

立法會

Legislative Council

LC Paper No. CROP 45/08-09

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**Paper for the House Committee meeting
on 20 March 2009**

Committee on Rules of Procedure

Proposed amendment to Rule 73(1)(d) of the Rules of Procedure

Purpose

This paper invites the House Committee (“HC”) to endorse the recommendation of the Committee on Rules of Procedure (“CRoP”) to amend Rule 73(1)(d) of the Rules of Procedure (“RoP”) as proposed by the Committee on Members’ Interests (“CMI”).

Background

2. Under RoP 73(1)(d), one of the functions of CMI is 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”. Since 1996, it has been the practice of CMI to adopt, at the start of each legislative term, a set of advisory guidelines on matters of ethics in relation to the conduct of Members in their capacity as such, and issue it under RoP 73(1)(d) to all Members for their reference.

3. At its meeting on 2 January 2009, CMI considered the set of “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” adopted by CMI of the Third Legislative Council (“LegCo”). Hon Emily LAU, Deputy Chairman of CMI, conveyed the concern of some Members that the term “道德標準”, i.e. the Chinese version of the term “ethics”, in the title of the Advisory Guidelines might be misleading as the Advisory Guidelines only covered matters relating to “standards of conduct

(操守標準)” and not “moral standards (道德標準)” (which had the same Chinese translation as “ethics”). Hon Emily LAU proposed that the Chinese version of the term “ethics” be changed from “道德標準” to “操守標準”.

4. The legal adviser to CMI advised that in the Laws of Hong Kong, the usual Chinese version of the term “ethics” was “道德”. However, rendition of a term depended on the context and in the context of the Advisory Guidelines, the use of “操守” as the Chinese version for the term “ethics” could be appropriate.

5. CMI noted that RoP 73(1)(d), under which the Advisory Guidelines were issued, also used the term “道德標準”. CMI considered that RoP 73(1)(d) should be amended before the title of the Advisory Guidelines was amended. As agreed by CMI, pending amendment to RoP 73(1)(d), the set of Advisory Guidelines in **Appendix I** was issued in January 2009 to Members for reference.

CRoP’s recommendation

6. The matter was studied by CRoP at its meeting on 2 March 2009. After deliberation, CRoP recommended that RoP 73(1)(d) be amended as proposed by CMI. The marked-up copy of the proposed amendment is in **Appendix II** for HC members’ consideration. Examples of usage of the term “ethics” and the corresponding Chinese versions in the Laws of Hong Kong and the Glossary of Terms Commonly Used in Government Departments, compiled by the Official Languages Division of the Civil Service Bureau, are in **Appendix III** for HC members’ reference.

Advice sought

7. Members are invited to endorse CRoP’s recommendation regarding the proposed amendment to RoP 73(1)(d) in **Appendix II**. Subject to HC’s endorsement, the Chairman of CRoP will move a motion to amend RoP 73(1)(d) at a future Council meeting.

Council Business Division 3
Legislative Council Secretariat
17 March 2009

**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)*

1. A Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council (“the Council”).
2. A Member should conduct himself 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.
3. 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.
4. A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.
5. 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.
6. 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 ensure that the personal information (e.g. qualifications) he provides to the Council (including the Legislative Council Secretariat) is correct and true.

對《議事規則》第 73(1)(d)條提出的修訂建議
Proposed amendment to Rule 73(1)(d) of the Rules of Procedure

73. 議員個人利益監察委員會

- (1) 立法會設有一個名為議員個人利益監察委員會的常設委員會，負責 –
- (d) 考慮關乎議員以其議員身份所作行為的~~道德操守~~標準事宜，並就該等事宜提供意見及發出指引；

註：

建議新增的文字以斜體標示。

建議刪除的文字以劃上刪除線標示。

73. Committee on Members' Interests

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

Legend:

Text proposed to be added is shown in *italics*

Text proposed to be deleted is shown with deletion line.

Appendix III

Example of usage of the term “ethics”

Laws of Hong Kong

<u>Ordinance (Chapter)</u>	<u>English</u>	<u>Chinese</u>
PROFESSIONAL ACCOUNTANTS ORDINANCE (Cap. 50)	statement of professional ethics	專業道德守則
MEDICAL REGISTRATION ORDINANCE (Cap. 161)	Ethics Committee	道德事務委員會
HONG KONG ACADEMY OF MEDICINE ORDINANCE (Cap. 419)	ethical conduct	道德操守
SOCIAL WORKERS REGISTRATION ORDINANCE (Cap. 505)	ethical matters; professional conduct	道德事宜； 專業操守
HUMAN REPRODUCTIVE TECHNOLOGY ORDINANCE (Cap. 561)	Ethics Committee	倫理委員會

Glossary of Terms Commonly Used in Government Departments

<u>English</u>	<u>Chinese</u>
Administrative Ethics Checklist	《衡量行政操守的準繩》
code of ethics	專業操守指引／道德標準守則／專業 守則
environmental ethic	環保操守
ethical practice	品德操守／專業操守
Guidebook on Work Ethics	《工作操守指南》