

# 立法會

## *Legislative Council*

LC Paper No. LS78/05-06

### **Paper for the Meeting of the Committee on Members' Interests on 29 May 2006**

#### **Proposed amendments to add new provisions to the Rules of Procedure**

The Committee on Members' Interests ("the Committee") has agreed in principle to take up the additional duty of handling complaints concerning operating expenses reimbursement claims. In order to implement the additional duty, the Committee has considered amendments to the Rules of Procedure and the Committee's Procedure for Handling Complaints Received in Relation to the Registration or Declaration of Members' Interests. In relation to the proposed amendments to the Rules of Procedure, the last draft was considered by the Committee at its meeting on 4 April 2006. The proposed amendments were set out in LC Paper No. LS53/05-06, a copy of which is attached for easy reference.

2. The framework of the amendments proposed is as follows-
  - (a) a new subrule (1)(ca) is added to Rule 73 (Committee on Members' Interests) to add one more term of reference to the Committee "to consider any complaint made in relation to the conduct of Members in respect of their claims for reimbursement of operating expenses or applications for advance of operating funds and, if it thinks fit after consideration, investigate such complaint";
  - (b) a new subrule 1A is added to Rule 73 to provide that "In considering or investigating a complaint referred to in subrule (1)(ca), the committee shall, in addition to any other matter that the committee may consider relevant, have regard to the provisions of A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council.";
  - (c) a new Rule 83AA is proposed to clearly set out the specific conduct expected of a Member in claiming reimbursement of operating expenses, failing this requirement a Member might be subject to investigation by the Committee. The conducts concerned are to ensure that any

information etc. provided or made is true, accurate and complete, and to act according to any undertaking that he has given. The information to be provided and undertaking to be made are specified in A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council;

- (d) a Member who is found by the Committee to have failed to comply with the new Rule 83AA may be admonished, reprimanded or suspended by the Legislative Council on a motion to that effect.

3. A member of the Committee is concerned that by merely looking at the additional term of reference in Rule 73(1)(ca), the specific conduct expected of a Member may not be readily understood. To address this concern, the member has recommended an improvement to the proposed Rule 73(1)(ca) by a direct reference to Rule 83AA. Pursuant to the recommendation, the Legal Service Division proposes a textual amendment as follows -

*“(ca) to consider any complaint made in relation to the conduct of Members referred to in Rule 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) and, if it thinks fit after consideration, investigate such complaint;”.*

There is no need to change other proposed amendments in LC Paper No. LS53/05-06. Subject to the endorsement of members, the Secretariat will incorporate this latest amendment to the package of proposed amendments.

Prepared by

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27 May 2006