

立法會
Legislative Council

LC Paper No. LS114/04-05

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

At the meeting of the Committee on Members' Interests on 27 June 2005, the Committee considered the recommendations of the Subcommittee to Consider a Mechanism for Handling Complaints and Allegations Concerning Members' Operating Expenses Reimbursement Claims that were endorsed by the House Committee on 17 June 2005. The recommendations of the Subcommittee were :-

- (a) a mechanism for handling complaints and allegations concerning Members' Operating Expenses Reimbursement claims should be established;
- (b) the scope of the mechanism should be confined to Members' Operating Expenses Reimbursement claims; and
- (c) the existing terms of reference of the Committee on Members' Interests should be expanded so that it may also handle complaints and allegations concerning Members' Operating Expenses Reimbursement claims.

At the meeting, the Committee agreed in principle to take up the additional duty of handling complaints concerning operating expenses reimbursement claims.

2. In order to assist the Committee in its consideration of how the recommendations should be implemented in so far as they relate to the expansion of the functions of the Committee in the Rules of Procedure, attached for discussion is a draft of proposed amendments to the Rules of Procedure in marked-up form.

Encl.

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**Marked-up Version of Proposed Amendments to the Rules of Procedure
Relating to Claim of Reimbursement of Operating Expenses**

73. Committee on Members' Interests

(1) There shall be a standing committee to be called the Committee on Members' Interests-

- (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (b) to consider any proposals made by Members or others as to the form and contents of the Register;
- (c) to consider and investigate any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so;
- (ca) to consider and investigate any complaint that a Member has failed to ensure that his claims for reimbursement of operating expenses comply with the provisions of the Guide for Reimbursement of Operating Expenses for Members of the Legislative Council;

(d) 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;

(e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests) or Rule 85A (Sanctions relating to Failure to Comply with the Guide for Reimbursement of Operating Expenses for Members of the Legislative Council)

(2)

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)

83B. Claims for Reimbursement of Operating Expenses

Every Member shall ensure that his claims for reimbursement of operating expenses comply with the provisions of the Guide for Reimbursement of Operating Expenses for Members of the Legislative Council.

85. Sanctions relating to Interests

Any Member who fails to comply with Rule 83 (Registration of Interests), 83A (Personal Pecuniary Interest to be Disclosed) or 84(1) or (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

85A. Sanctions relating to Failure to Comply with the Guide for Reimbursement of Operating Expenses for Members of the Legislative Council

A Member who fails to comply with Rule 83B (Claims for Reimbursement of Operating Expenses) may be admonished, reprimanded or suspended by the Council on a motion to that effect.