

立法會
Legislative Council

LC Paper No. CMI/143/04-05

Ref: CB(3)/C/2 (04-08) (II)

**Paper for the Committee on Members' Interests'
meeting on 29 September 2005**

Members' views on the proposed amendments to 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* and on the proposal to tighten up the registration requirements for remunerated directorships

Purpose

This paper summarizes the views of members of the Committee on Members' Interests (Committee), after consulting Legislative Council (LegCo) Members of their respective political groupings, on

- i) the proposed amendments to 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 (Advisory Guidelines)*; and
- ii) the proposal to tighten up the registration requirements for remunerated directorships.

Background

2. At its third meeting held on 27 June 2005, the Committee deliberated the amendments to the *Advisory Guidelines* proposed by the Secretariat, set out in **Appendix I**. Members present at the meeting were agreeable to the addition of proposed paragraph II(8) but had different views on the other proposed amendments. To facilitate the Committee's deliberations of the proposed

amendments at future meetings, the meeting decided that the views on them of all Committee members be sought by circulation. Members were also requested to consult LegCo Members of their respective political groupings before tendering their replies.

3. The meeting also decided that the views of all Committee members be sought on a member's proposal to tighten up the registration requirements for remunerated directorships by requiring LegCo Members to register:

- i) the amount of any income derived from remunerated directorships; and
- ii) the names of the parent companies of the companies in which they hold remunerated directorships.

Likewise, members were requested to consult Members of their respective political groupings before tendering their replies.

Members' views

4. Pursuant to the above decisions of the meeting, LC Paper No. CMI/138/04-05 was issued to members on 29 June 2005. Members' returns are attached in **Appendix II** and summarized in the following tables.

Table 1 Number of LegCo Members consulted before tendering replies

Member	Number of LegCo Members consulted
Hon Mrs Sophie LEUNG LAU Yau-fun	9
Hon SIN Chung-kai	not indicated
Hon Emily LAU Wai-hing	not indicated
Hon Abraham SHEK Lai-him	4
Hon LI Kwok-ying	9
Hon Alan LEONG Kah-kit	3
Hon Albert Jinghan CHENG	nil

Table 2 Views on the proposed amendments to the Advisory Guidelines

Member	Proposed addition to paragraph I(1)(a)	Proposed addition to paragraph I(1)(b)	Proposed new paragraph II(8)	Proposed new paragraph II(9)
Hon Mrs Sophie LEUNG LAU Yau-fun	✓	✓	✓	✗ Propose to replace “non-Council business” by “private business”
Hon SIN Chung-kai	✗	✗	✓	✗
Hon Emily LAU Wai-hing	✓	✓	✓	✓
Hon Abraham SHEK Lai-him	✓	✓	✓	✗
Hon LI Kwok-ying	✓	✓	✓	✓
Hon Alan LEONG Kah-kit	✗	✗	✓	✓
Hon Albert Jinghan CHENG	✗	✗	✓	✗

Legend: ✓ means agree; ✗ means don't agree

Table 3 Views on the proposal to tighten up the registration requirements for remunerated directorships

Member	Proposal to tighten up the registration requirements for remunerated directorships by requiring LegCo Members to register	
	the amount of any income derived from remunerated directorships	the names of the parent companies of the companies in which they hold remunerated directorships
Hon Mrs Sophie LEUNG LAU Yau-fun	✗	✓
Hon SIN Chung-kai	✓	✓
Hon Emily LAU Wai-hing	✓	✓
Hon Abraham SHEK Lai-him	✗	✓
Hon LI Kwok-ying	Will reply after discussion	
Hon Alan LEONG Kah-kit	✓	✓
Hon Albert Jinghan CHENG	✓	✓

Legend: ✓ means agree; ✗ means don't agree

Advice sought

5. Members are invited to note the views of individual members set out in this paper and decide the way forward.

Legislative Council Secretariat
26 August 2005

(Proposed revised version)

**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 be cautious and alert to ensure that his conduct must not be such as to bring discredit upon the Legislative Council ("the Council").
- (b) A Member should conduct himself according to commonsense and the strictest rules 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 Rules 83A, 84(1) and 84(1A) —

- (a) 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.
 - (b) In the Council or in any committee or subcommittee, a Member shall not vote upon any question in which he has a direct pecuniary interest except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy.
 - (c) In the Council or a committee of the whole Council, a Member shall withdraw when a vote is taken on a question in which he has a direct pecuniary interest except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy.
- (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) 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.
- (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 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.
- (8) A Member should ensure that the personal information (e.g. qualifications) he provides to the Council is correct and true..
- (9) A Member should not use the stationery on which his title as Member of the Legislative Council is printed to conduct non-Council business.

~~November 2002~~ May 2005

附錄 II
Appendix II

回 條

(請於2005年7月29日星期五或該日前回覆)

檔 號 : CB(3)/C/2 (04-08) II

致 : 香港中區
廣臣道8號
立法會大樓
立法會秘書處
議員個人利益監察委員會秘書
梁啟陽碧提女士

(圖文傳真號碼 : 2810 1691、2537 1204)

議員個人利益監察委員會

已於2005年6月29日舉行的第三次會議的跟進工作

在諮詢過 9 位本人所屬黨派的立法會議員後，本人的回應如下：

1. 對《勸喻性質的指引》的建議修訂

	同意	不同意
a) 建議對第I(1)(a)段增添字句	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 建議對第I(1)(b)段增添字句	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 建議增訂第II(8)段	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 建議增訂第II(9)段	<input type="checkbox"/>	<input checked="" type="checkbox"/> *

* 建議刪去「非立法會」，改以「私人」代替，經修訂後為：
「議員不應使用印有立法會議員身份的信箋信封，處理私人事務」

①

2. 受薪董事職位的登記規定

以下述方式加以收緊:

同意

不同意

- a) 立法會議員須登記從受薪董事職位獲得的任何收入
- b) 立法會議員須登記其擔任受薪董事職位的公司的母公司

簽 署 :

~~_____~~
~~_____~~
~~_____~~

姓 名 :

梁劉柔芬

日 期 :

12/07/2005

②

Appendix II**Reply Slip****(Please reply on or before Friday, 29 July 2005)**

Ref: CB(3)/C/C/2 (04-08) II

To: Mrs Betty LEUNG
 Clerk to Committee on Members' Interests
 Legislative Council Secretariat
 Legislative Council Building
 8 Jackson Road
 Central
 Hong Kong

(Fax No: 2810 1691, 2537 1204)

Committee on Members' Interests**Follow-up to the third meeting held on 27 June 2005**

After consulting _____ (no.) LegCo Members belonging to the same political grouping as I do, I have the following response:

1. Proposed amendments to the Advisory Guidelines

	<u>Agree</u>	<u>Don't agree</u>
a) Proposed addition to paragraph I(1)(a)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Proposed addition to paragraph I(1)(b)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Proposed new paragraph II(8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Proposed new paragraph II(9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

/cont

(3)

2. Registration requirements for remuneration directorships

	<u>Agree</u>	<u>Don't agree</u>
Tightening up by requiring LegCo Members to register:		
a) the amount of any income derived from remunerated directorships	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) the parent companies of the companies in which they hold remunerated directorships	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature :

單仲偕

Name :

單仲偕 議員

Date :

28-7-2005

④

Appendix II**Reply Slip****(Please reply on or before Friday, 29 July 2005)**

Ref: CB(3)/C/C/2 (04-08) II

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 Legislative Council Building
 8 Jackson Road
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Committee on Members' Interests**Follow-up to the third meeting held on 27 June 2005**

After consulting _____ (no.) LegCo Members belonging to the same political grouping as I do, I have the following response:

1. Proposed amendments to the Advisory Guidelines

	<u>Agree</u>	<u>Don't agree</u>
a) Proposed addition to paragraph I(1)(a)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Proposed addition to paragraph I(1)(b)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Proposed new paragraph II(8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Proposed new paragraph II(9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

/cont

⑤

2. Registration requirements for remuneration directorships

	<u>Agree</u>	<u>Don't agree</u>
Tightening up by requiring LegCo Members to register:		
a) the amount of any income derived from remunerated directorships	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) the parent companies of the companies in which they hold remunerated directorships	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature : Emily Chan
Name : EMILY CHAN
Date : 29-6-05

(6)

Appendix II**Reply Slip****(Please reply on or before Friday, 29 July 2005)**

Ref: CB(3)/C/C/2 (04-08) II

To: Mrs Betty LEUNG
 Clerk to Committee on Members' Interests
 Legislative Council Secretariat
 Legislative Council Building
 8 Jackson Road
 Central
 Hong Kong

(Fax No: 2810 1691, 2537 1204)

Committee on Members' Interests**Follow-up to the third meeting held on 27 June 2005**

After consulting 4 (no.) LegCo Members belonging to the same political grouping as I do, I have the following response:

1. Proposed amendments to the Advisory Guidelines


	<u>Agree</u>	<u>Don't agree</u>
a) Proposed addition to paragraph I(1)(a)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Proposed addition to paragraph I(1)(b)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Proposed new paragraph II(8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Proposed new paragraph II(9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

/cont

(7)

2. Registration requirements for remuneration directorships

	<u>Agree</u>	<u>Don't agree</u>
Tightening up by requiring LegCo Members to register:		
a) the amount of any income derived from remunerated directorships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) the parent companies of the companies in which they hold remunerated directorships	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature : 
Name : pp. Hon. Abraham Suet
Date : 29 July 2005

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附錄II

回 條

(請於2005年7月29日星期五或該日前回覆)

檔 號：CB(3)/C/2 (04-08) II

致：香港中區
 長臣道8號
 立法會大樓
 立法會秘書處
 議員個人利益監察委員會秘書
 梁歐陽碧提女士

(圖文傳真號碼：2810 1691、2537 1204)

議員個人利益監察委員會

已於2005年6月29日舉行的第三次會議的跟進工作

在諮詢過 9 位本人所屬黨派的立法會議員後，本人的回應
 如下：

1. 對《勸喻性質的指引》的建議修訂

	<u>同意</u>	<u>不同意</u>
a) 建議對第I(1)(a)段增添字句	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 建議對第I(1)(b)段增添字句	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 建議增訂第II(8)段	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 建議增訂第II(9)段	<input checked="" type="checkbox"/>	<input type="checkbox"/>

/續

(9)

2. 受薪董事職位的登記規定

以下述方式加以收緊：

- a) 立法會議員須登記從受薪董事職位獲得的任何收入
- b) 立法會議員須登記其擔任受薪董事職位的公司的母公司

同意

不同意

有待討論

馬力 譚競亨 劉江華
曾文成 廖卓元 黃文光 黃嘉護
陳繼林 關英 張學明
簽署： _____

姓名： _____

日期： 25/7/05

聯絡人： Kenneth Lam (25372638)

10

回 條

(請於2005年7月29日星期五或該日前回覆)

檔 號：CB(3)/C/2 (04-08) II

致：香港中區
吳臣道8號
立法會大樓
立法會秘書處
議員個人利益監察委員會秘書
梁歐陽碧提女士

(圖文傳真號碼：2810 1691、2537 1204)

議員個人利益監察委員會

已於2005年6月29日舉行的第三次會議的跟進工作

在諮詢過 3 位本人所屬黨派的立法會議員後，本人的回應如下：

1. 對《勸喻性質的指引》的建議修訂

	<u>同意</u>	<u>不同意</u>
a) 建議對第I(1)(a)段增添字句	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 建議對第I(1)(b)段增添字句	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 建議增訂第II(8)段	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 建議增訂第II(9)段	<input checked="" type="checkbox"/>	<input type="checkbox"/>

/續

(11)

2. 受薪董事職位的登記規定

以下述方式加以收緊：

- a) 立法會議員須登記從受薪董事職位獲得的任何收入
- b) 立法會議員須登記其擔任受薪董事職位的公司的母公司

同意

不同意



簽 署： _____

姓 名： 梁家傑

日 期： 29/7/2005

附錄II

回 條

(請於2005年7月29日星期五或該日前回覆)

檔 號：CB(3)/C/2 (04-08) II

致：香港中區
民臣道8號
立法會大樓
立法會秘書處
議員個人利益監察委員會秘書
梁歐陽碧提女士

(圖文傳真號碼：2810 1691 · 2537 1204)

議員個人利益監察委員會

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在諮詢過 位本人所屬黨派的立法會議員後，本人的回應如下：

1. 對《勸喻性質的指引》的建議修訂

- | | 同意 | 不同意 |
|---------------------|-------------------------------------|-------------------------------------|
| a) 建議對第I(1)(a)段增添字句 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) 建議對第I(1)(b)段增添字句 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) 建議增訂第II(8)段 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) 建議增訂第II(9)段 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

1/續

(13)

2. 受薪董事職位的登記規定

以下述方式加以收緊:

- a) 立法會議員須登記從受薪董事職位獲得的任何收入
- b) 立法會議員須登記其擔任受薪董事職位的公司的母公司

同意

不同意

簽署:



姓名:

鄭經翰

日期:

27-7-2005

(14)