求申報這公司的股份。田透過助理回應稱,該公司只持有深圳一個高爾夫球會籍,多年來會計同事已換了幾個,未知是否漏報還是認為毋須申報,會盡快了解,若須申報會補做。

有關田北辰的解密文件中,有多封為香港黃許律師行(Wong Hui & Co.)及巴拿馬莫薩克・馮賽卡律師行(Mossack Fonseca)之間在97年的傳真通訊,顯示黃許律師行委託莫薩克・馮賽卡開設一間名為Glorious Pacific Limited的公司,該公司在英屬處女島(BVI)註冊,作為「international business company」(國際商業公司),公司股本為5萬元美元(約39萬港元)。莫薩克・馮賽卡向BVI的公司註冊處,為成立Glorious遞交了1,200美元的註冊費用。

【巴拿馬文件】唐英年瞞報離岸公司 違局長申報機制

【巴拿馬文件】揭成龍生意拍檔 包括內地政商猛人



RESOLUTION OF THE SUBSCRIBER

The undersigned, being the Subscriber to the Memorandum and Articles of Association of

GLORIOUS PACIFIC LIMITED

a company incorporated under the Laws of the British Virgin Islands, hereby appoints:

MICHAEL TIEN PUK SUN TIEN LIANG FRANCES

the first Director(s) of the Company, to serve such until (their) successor(s) shall have been elected or until (their) resignation(s) or removal; such election to be effective immediately and without further qualification.

Dated this 21st day of July, 1997



巴拿馬文件揭露,田北辰與妻子於1997年透過巴拿馬的律師行,成立一間名為Glorious Pacific Limited公司,這文件顯示該公司議決二人為董事。(ICIJ文件)

沒有申報在該公司的股份。

田北辰夫婦任股東及董事

文件顯示,Michael Tien P. Sun(田北辰) 及妻子Tien Liang Frances(田梁錦儀)二 人為公司股東,公司亦通過在97年7月21 日,委任二人為公司董事。公司註冊及通訊 地址為葵涌,即田北辰G2000總部的地址。

田北辰在2012年首度當選立法會議員,立法 會利益申報規定,持有公共或私營公司1%或 以上發行股本,均需申報以便公眾查閱;擔 任受薪董事亦要申報。翻查田北辰在立法會 的利益申報,他任Glorious的股東及董事身 分,均無申報。

另外,田亦在2012年獲委任為扶貧委員會委員,持有股份申報規定與立法會相同,但任何公共或私營公司的董事亦須申報。田有向扶貧委員會申報擔任Glorious的董事,但卻

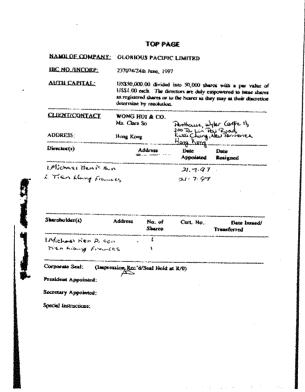
【巴拿馬文件】陳茂波家族早年頻成立離岸公司 多重隱身分

【巴拿馬文件】藉南南新聞老闆之名 澳門政協吳立勝靠攏聯合國

田:BVI公司持高球會籍 若須申報會補做

田北辰透過助理回覆,表示當年成立 Glorious只為購入及持有深圳西麗高爾夫球 會會籍,並只是持有該會籍,並無打算作任 何商業活動,成立至今一直是不活動公司 (dormant company),以BVI公司運作的 原因是為免卻每年作「零運作」的財務報 表,而田北辰目前仍是該公司的非受薪董 事。

對於沒有在立法會及扶貧委員會申報持有股份,田的助理回覆稱由於97年至今會計同事已換了幾位,不確定是申報的同事漏報,還是認為田持股不足1%而毋須申報,田會盡快向律師行及會計同事了解,若須申報會補



文件看到,97年田北辰與妻子成立Glorious,股本5萬美元,各持一股。(ICIJ文件)

做。

相關文章



【巴拿馬文件】田北辰與妻成立BVI 公司 立法會扶貧會俱無申報

【巴拿馬文件】藉南南新聞老闆之 名 澳門政協吳立勝靠攏聯合國

【巴拿馬文件】陳茂波家族早年頻 成立離岸公司 多重隱身分

【巴拿馬文件】揭成龍生意拍檔 包括內地政商猛人

【巴拿馬文件】劉鑾雄持大量BVI公司 財技合法避稅逾4千萬

【巴拿馬文件】唐英年瞞報離岸公司 / 違局長申報機制

《香港01》、《明報》與《壹週刊》分別與 國際調查記者聯盟(ICIJ)接觸,獲得巴拿 馬文件中部分與香港有關的資料。3間機構對 獲取的資料分別調查採訪,並協議同時發表 有關報道。

報料請致電或WhatsApp 「01線報」: 6511 0101

田北辰致歉認漏報利益

新民黨立法會議員田北辰被揭與妻子自1997年起持有離岸公司股份及擔任董事,但從未向立法會申報。田北辰昨日承認漏報利益,並就事件致歉,強調並非存心隱瞞,漏報是因為自己公司內部紀錄「完全無這間(離岸)公司的存在」,他未來數天將向立法會申報相關利益。

稱傳媒「幫我搵番條鎖匙」

公民黨郭家麒昨表示,已去信立法會議員個人利益監察委員會,要求委員會召開會議跟進事件和 調查,並盡快向公眾發表調查報告。委員會主席葉國謙稱,相關投訴成立與否,主要考慮涉事議 員有否刻意隱瞞利益,若投訴成立,委員會才會調查。

田北辰重申,其英屬

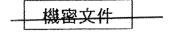
處女群島公司Glorious Pacific Limited 的唯一資產,是一所深圳高爾夫球會的會籍,該公司多年來無其他活動。他補充,球會在一兩年前通知他要為會籍續期,他才得悉自己持有Glorious Pacific,故其後已在2015年出任扶貧委員會委員,及2016年出任區議員時,作出相關申報,但當時仍無法知悉Glorious Pacific在何處註冊及自己持有多少股份,形容該離岸公司是「失匙夾萬」,直至傳媒報道「幫我搵番條鎖匙」。田北辰稱,正翻查個人紀錄及巴拿馬律師行文件,查看有否其他利益未曾申報。

田北辰新民黨立法會議員



文章編號: 201604213090342

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附级IV

回條

(請於2016年5月23日(星期一)或之前交回)

檔號 : CB(3)/C/CON/14(12-16)

致 : 議員個人利益監察委員會秘書

對田北辰議員的投訴



- 1. 自 2012 年 10 月 10 日(即本屆立法會任期舉行首次會議當天)至今, 閣下曾否在任何一天擔任 Glorious Pacific Limited (下稱"該公司")的 受薪董事? (請在合適的方格內加上/號)
 - 口本人曾經擔任該公司的受薪董事。
 - ☑ 本人不曾擔任該公司的受薪董事。 (請跳到問題 3 繼續回答)
- 2. 若曾擔任該公司的受薪董事,可否提供以下資料?

(a)	開始擔任此職位的日期:
(b)	終止擔任此職位的日期(如適用):
(c)	該公司的業務性質:
(d)	(如該公司有一間控權公司) 該公司的控權公司名稱:
(e)	未有登記此項利益的原因:

- 3. 閣下於 2016 年 4 月 20 日登記持有該公司的股份。自 2012 年 10 月 10 日至 2016 年 4 月 19 日(下稱"有關期間"),閣下(本人或連同配偶或未成年子女,或本人代表配偶或未成年子女)曾否在任何一天持有該公司的股份,而持股的數目/面值超過該公司已發行股份總數/已發行股本的 1%? (請在合適的方格內加上/號)
 - ☑本人曾經持有該公司1%以上的股份。
 - □ 本人不曾持有該公司 1%以上的股份。(請跳到問題 5 繼續回答)

	阁下在有關期間曾持有該公司 1%以上的股份,可否提供以下資料?
(a)	開始持有該等股份的日期:1997年7月21日
(b)	終止持有該等股份的日期(如適用):/
(c)	該公司的業務性質:不活動公司
(d)	逾期登記此項利益的原因:
就對	付閣下的投訴,閣下有否其他回應及意見?
見	附件一第5點
閣-	下有否相關文件提供予議員個人利益監察委員會?
	下有否相關文件提供予議員個人利益監察委員會? 在合適的方格內加上/號)
(讀社	
(讀社	<i>生合適的方格內加上√號)</i>
(讀社	<i>生合適的方格內加上√號)</i>
(讃石	<i>生合適的方格內加上√號)</i>
(<i>請</i> 名	<i>生合適的方格內加上√號)</i>
(<i>讀</i> 石	在合適的方格內加上/號) 本人現夾附下述文件:見附件一第6點(i),(iii),(iii)及(iv)項
(<i>讀</i> 石	在合適的方格內加上/號) 本人現夾附下述文件:見附件一第6點(i),(iii),(iii)及(iv)項
(<i>請</i> 名	在合適的方格內加上/號) 本人現夾附下述文件:見附件一第6點(i),(iii),(iii)及(iv)項
(<i>請</i> 名	在合適的方格内加上/號) 本人現夾附下述文件: 見附件一第6點(i),(ii),(iii)及(iv)項 を有。

附件一

4. 若閣下在有關期間曾持有該公司 1%以上的股份,可否提供以下資料?

(d) 逾期登記此項利益的原因:

- (i) 由於該公司自 1997 年 6 月成立至今,並無實質業務,屬不活動公司,其已發行股份總數 在近 19 年來一直維持於 2 股,每股僅為象徵式的 1 美元,本人雖持有 1 股,惟迄今該 公司未曾發生任何股權變動,且當時負責成立該公司之員工已離職,因此在書面記錄傳 承方面有不足及員工疏忽所致;
- (ii)及後收到深圳西麗高爾夫鄉村俱樂部於 2015 年 11 月 18 日發出之延長會籍期限邀請函 (見附件(iv)),始意識到本人為該公司的非受薪董事,因此已於同年 12 月 23 日,即較以下第(iii)點所述香港傳媒披露有關報導日期為早,向扶貧委員會作出申報。惟因自該公司發行 2 股至今相距近 19 年,且當時負責員工已離職致書面記錄流失,故亦並無於該次向扶貧委員會所作出之申報中,提及有關本人持有該公司已發行股份超過 1%。由此可見,本人絕非蓄意隱瞞有關持股事宜。鑒於立法會並未要求議員申報非受薪董事,故無需作出有關申報;及
- (iii) 自香港傳媒向本人查詢,有關"巴拿馬文件"所提及之該公司資料後,本人一方面即時委托在本港知名度甚高的公司秘書服務提供方(卓佳專業商務有限公司),向位於英屬處女群島 Registry of Corporate Affairs 提出書面申請(見附件(i)),調閱有關該公司在英屬處女群島之註冊代理方及該公司成立註冊相關文件;另一方面主動循有關報導內容所提供之線索,找到負責與該公司在英屬處女群島的註冊代理方聯繫之香港代理方,始核實本人自1997年7月21日起持有該公司已發行股份超過1%(見附件(ii)),因此絕非蓄意漏報。本人並已於2016年4月20日向立法會補申報有關持股事宜。

5. 就對閣下投訴,閣下有否其他回應及意見?

該公司自成立至今,一直只持有深圳西麗高爾夫球會會籍(見附件(iii)),因此與本人的立法會議員角色並無利益衝突。

6. 閣下有否相關文件提供予議員個人利益監察委員會?

本人現夾附下述文件:

附件(i):委托卓佳專業商務有限公司,調閱有關該公司在英屬處女群島之註冊代理方及該公司成立註冊相關文件;

附件(ii): 自負責與該公司在英屬處女群島的註冊代理方聯繫之香港代理方,取得該公司董事會會議記錄;

附件(iii):深圳西麗高爾夫球會於 1997 年 8 月 7 日發出之 Certificate of Deposit;及

附件(iv):深圳西麗高爾夫鄉村俱樂部於 2015 年 11 月 18 日發出之延長會籍期限邀請函。

From:

Rita Li (Tricor HK/CS)

Sent:

Monday, April 18, 2016 3:29 PM

To:

Letty Ma

Cc:

Margaret Au; Nico Chan (Tricor HK/CS); TRICOR HKG/CSSEC-BELLMAN

Subject:

Glorious Pacific Limited (Fee Quote)

Attachments:

DOC201604 Company Search Report (Template).pdf

Importance:

High

Follow Up Flag: Flag Status:

Follow up Completed

Dear Letty

I refer to my email earlier today and am pleased to assist you to conduct a company search on the above Company. Attached please find sample of company search report for your reference. Please note that our fee on this assignment is HK\$3,000, including cost and disbursements incurred by the BVI agent but excluding our out-of-pocket expenses such as photocopying and delivery charges of HK\$100. It normally takes 1 working day to process. If you would like to proceed, please let us have your confirmation.

Regards

Rita

Tricor Services Limited

For details, please visit our website at http://www.tricorglobal.com

Malaysia, Singapore, Thailand, United Kingdom and Vietnam.

This email is intended for use of the addressee only and may contain privileged and confidential information. If you are not the intended recipient or have received this communication in error, please advise us by return email and delete it from your system immediately. You are hereby notified that any unauthorized use or dissemination of this communication is strictly prohibited and may be unlawful. We are neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt.

1



BVI Financial Services Commission, Registry of Corporate Affairs Register of Companies Search Report

Date of Search: 19/04/2016

This search is accurate as at the Search Date above.

Company Name:

GLORIOUS PACIFIC LIMITED

Company Number:

237074

Company Type:

BC Re-registration

Date of Incorporation / Registration:

24/06/1997

Current Status:

Status Description:

Active 24/06/1997

Status Date:

Automatic

Re-registration Type: Re-registration date:

01/01/2007

Current Registered Agent:

MOSSACK FONSECA & CO (B.V.I.) LTD.

Akara Building, 24 De Castro Street

Wickhams Cay 1

Current Registered Agent Address:

Road Town

Tortola

VG1110 VIRGIN ISLANDS, BRITISH

Current Registered Agent Phone Number:

284-494-4840

Current Registered Agent Fax Number:

284-494-4841

Mossack, Fonseca & Co. (B.V.I.) Ltd.

P.O. Box 3136, Akara Building,

Current Registered Office:

Main Street, Road Town, Main Street, Road Town, VIRGIN ISLANDS, BRITISH

Telephone:

Agent Fax:

Share/Capital Information:

Authorized Capital:

50,000.00 United States of America, Dollars

Ability to Issue Bearer Shares:

No

Previous Names History

Date Range or Cease Date

S.No Previous Name

Foreign Character Name

From

GLORIOUS PACIFIC LIMITED

24/06/1997

Transaction History

Date S.No

Transaction Number

Description

Status

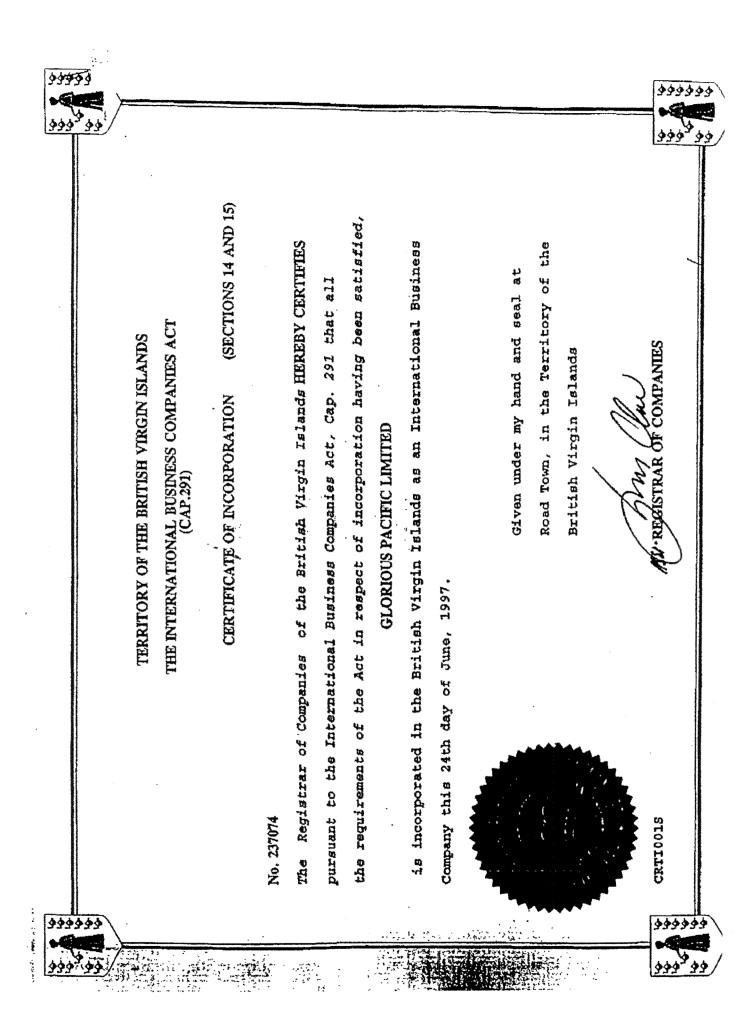
Eforms/Attachments

24/06/1997 T970004614

Approved

General Filing

https://virrgin.bvifsc.vg/VIRRGIN/companyProfileSearch.do?dispatch=viewCompanyProfile&forwardTo... 4/19/2016





RESOLUTION OF THE SUBSCRIBER

The undersigned, being the Subscriber to the Memorandum and Articles of Association of

GLORIOUS PACIFIC LIMITED

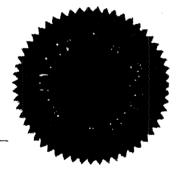
a company incorporated under the Laws of the British Virgin Islands, hereby appoints:

MICHAEL TIEN PUK SUN TIEN LIANG FRANCES

the first Director(s) of the Company, to serve such until (their) successor(s) shall have been elected or until (their) resignation(s) or removal; such election to be effective immediately and without further qualification.

Dated this 21st day of July, 1997.

MOSSACK FONSECA & CO. (B.V.I.) LTD.
Subscriber



GLORIOUS PACIFIC LIMITED

MINUTES of the First Director Meeting of the Company held at its registered office on 21st day of July, 1997

Present: Mr. Michael Tien Puk Sun (Chairman)
Madam Tien Liang Frances

Commencement

1. Mr. Michael Tien Puk Sun was elected chairman of the meeting who took the chair and noting that a quorum was present called the meeting to order.

Incorporation

2. IT WAS NOTED THAT the Company was incorporated on 24th June, 1997 under the International Business Companies Ordinance. The Certificate of Incorporation Number 237074 was presented together with a copy of the Memorandum and Articles of Association.

Share Capital

3. IT WAS NOTED THAT the authorized capital of the Company was USD50,000,000 divided into 50,000 shares of USD1.00 each.

Shares Allotment

4. IT WAS RESOLVED THAT the following application for share allotment be and is hereby approved:-

<u>Allottee</u>	No. of Shares	Consideration
Michael Tien Puk	One	USD1.00
Sun		
Tien Liang Frances	One	USD1.00

-1/-

(A:\CS009\43147)

GLORIOUS PACIFIC LIMITED

Common Seal

5. IT WAS RESOLVED THAT the seal, an impression of which is affixed hereto, be and is hereby adopted as the Common Seal of the Company.

Registered Office and Correspondence Address

- IT WAS NOTED THAT the Registered Office of the Company was situate at Penthouse, Wyler Centre II, 200 Tai Lin Pai Road, Kwai Chung, New Territories, Hong Kong.
- 7. IT WAS RESOLVED THAT the address to be used for all correspondence be as follows:-

Penthouse, Wyler Centre II, 200 Tai Lin Pai Road, Kwai Chung, New Territories, HONG KONG.

Registered Agent

8. IT WAS NOTED THAT the Registered Agent for the Company was Mossack Fonseca & Co. (BVI) Limited.

Directors

9. IT WAS NOTED THAT the subscriber to the Memorandum and Articles of Association had appointed the following as the first directors of the Company:-

Michael Tien Puk Sun AND Tien Liang Frances

Form of Consent to Act of both Directors were duly signed and submitted to the Board.

-24

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GLORIOUS PACIFIC LIMITED

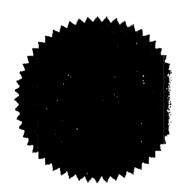
Location of Books and Recores

10. IT WAS RESOLVED THAT the books, records and minutes of the Company shall be kept at the Registered Office of the Company or at such other place as the Director from time to time may determine, the initial location of the books, records and minutes to be kept at its registered office.

Closure

11. There being no further business, the meeting was declared closed.

CHAIRMAN (MICHAEL TIEN PUK SUN)



-3-

(A:\C\$009\43147)

CERTIFICATE NO.



SHENZHEN XILI GOLF CLUB

(Registered in Shenzhen, the People's Republic of China)

CERTIFICATE OF DEPOSIT

WhereasGLORIOUS_PACIFIC_LIMITED
of PENTHOUSE, WYLER CENTRE 2, 200 TAI LIN PAT ROAD, KWAI CHUNG, N. T.
(hereinafter called "the Holder") is a Corporate Member of the Xili Golf and Country Club,
a proprietary club which is owned by Shenzhen Xili Golf Club ("the Proprietor") and is the
holder of this Certificate for the principal sum of HK\$ 252,000.00
(Hong Kong Dollars TUX) HUNDRED FIFTY TUX) THOUSAND ONLY
THIS IS TO CERTIFY that the Proprietor will on such date as the principal sum aforesaid becomes refundable in accordance with the terms and conditions endorsed hereon ("the Conditions") pay the principal sum aforesaid to the Holder or such person(s) to whom this Certificate shall have been validly transferred in accordance with the Conditions. This Certificate is issued in accordance with the Conditions and the Rules and Bye-laws for the time being in force as may be prescribed by the Proprietor.
of AUGUST 1997 in the presence of:-
Darboello.
Director Director



XILI GOLF AND COUNTRY CLUB

深圳西麗高爾夫鄉村俱樂部

Penthouse, Wyler Centre 2 200 Tai Lin Pai Road Kwai Chung, N.T., Hong Kong Glorious Pacific Ltd. Mr. Tien Puk Sun, Michael 台启

会员号码: G029-NE

2015年11月18日

尊敬的 Mr. Tien:

西丽高尔夫乡村俱乐部("本会")延长会籍期限之邀请函

本会自 1995 年开业至今一直以向会员提供优质设施、服务为宗旨。本着此宗旨及 经本会管理层详细考虑后,我司作为本会业主决定邀请各会员将其会籍期限从 2023 年 12 月 31 日 (即所有现有会籍的到期日)延长至 2039 年 12 月 31 日 ("该邀请")。

该邀请的相关条款及条件为:

- (1) 支付会籍延期费。会籍延期费包括: -
 - (a) 放弃取回您就现有会籍已付的会员资格保证金;
 - (b) 另须支付人民币 80,000 元, 此款项概不退还; 及;
- (2) 遵守随附本函有关该邀请之条款及条件("条款及条件")。

另外,本会现时向会员征收的各项费用,包括月征款,仍须继续支付。

该邀请 的具体条款已列于随附之条款及条件,请仔细阅读。

若您同意接受 该邀请,请于 2016 年 1 月 22 日前将条款及条件内第(6)项要求递交的所有文件送到中国深圳市南山区西丽塘朗村的西丽高尔夫乡村俱乐部,或香港英皇道 683 号嘉里中心 5 楼的西丽高尔夫乡村俱乐部(香港办事处)。

Tang Lang Village, Xili District Nam shan, Shenzhen, China Tel: (86-755)26552888Fax: (86-755)26559793深圳市南山區西麗鎮塘朗村電話:(86-755) 2655 2888傳真:(86-755) 2655 9793



XILI GOLF AND COUNTRY CLUB

深圳西麗高爾夫鄉村俱樂部

若您不打算接受该邀请,您不需要采取任何行动,而您持有的会籍仍按照本会现行会规及细则于2023年12月31日届满。

若您对上述内容有任何疑问,请与会籍服务办公室联系,电话: 86-755-26559780或以电子邮件方式寄送至: membership@xiligolf.com

深圳西丽高尔夫球俱乐部有限公司

劳力规

黄小抗 董事长 空白頁 Blank page

區議會名稱: _ 荃灣愉景 _ 議員	/委員會成員姓名: 田北辰			
第1類 — 受薪	東主、合夥人或董事職位			
1(1). 你有否擔任公共或私營公司有獲得薪金、酬金、津貼或	的受薪東主、合夥人或董事職位,包括所 其他實惠的東主、合夥人或董事職位? [合適空格內劃]"/"號)			
若有的話,請列出有關公司的	り名稱,並簡略說明每間公司的業務性質。			
早個米源収受超過其作為	一年內(每年的一月一日至十二月三十一日)從 區議員每年酬金*5%的利益(*不包括區議員所 務開支的津貼/開支償還款額,以及醫療津 超過 2,000 元的實惠。			
(b) 本地及海外公司的受薪東	E、合夥人或董事職位均須予以登記。			
(c) 以法團名義出任東主、合果 須予以登記。	多人或董事的受薪東主、合夥人或董事職位亦			
(d) 若為某公司的受薪東主、台 司擔任的所有東主、合夥人	合夥人或董事,則在同一集團的附屬或聯營公 或董事職位,無論是否受薪,亦須予以登記。			
該條文指明一	條例》(第 622 章)第 13 條中該詞的涵義相同。			
(b) 控制另一法人團體 (c) 持有另一法人團體	(後者)的董事局的組成; (後者)超過半數的表決權;或 (後者)超過半數的已發行股本,			
(2) 就本條例而言,如某法	則前者即屬後者的控權公司。 (2) 就本條例而言,如某法人團體(<i>前者</i>)是另一法人團體(<i>後者</i>)的控權公司,而後者是另一法人團體(<i>第三者</i>)的控權公司,則前者亦屬第三者的控權公司。"			
■ 可的控權公司,則 A 公司 J	公司是 B 公司的控權公司,而 B 公司是 C 公 是 C 公司的控權公司。換言之, A 和 B 公司 員擔任受薪董事的公司的所有控權公司的名			
詳細資料	詳細資料			
公司名稱 (G 2000 (Apparel) Limited			
- 該公司的業務性質	服裝零售/批發			
- 身份 (請在合適空格內劃"\"號)	□ 東主 □ 合夥人 ☑ 董事 □ 其他(請註明)			
- 該公司的所有控權公司(如有的話)	G 2000 (Holdings) Limited			

(若你有更多受薪桌主、台夥人或董事職位須登記,請在下一頁的附加頁提供。)

簽署:

- p' .

第1類 — 受薪東主、合夥人或董事職位 I(1) (續上頁)

區 議 曾 名 棋 :	(一)
公司名稱	Generation 2000 (International) Limited
- 該公司的業務性質	服裝零售/批發
- 身份	□ 東主 □ 台夥人 董事
(請在合適空格內劃"√"號)	
- 該公司的所有控權公司(如有的 話)	G 2000 (Holdings) Limited
公司名稱	Generation Two Thousand Apparel Sdn Bhd
- 該公司的業務性質	服裝零售/批發
- 身份	東主 合夥人 堂事
(請在合選空格內劉"\"號)	
- 該公司的所有控權公司(如有的 話)	G 2000 (Holdings) Limited
公司名稱	GEO Talent Search Company Limited
- 該公司的業務性質	知識產權投資
- 身份	□東主 □ 合夥人 ☑ 董事
(請在台適空格內劃"√"號)	
- 該公司的所有控權公司(如有的 話)	G 2000 (Holdings) Limited
公司名稱	Glorious Pacific Limited
. 該公司的業務性質	物業投資
- 身份	東主
(請在台適空格內劃"√"號)	
. 該公司的所有控權公司(如有的 . 話)	
(如有需要,請影印本頁並在每頁簽署。)	
簽署:	日期: 18/1/2016

第1類 — 受薪東主、合夥人或董事職位

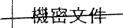
區議會名稱:	荃灣愉景	一	戏員姓名: ————————————————————————————————————	田北辰
1(2). 如你在本屆事職位,請詳細資料			公司的受薪東:	主、合夥人或蓋
公司名稱	Produce and second second second			
1. Blue Carc JV (BVI)	Holdings Limite	d,終止擔任該公司受薪	董事職位日期為2010	5年4月8日·
2. Blue Cross (Asía-P	acific) Insurance	Limited・終止擔任該公	司受薪董事職位日期	月為2016年4月8日。
3. BEA Life Limited •	終止擔任該公司	受薪非執行董事職位日期	為2016年4月8日・	
註:經核實原於2016年	三1月18日申報本業	類別中的Glorious Pacific	Limited公司董事職	收位,並無受薪,
亦非屬任何集團的	的附屬或聯營公司],故無需申報,現予取消	背有關該職位的申報	a
	•			
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【 (如有需要・請影印本]	頁並在每頁簽署	·)		

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附级 IV

回條

(請於2016年5月23日(星期一)或之前交回)

檔號 : CB(3)/C/CON/14 (12-16)

致 : 議員個人利益監察委員會秘書



對劉皇發議員的投訴

A. N.T. Development Limited

- 1. 自 2009 年 4 月 20 日(即接獲首宗投訴的日期之前 7 年)至今(下稱 "有關期間"),閣下曾否在任何一天擔任 N.T. Development Limited (下稱"NTDL")的受薪董事? (請在合適的方格內加上/號)
 - 口本人曾經擔任 NTDL 的受薪董事。
 - ☑ 本人<u>不</u>曾擔任 NTDL 的受薪董事。(請跳到問題 3 繼續回答)
- 2. 若曾擔任 NTDL 的受薪董事,可否提供以下資料?

(a)	開始擔任此職位的日期:
(b)	終止擔任此職位的日期(如適用):
(c)	NTDL 的業務性質:
(d)	(如 NTDL 有一間控權公司) NTDL 的控權公司名稱:
(e)	未有登記此項利益的原因:

3. 在有關期間,閣下(本人或連同配偶或未成年子女,或本人代表配偶或 未成年子女)曾否在任何一天持有 NTDL 的股份,而持股的數目/面值 超過 NTDL 已發行股份總數/已發行股本的 1%?

(請在合適的方格內加上/號)

- ☑ 本人曾經持有 1%以上的 NTDL 股份。
- □ 本人不曾持有 1%以上的 NTDL 股份。(請跳到問題 5 繼續回答)

4.	若閣下在有關期間曾持有 1%以上的 NTDL 股份,可否提供以下資料?
	(a) 開始持有該等股份的日期: <u>28-12-20。</u>
	(b) 終止持有該等股份的日期(如適用): 18-7-2011
	(c) NTDL 的業務性質: 投資
	(d) 未有登記此項利益的原因: 如此乙中記
В.	Get Nice Holdings Limited
5,	在有關期間,閣下曾否在任何一天擔任 Get Nice Holdings Limited (下稱"GNHL")的受薪董事? (請在合適的方格內加上/號)
	□ 本人 <u>曾經</u> 擔任 GNHL 的受薪董事。 ☑ 本人 <u>不曾</u> 擔任 GNHL 的受薪董事。(請跳到問題 7 繼續回答)
6.	若曾擔任 GNHL 的受薪董事,可否提供以下資料?
	(a) 開始擔任此職位的日期:
	(b) 終止擔任此職位的日期(如適用):
	(c) GNHL 的業務性質:
	(d) (如 GNHL 有一間控權公司) GNHL 的控權公司名稱:
	(e) 未有登記此項利益的原因:
7.	在有關期間,閣下(本人或連同配偶或未成年子女,或本人代表配偶或未成年子女)曾否在任何一天持有 GNHL 的股份,而持股的數目/面值超過 GNHL 已發行股份總數/已發行股本的 1%? (請在合適的方格內加上/號)
	口本人曾經持有 1%以上的 GNHL 股份。
	☑ 本人 <u>不曾</u> 持有 1%以上的 GNHL 股份。(請跳到問題 9繼續回答)

若閣	引下在有關期間曾持有 1%以上的 GNHL 股份,可否提供以下資料?
(a)	開始持有該等股份的日期:
(b)	終止持有該等股份的日期(如適用):
(c)	GNHL 的業務性質:
(d)	未有登記此項利益的原因:
Win	g Tung Yick Enterprises Limited
	写關期間,閣下曾否在任何一天擔任 Wing Tung Yick Enterprises ited (下稱"WTYEL")的受薪董事? (請在合適的方格內加上/號)
	本人 <u>曾經</u> 擔任 WTYEL 的受薪董事。
図 2	本人 <u>不曾</u> 擔任 WTYEL 的受薪董事。(請跳到問題 11 繼續回答)
若曾	曾擔任 WTYEL 的受薪董事,可否提供以下資料?
(a)	開始擔任此職位的日期:
(b)	終止擔任此職位的日期(如適用):
(c)	WTYEL 的業務性質:
(d)	(如 WTYEL 有一間控權公司) WTYEL 的控權公司名稱:
(e)	未有登記此項利益的原因:
未反面值	写關期間,閣下(本人或連同配偶或未成年子女,或本人代表配偶或 发年子女)曾否在任何一天持有 WTYEL 的股份,而持股的數目/ 直超過 WTYEL 已發行股份總數/已發行股本的 1%? 在合適的方格內加上/號)
	本人 <u>曾經</u> 持有 1%以上的 WTYEL 股份。 太人不曾持有 1%以上的 WTYEL 股份。(請跳到問題 13 繼續回答)
	(a) (b) (c) (d) Win 在Lin 口 若 (a) (b) (c) (d) (e) 在未面 <i>请</i>

12.		閣下在有關期間曾持有 1%以上的 科?	WTYEL 股份,可否提供以了
	(a)	開始持有該等股份的日期:	
	(b)	終止持有該等股份的日期(如適用):_	
	(c)	WTYEL 的業務性質:	
	(d)	未有登記此項利益的原因:	
,			
13.	就業	對閣下的投訴,閣下有否其他回應及意	意見?
14.	(請る	下有否相關文件提供予議員個人利益監 在合適的方格內加上/號) 本人現夾附下述文件:	
	- - \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	沒有。	
1			
		簽署:	NAX.
		議員姓名:	劉皇發
		日期:	12-6-16

機密文件

回條

(請於2016年5月30日(星期一)下午5時前交回)

檔號 : CB(3)/C/CON/14 (12-16)

致 : 議員個人利益監察委員會秘書

(傳真號碼: 2489 0288)



議員個人利益監察委員會 有待劉皇發議員回答的問題

根據本年 5 月 13 日閣下的回覆,閣下自 2009 年 12 月 28 日起持有 1%以上的 N.T. Development Limited (下稱"NTDL") 股份,直至 2011 年 7 月 18 日終止持有該等股份。因此,閣下在 2009 年 4 月 20 日至 12 月 27 日期間(下稱"有關期間 A"),並無持有 1%以上的 NTDL 股份。

另一方面,根據秘書處的紀錄,閣下於有關期間 A 內的 2009 年 5 月 11 日,向立法會秘書登記閣下在"股份"類別下的個人利益詳情,當中包括持有 1%以上的 NTDL 股份。

請你解釋,如閣下在有關期間 A 內並未持有 1%以上 NTDL 股份的 情況下,為何就 NTDL 向立法會秘書作出"股份"類別的個人利益登記?

在有關期(o)AA,NTDI未完成的份分配重向、从场重

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簽署:	44 x
議員姓名:	劉皇發
日期:	30-8-2016.