

立法會
Legislative Council

LC Paper No. CMI/39/05-06

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

**Paper for the Committee on Members' Interests'
meeting on 2 May 2006**

**Members' views on the persons to be allowed to accompany a Member
under complaint to appear before the Committee**

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 the persons who should be allowed to accompany a Member under complaint to appear before the Committee.

Background

2. At the last meeting held on 4 April 2006, the Committee deliberated the amendments proposed to paragraphs 9 and 13 of *The Procedure of the Committee on Members for Handling Complaints received in relation to the Registration or Declaration of Members Interests or Members' Claims for Reimbursement of Operating Expenses* (the Procedure), as set out in LC Paper No. CMI/33/05-06 issued for that meeting, which concerned the persons to be allowed to accompany a Member under complaint to appear before the Committee. After deliberation, the members present agreed to the following principles:

- (a) the hearings of the Committee are inquisitorial in nature, not adversarial as in a court of law.
- (b) the Member under complaint appearing before the Committee might be accompanied by some persons, including his legal adviser, who may assist the Member; and
- (c) the accompanying persons shall not have the right to address the Committee.

3. The members present proposed for consideration three different options regarding the types and number of such accompanying persons, and decided that the views of all Committee members should be sought on these options, set out in **Appendix I**, by circulation of paper, and that Committee members should consult Legislative Council Members of their respective political groupings before completing and returning the reply slip. The Committee will then deliberate the matter further at future meetings.

Members' views

4. Pursuant to the above decision of the meeting, LC Paper No. CMI/36/05-06 was issued to members on 10 April 2006. Members' returns as at 26 April 2006 are attached in **Appendix II** and summarized in the following tables.

Table 1 Number of LegCo Members consulted and the party to which they belong, before tendering replies

Member	Number of LegCo Members consulted / the party to which they belong
Hon Mrs Sophie LEUNG LAU Yau-fun	9 / Liberal Party
Hon SIN Chung-kai	9 / Democratic Party
Hon Emily LAU Wai-hing	<i>(return to be received)</i>
Hon Abraham SHEK Lai-him	5 / The Alliance
Hon LI Kwok-ying	9 / The Democratic Alliance for the Betterment and Progress of Hong Kong
Hon Alan LEONG Kah-kit	Civil Party
Hon Albert Jinghan CHENG	<i>(return to be received)</i>

Table 2 Views on the persons allowed to accompany a Member under Complaint to appear before the Committee

Member	<u>Option 1</u> A <i>maximum</i> of <i>three</i> persons, whose attendance need not be subject to the Committee's prior permission.	<u>Option 2</u> A <i>maximum</i> of <i>one</i> legal adviser and <i>two</i> other persons whose attendance need not be subject to the Committee's prior permission.	<u>Option 3</u> A <i>maximum</i> of <i>one</i> legal adviser and <i>any number</i> of other persons. The legal adviser's attendance need not be subject to the Committee's prior permission, but that of the other persons is.
Hon Mrs Sophie LEUNG LAU Yau-fun			✓
Hon SIN Chung-kai		✓	
Hon Emily LAU Wai-hing	<i>(return to be received)</i>		
Hon Abraham SHEK Lai-him		✓	
Hon LI Kwok-ying		✓	
Hon Alan LEONG Kah-kit			✓
Hon Albert Jinghan CHENG	<i>(return to be received)</i>		

Legend: ✓ means agree the option is selected

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 April 2006

Appendix I

Option	Views expressed at the meeting held on 4 April 2006
<p>1. A <i>maximum</i> of <i>three</i> persons, whose attendance <i>need not be</i> subject to the Committee's prior permission.</p>	<p>The Member under complaint is free to choose any persons (e.g. legal adviser(s), personal assistant(s), accountant(s), fellow Member(s)) he considers helpful to him to accompany him to appear before the Committee.</p> <p>As no prior permission is required, there is no additional work for the Committee.</p>
<p>2. A <i>maximum</i> of <i>one</i> legal adviser and <i>two</i> other persons whose attendance <i>need not be</i> subject to the Committee's prior permission.</p>	<p>The Member under complaint would get legal advice on the spot, particularly on whether he would incriminate himself by giving answers to questions.</p> <p>If the Member under complaint decides not to be accompanied by a legal adviser, he may be accompanied by two other persons only.</p> <p>As no prior permission is required, there is no additional work for the Committee.</p>
<p>3. A <i>maximum</i> of <i>one</i> legal adviser and <i>any number</i> of other persons. The <i>legal adviser's</i> attendance <i>need not be</i> subject to the Committee's prior permission, but that of the <i>other persons is</i>.</p>	<p>The Member under complaint would have legal advice on the spot, particularly on whether he would incriminate himself by giving answers to questions.</p> <p>As prior permission is required, the Committee is in a position to ensure that the attendance of the accompanying persons is to help advance the consideration of the complaint.</p>

Reply Slip

(Please reply on or before Friday, 21 April 2006)

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

To: Mrs Betty LEUNG
Clerk to Committee on Members' Interests
(Fax No: 2810 1691, 2537 1204)

Committee on Members' Interests


Follow-up to the seventh meeting held on 4 April 2006

After consulting 9 (number) LegCo Members belonging to
the following political groupings Liberal Party,
I prefer

tick one box only

- Option 1 (any three persons)
- Option 2 (one legal adviser plus any other two persons)
- Option 3 (one legal adviser, plus any number of persons
with the permission of the Committee)

I also have the following views: _____

Signature : 
Name : Sophie Leung
Date : 26 April 2006

附錄II

回條

(請於2006年4月21日或該日前交回)

檔號：CB(3)/C/C/2 (04-08) III

致：梁歐陽善提女士
議員個人利益監察委員會秘書
(傳真號碼：2810 1691, 2537 1204)

議員個人利益監察委員會

已於2006年4月4日舉行的第七次會議的跟進事項

經諮詢 9 名屬下列政治組別 民主黨 的
立法會議員後，本人屬意：

(請在其中一格加上✓號)

- 選擇 1 (任何3名人士)
- 選擇 2 (1名法律顧問及任何其他2名人士)
- 選擇 3 (1名法律顧問及獲委員會批准的任何數目的
人士)

此外，本人還有下列意見：

簽署：單仲偕

姓名：單仲偕

日期：21-4-2006

Appendix II

Reply Slip

(Please reply on or before Friday, 21 April 2006)

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

To: Mrs Betty LEUNG
Clerk to Committee on Members' Interests
(Fax No: 2810 1691, 2537 1204)

Committee on Members' Interests

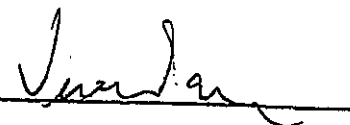
Follow-up to the seventh meeting held on 4 April 2006

After consulting 5 (number) LegCo Members belonging to
the following political groupings THE ALLIANCE,
I prefer

tick one box only

- Option 1 (any three persons)
- Option 2 (one legal adviser plus any other two persons)
- Option 3 (one legal adviser, plus any number of persons
with the permission of the Committee)

I also have the following views: _____

Signature : 

Name : Hon ABRAHAM SHEU

Date : 21/4/2006

附錄II

回條

(請於2006年4月21日或該日前交回)

檔號：CB(3)/C/C/2 (04-08) III

致：梁歐陽碧提女士
議員個人利益監察委員會秘書
(傳真號碼：2810 1691, 2537 1204)

議員個人利益監察委員會

已於2006年4月4日舉行的第七次會議的跟進事項

經諮詢 _____ 名屬下列政治組別 公民黨 的
立法會議員後，本人屬意：

(請在其中一格加上✓號)

- 選擇 1 (任何3名人士)
- 選擇 2 (1名法律顧問及任何其他2名人士)
- 選擇 3 (1名法律顧問及獲委員會批准的任何數目的
人士)

此外，本人還有下列意見： _____

簽署：
姓名：梁家傑
日期：2006年4月21日