

Committee on Members' Interests

**Advisory Guidelines on Matters of Ethics in relation to the conduct of
Members of the Legislative Council of the Hong Kong Special
Administrative Region in their capacity as such**

Purpose

The purpose of this paper is to seek members' advice on whether the Committee on Members' Interests should issue the "Advisory Guidelines on Matters of Ethics in relation to the conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such" ("Guidelines") to Legislative Council Members.

Background

2. Both Committees on Members' Interests of the former Legislative Council and the Provisional Legislative Council issued such advisory guidelines to Members respectively. These guidelines set out the general and specific conduct expected of them in dealing with Legislative Council business and are attached at appendices 1A and 1B respectively.

Present position

3. At the first meeting of the Committee on Members' Interests of the Legislative Council, members agreed that they should discuss at the next meeting whether it was necessary for the Committee to issue similar guidelines.

4. The Secretariat has, based on the previous guidelines, prepared a set of draft Guidelines which are attached at Appendix 2. Members may wish to note that paragraph 4(d)(i) therein particularly deals with donations to a Member for the purpose of meeting the Member's election expenses in the election, when he was a candidate in the Legislative Council election in which he was elected as a Member of the Council. The donations could be received by the Member or by any person on his behalf.

Recommendation and Advice sought

5. Members are requested to consider whether the CMI should issue such Guidelines to Members, and if so, whether the attached set of draft Guidelines should be issued to Members.

Legislative Council Secretariat
16 September 1998

**ADVISORY GUIDELINES ON MATTERS OF ETHICS IN
RELATION TO THE CONDUCT OF MEMBERS OF
LEGISLATIVE COUNCIL IN THEIR CAPACITY AS SUCH**

(Issued by the Committee on Members' Interests under
Legislative Council Standing Order No. 60B(1)(d))

I. General Standards

1. A Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council (Council). (see Footnote)
2. A Member should adhere to the spirit and the letter of any rules or regulations made by the Council, its committees or the President for the regulation of the practice and procedure of the Council and its committees or Members' behaviour in their conduct of the business of the Council.


II. Specific Standards

3. In accordance with Standing Order No. 65-
 - (a) In any debate or proceedings of the Council or any committee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.
 - (b) A Member shall not vote upon any question, whether in the Council or in any committee, in which he has a direct pecuniary interest.
 - (c) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee, without disclosing the nature of that interest.
4. In accordance with Standing Order No. 64A and guidance notes issued by the Committee on Members' Interests, a Member shall register particulars of registrable interests listed below:-
 - (a) remunerated directorships of companies, public or private;
 - (b) remunerated employments, offices, trades, professions or vocations;
 - (c) the names of clients when the interests referred to in (a) and (b) above include personal services by the Member which arise out of or are related in any manner to his membership of the Council;
 - (d) financial sponsorships-
 - i. as a candidate for election to the Council, where to the knowledge of the Member the sponsorship exceeds \$10,000 or 25% of his election expenses; or

- ii. 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, where the total value from a single source in the course of one year exceeds 5% of the annual salary of a Member of the Council or where the value of any one-off sponsorship exceeds \$10,000;
 - (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, which arise out of or are related in any manner to his membership of the Council, from or on behalf of foreign governments, organizations or persons;
 - (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 shareholdings of a nominal value greater than one-hundredth of the issued share capital.
5. A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.
6. (a) A Member should not knowingly take advantage of, or benefit from, information that is obtained in his capacity as a Member of the Council and which is not generally available to the public.
- (b) A Member should ask for information only about matters of public interest and should not seek information for private or personal interest.
7. A Member should not use any part of his Operating Expenses Reimbursement or District Office Allowance for purposes other than in connection with the business of the Council.

(Footnote: A Member should conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member of the Council. For example, the appearance of a Member in an advertisement to promote a commercial product or service may be regarded as not in keeping with the position or prestige of a Member of the Council. Members are therefore advised to exercise caution when deciding to engage in advertisement activities of a commercial nature as such engagement may run the risk of bringing discredit upon the Council.)

***PROVISIONAL LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION***



***Advisory Guidelines on Matters of Ethics
in relation to the conduct of Members of
the Provisional Legislative Council of
the Hong Kong Special Administrative Region
in their capacity as such***

*(Issued by the Committee on Members' Interests under
Rule 74(1)(d) of the Rules of Procedure of the Provisional Legislative Council)*



***COMMITTEE ON MEMBERS' INTERESTS
JUNE 1997***

I. General Standards

- (1) (a) A Member should ensure that his conduct must not be such as to bring discredit upon the Provisional Legislative Council (“the Council”).
 - (b) A Member should conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member of the Council. When deciding whether to engage in activities of a commercial nature such as advertisement activities, Members should accord due consideration as to whether the nature and contents of such activities might be regarded as not in keeping with the position or prestige of a Member of the Council and thereby bringing discredit upon the Council.
- (2) A Member should adhere to the spirit and the letter of any rules or regulations made by the Council, its committees or subcommittees, or the President for the regulation of the practice and procedure of the Council, its committees and subcommittees, or Members' behaviour in their conduct of the business of the Council.

II. Specific Standards

- (3) In accordance with Rule 84 -
- (a) In any debate or proceedings of the Council or any committee or subcommittee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.
 - (b) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest.
 - (c) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee or subcommittee, without disclosing the nature of that interest.
- (4) In accordance with Rule 83 and guidance notes issued by the Committee on Members' Interests, a Member shall register particulars of registrable interests listed below:-
- “ (a) remunerated directorships of companies, public or private;
- (b) remunerated employments, offices, trades, professions or vocations;
- (c) the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the Council;

- (d) 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;
 - (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 shareholdings of a nominal value greater than one-hundredth of the issued share capital. ”
- (5) A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.
- (6) (a) A Member should not knowingly take advantage of, or benefit from, information that is obtained in his capacity as a Member of the Council and which is not generally available to the public.
 - (b) A Member should ask for information only about matters of public interest and should not seek information for private or personal interest.
- (7) A Member should not use any part of his Operating Expenses Reimbursement or District Office Allowance for purposes other than those in connection with the business of the Council.

**Advisory Guidelines on Matters of Ethics
in relation to the conduct of Members of
the Legislative Council of
the Hong Kong Special Administrative Region
in their capacity as such**

*(Issued by the Committee on Members' Interests under
Rule 73(1)(d) of the Rules of Procedure of the Legislative Council)*

I. General Standards

- (1) (a) A Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council (“the Council”).
- (b) A Member should conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member of the Council. When deciding whether to engage in activities of a commercial nature such as advertisement activities, Members should accord due consideration as to whether the nature and contents of such activities might be regarded as not in keeping with the position or prestige of a Member of the Council and thereby bringing discredit upon the Council.
- (2) A Member should adhere to the spirit and the letter of any rules or regulations made by the Council, its committees or subcommittees, or the President for the regulation of the practice and procedure of the Council, its committees and subcommittees, or Members' behaviour in their conduct of the business of the Council.

II. Specific Standards

- (3) In accordance with Rule 84 -
 - (a) In any debate or proceedings of the Council or any committee or subcommittee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.
 - (b) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest.
 - (c) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee or subcommittee, without disclosing the nature of that interest.

- (4) In accordance with Rule 83 and guidance notes issued by the Committee on Members' Interests, a Member shall register particulars of registrable interests listed below:-
- (a) remunerated directorships of companies, public or private;
 - (b) remunerated employments, offices, trades, professions or vocations;
 - (c) the names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his membership of the Council;
 - (d)
 - (i) 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
 - (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;
 - (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 shareholdings of a nominal value greater than one-hundredth of the issued share capital.
- (5) A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.
- (6) (a) A Member should not knowingly take advantage of, or benefit from, information that is obtained in his capacity as a Member of the Council and which is not generally available to the public.
- (b) A Member should ask for information only about matters of public interest and should not seek information for private or personal interest.

- (7) A Member should not use any part of his Operating Expenses Reimbursement or District Office Allowance for purposes other than those in connection with the business of the Council.

September 1998