

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



Guidelines on Registration of Interests



APRIL 2006

I. Provisions on Registration of Interests under the Rules of Procedure

(1) Rule 83 of the Rules of Procedure provides for the registration of Members' interests. The Rule is reproduced at **Appendix I** to these Guidelines.

II. Register of Members' Interests

(1) Rule 83(4) provides for the maintenance of a Register of Members' Interests ("the Register").

(2) The main purpose of the Register is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council ("the Council"), or actions taken in his or her capacity as a Member of the Council. Members are required to have this general purpose in mind when determining what interests should properly be declared.

(3) Members are not required to disclose the amount of any remuneration or benefit they may have, nor the interests of spouses or children, except in certain circumstances relating to material benefits or advantages, overseas visits, and shareholdings.

(4) When reporting particulars of registrable interests under Rule 83(1), Members should complete and sign each and every page of the Registration Form and submit the entire set of the Form to the Clerk to the Legislative Council ("the Clerk"). However when reporting particulars of any change in registrable interests in accordance with Rule 83(3), Members may simply complete and sign the relevant page(s) of the Registration Form and submit it to the Clerk, instead of submitting the entire set of the Form.

(5) Under Rule 83(4), Registration Forms completed by Members are available for public inspection. Members of the public may also make copies of the forms in the Legislative Council Secretariat upon payment of charges.

III. Guidelines on Registration of Interests

(1) The definitions given in this document should be seen as broad guidelines within which Members should proceed with good sense and responsibility. These guidelines should be regarded as representing a reasonable minimum requirement of interests to be registered and, as such, it would be up to Members, if they think it right and relevant, to disclose interests beyond those set out below.

(2) It is left to individual Members to give the required information and be responsible for what is recorded about himself in the Register, as each is answerable to his fellow-Members and the public.

(3) The registering of interests is additional to, and in no way a replacement of, the requirement on Members to disclose pecuniary interests under Rule 83A which is reproduced hereunder:

“83A In the Council or in any committee or subcommittee, 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, except where he discloses the nature of that interest.”

(4) Benefits known to be made available without discrimination to all Members of the Council are exempted from registration.

(5) In the registration of interests, where a firm is named, a brief indication should be given of the nature of the firm’s business.

(6) (a) On the registration of “clients” under Rule 83(5)(c), the following are examples of registrable interests under this category -

(i) A solicitor Member’s firm acts for a client in drafting a private bill for presentation to the Council.

(ii) A solicitor Member’s firm acts for a client in making representations to the Council on a bill.

(iii) An accountant Member’s firm acts for a client in preparing tender documents for a project which is the subject of deliberations by the Finance Committee.

(iv) A Member is retained (i.e. paid fees by an organization e.g. a public relations firm or an environmentalist group) to ensure that a particular point of view or issue is drawn to Members’ attention. The point of view or issue need not necessarily be connected with a bill before the Council. It could, for example, be related to a debate of the Council, or it might simply be a matter on which the organization seeks to lobby Members.

(b) The examples quoted in (a) above are provided merely for the purpose of illustration; registrable interests are not confined to the professions cited in the examples.

(7) The requirement of Rule 83(5)(d) is that Members register their acceptance of financial sponsorships as defined in the Rules of Procedure. Regarding the “financial sponsorships” received from a Member’s political organization (see Note for the definition of “political organization”), it would suffice if a Member merely registers interests directly received from his political organization. Such registrable interests include cash subsidy of HK\$5000 or above each month. Whether or not the acceptance of a particular financial sponsorship is in contravention of the provisions of the Prevention of Bribery Ordinance is a matter for the Member to decide for himself having regard to his own knowledge of the circumstances.

(8) On the registration of “spouse’s interests” under Rule 83(5)(d)-(f) relating to financial sponsorships, overseas visits and overseas payments, benefits and advantages, a Member is expected to make the necessary enquiries of his spouse in order to make a full and timely return on the registration of such interests.

(9) The reference to “any government or organization of a place outside Hong Kong” in Rule 83(5)(f)(i) means any government or organization outside Hong Kong, including any government or organization in other parts of China, for example, Taiwan and Macau.

(10) “Any person who is not a Hong Kong permanent resident” in the context of Rule 83(5)(f)(ii) refers to any person who does not qualify as a “Hong Kong permanent resident” under Article 24 of the Basic Law. The definition of a “Hong Kong permanent resident” is given in **Appendix II**.

Note: The definition of “political body” is the same as the definition of “political body” in the Societies Ordinance (Cap. 151). The relevant definition in the Societies Ordinance is reproduced as follows:-

“Political body” means-

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election.

Rule 83 of the Rules of Procedure

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.

(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 is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), also the name of that other company;
- (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

- (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.

Definition of a “Hong Kong permanent resident”

Paragraph 2 of Article 24 of the Basic Law

The permanent residents of the Hong Kong Special Administrative Region shall be:

- (1) Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;
- (2) Chinese citizens who have ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the Hong Kong Special Administrative Region;
- (3) Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2);
- (4) Persons not of Chinese nationality who have entered Hong Kong with valid travel documents, have ordinarily resided in Hong Kong for a continuous period of not less than seven years and have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region;
- (5) Persons under 21 years of age born in Hong Kong of those residents listed in category (4) before or after the establishment of the Hong Kong Special Administrative Region; and
- (6) Persons other than those residents listed in categories (1) to (5), who, before the establishment of the Hong Kong Special Administrative Region, had the right of abode in Hong Kong only.