

立法會

Legislative Council

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Committee on Members' Interests

Review of registration and disclosure of Members' Interests

Purpose

This paper provides background to the requirements for the registration and disclosure of Members' interests. It also sets out the various views and concerns expressed by Members on the subject matter and the issues for consideration in recommending changes to the requirements to address Members' views and concerns.

Registration of Members' interests

Current situation

2. Under Rule 83 of the Rules of Procedure ("RoP"), Members are required to register interests in eight categories of registrable interests, namely (a) remunerated directorships of companies; (b) remunerated employments, offices, trades, professions or vocations; (c) names of clients to whom Members provide services which arise out of or are related to their membership of the Council; (d) election donations and financial sponsorships; (e) overseas visits; (f) payments, benefits and advantages received from Government or organization of a place outside Hong Kong or from any person who is not a Hong Kong permanent resident; (g) land and property; and (h) shareholdings. Rule 83 also requires Members to furnish the particulars of their registrable interests to the Clerk to the Legislative Council ("LegCo"), in a Registration Form on Members' Interests ("the Registration Form") approved by the President of LegCo, not later than the first meeting of each term and within 14 days of any changes to their registrable interests.

3. Particulars of Members' registrable interests are placed in a Register of Members' Interests ("the Register") for public inspection. The main purpose of the Register is to provide information on any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in LegCo, or actions taken in his or her capacity as a Member of LegCo.

4. Under Rule 73(1) of RoP, the Committee on Members' Interests ("CMI") is responsible for, among others, compiling and maintaining the Register and considering any proposals made by Members or others as to the form and contents of the Register. To facilitate Members' registration of their interests, a set of Guidelines on Registration of Interests ("the Guidelines") was also drawn up by CMI. In the Guidelines, Members are reminded that they should determine what interests should be properly declared with the general purpose of the Register in mind; and that the registration of interests is additional to, and in no way a replacement of, the requirement for Members to disclose personal pecuniary interests under Rule 83A of RoP as detailed in paragraph 12 below.

Historical background

5. The requirements for registration of interests as well as the compilation and maintenance of the Register were first introduced by the former LegCo in 1991. They were modelled on those in use by the House of Commons of the Parliament of the United Kingdom ("UK") at that time. A number of amendments (**Appendix I**) have since been made to the requirements for registration of Members' interests, the major ones of which are set out as follows:

- (a) changing the time period for a Member to register his or her registrable interests with the Clerk to LegCo from "not later than seven days before the first sitting of each session" to "not later than the first meeting of each term" to allow sufficient time for Members to complete their registration of registrable interests (*the amended Rule 83(1) of RoP was passed by the Council on 28 April 1999*);
- (b) replacing the requirement that a Member must register the financial sponsorship received "as a candidate for election to the Council, where to the knowledge of the Member the sponsorship exceeds \$10,000 or 25% of his or her election expenses" with the requirement that a Member must register all donations received as a candidate for the election to the Council. This new requirement was made to bring the requirement under RoP in line with that provided in the then Corrupt and Illegal Practices Ordinance (Cap. 288) (which was repealed and re-enacted as the

Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554) on 16 February 2000) (*the amended Rule 83(5)(d)(i) of RoP was passed by the Council on 28 April 1999*); and

- (c) requiring that a Member who is a remunerated director of a subsidiary of another company to also register the name of that company so as to tighten up the registration requirements for remunerated directorships (*the amended Rule 83(5)(a) of RoP was passed by the Council on 26 April 2006*).

6. Since 1991, a number of amendments have also been made to the Registration Form and the Guidelines. It was the practice of the former CMI to consult all Members of any proposed changes to the Registration Form before seeking the approval of the President for implementation. The former CMI, however, did not consult all Members if the changes to the Registration Form were necessary as a result of amendments made to the relevant Standing Orders or Rules of the RoP or were consequential changes to amendments or new provisions to relevant legislation.

Comparison with Members of the Executive Council of Hong Kong

7. Members of the Executive Council of Hong Kong ("ExCo") are also required to register six categories of registrable interests with the Clerk to ExCo, i.e. "remunerated directorships", "remunerated employments, offices, trades, professions, etc.", "clients", "land and property", "shareholdings" and "membership of boards, committees and other organizations which might be construed by members of the public as a declaratory interest", on first appointment and annually thereafter. Declared interests of each ExCo Member are uploaded to the ExCo website for public inspection. ExCo Members are required to notify the Clerk to ExCo of changes to any items of interests declared within 14 days of the changes. In addition, ExCo Members are required to declare within 14 days the acceptance by them or their spouses of any financial sponsorships, sponsored overseas visits or gifts worth HK\$2,000 or more in relation to their ExCo membership. These declarations are also uploaded to the ExCo website for public inspection¹.

8. In respect of the registrable interest of "land and property", while LegCo Members do not need to register the place which they own and ordinarily live in unless they also derive income from the place, ExCo Members are required to also register self-occupied property.

¹ Paper entitled "System of declaration of interests by Members of the Executive Council" prepared by the Chief Executive's Office for the meeting of the Panel on Constitutional Affairs on 15 November 2010 (LC Paper No. CB(2) 239/10-11(07)).

9. In the case of LegCo Members, they are required to register the names of companies or bodies in which they have, either themselves or with or on behalf of their spouses or children, a beneficial interest in shareholdings of a nominal value greater than 1% of the issued share capital². ExCo Members are also required on first appointment and annually thereafter to declare to the Chief Executive ("CE") on a confidential basis and in greater detail their financial interests. These financial interests include shareholdings (irrespective of the amount) in companies as well as futures and options contracts, held by themselves or jointly with their spouses, children or other close relatives. Any changes to the interests declared as well as any currency transactions involving the Hong Kong Dollar amounting to more than HK\$200,000 should be notified to the Clerk to ExCo within two trading days after their occurrence.

Recent changes in the requirements for registration of Members' interests in the UK House of Commons

10. As the registration system of LegCo was modelled on that of the UK House of Commons, the Secretariat has conducted a study on whether, and if so, what major changes have been made by the UK House of Commons with regard to its registration system. It is noted that in recent years the UK House of Commons has made the following major changes to its registration system:

- (a) on 27 March 2008 the House agreed by resolution to require Members to register family members who worked as their staff;
- (b) on 30 April 2009 the House agreed by resolution to require Members to register full details of earned outside income. The categories of registrable interests affected are directorships, employment and clients. Members shall furnish the Registrar with the following particulars:
 - (i) the precise amount of each individual payment made in relation to any interest;
 - (ii) the nature of the work carried out in return for that payment;

² The reference to "shareholdings of a nominal value" under Rule 83(5)(h) of RoP would need to be changed should the Companies Bill be passed by the Council. Under Part 4 of the Bill, the concept of "nominal value" of shares in a company will be abolished upon the introduction of a mandatory no-par regime for all companies with a share capital.

- (iii) the number of hours worked during the period to which the payment relates;
 - (iv) except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality, the name and address of the person, organization or company making the payment;
 - (v) such interests shall be registered whether or not their value in any given year exceeds one percent of the current parliamentary salary; and
 - (vi) such interests shall be registered whether or not the interest in question depends essentially upon, or arises out of, the Member's position as a Member of Parliament; and
- (c) on 7 February 2011 the House agreed by resolution a de minimis rule for the registration of earnings for outside employment. This is set at 0.1% of a Member's salary for individual payments and 1% of a Member's salary for the cumulative total of payments from the same source in the same year³.

11. A comparison of the registrable interests of LegCo, ExCo as well as the UK House of Commons is in **Appendix II** for members' reference.

Disclosure of Members' interests

Current situation

12. Under Rule 83A of RoP, a Member shall not move any motion or amendment, in the Council or in any committee or subcommittee, relating to a matter in which he or she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he or she discloses the nature of that interest. As mentioned in paragraph 4 above, Members have been reminded that their registration of interests is no replacement of the disclosure required under this Rule.

Historical background

13. Prior to the passing of a resolution on 28 April 1999, a Member who was present at a meeting and who had a direct pecuniary interest in the matter was required to declare his or her interests even if he or she was not going to speak or vote. Having regard to the practices of overseas legislatures where

³ "The Code of Conduct for Members - recent changes", Library Standard Note SN/PC/05127, House of Commons, UK.

the requirement for Members to declare direct pecuniary interests basically applied only to Members speaking at meetings, Members agreed that the relevant rule should be changed to reflect this principle and a resolution was passed by the Council to that effect on 28 April 1999.

Practices in ExCo

14. In ExCo, it is the personal responsibility of Members to examine whether they have an interest in any item discussed by ExCo, and declare it before the ExCo discussion. Based on the interest declared, CE will assess whether ExCo Members may have a potential or real conflict of interests in the item considered by ExCo. CE will decide whether Members should participate or withdraw from the discussion of that item⁴. Further, according to the "Code for Officials under the Political Appointment System", ExCo Members who are politically appointed officials shall report to CE any private interests that might influence, or appear to influence, their judgement in the performance of their duties. If it appears to CE that there is or may be a conflict of interests between a politically appointed official's investments or interests and his or her official duties, CE may require the official to refrain from handling cases with actual or potential conflict of interests, among others⁵.

Practices in the UK House of Commons

15. In the UK House of Commons, a Member must disclose any relevant financial interest when speaking in a debate, in a way sufficiently informative to allow a listener to understand the nature of the interest, although it is up to the Member whether he or she draws attention to a registered interest or explains in more details. As well as current interests, Members are required to declare both relevant past interests and relevant interests which they may be expecting to have. In practice only interests held in the recent past, i.e. those current within the previous 12 months, need normally be considered for declaration. Expected future interests, on the other hand, may be more significant. Where, for example, a Member is debating legislation or making representations to a Minister on a matter from which he or she has a reasonable expectation of personal financial advantage, candour is essential. Members are also required to declare relevant indirect interests, for instance those of a spouse or partner, and also non-registrable interests of a financial

⁴ Paper entitled "System of declaration of interests by Members of the Executive Council" prepared by the Chief Executive's Office for the meeting of the Panel on Constitutional Affairs on 15 November 2010 (LC Paper No. CB(2) 239/10-11(07)).

⁵ Paper entitled "System of declaration of interests by the Chief Executive and Officials under the Political Appointment System" prepared by the Constitutional and Mainland Affairs Bureau for the meeting of the Panel on Constitutional Affairs on 16 November 2009 (LC Paper No. CB(2) 244/09-10(03)).

nature whether these are affected by the proceedings in question (as, for instance the possession of a second home when the council tax treatment of these is under discussion)⁶. Members are, however, not required to declare interests common to all Members and solely arising from that specific capacity. For instance, in a debate on employment law, Members are not required to declare any interest as employers of staff in relation to those employed wholly in connection with their parliamentary duties⁷.

16. Under the resolution of 19 July 1995, Members are required to declare relevant interests on the Order Paper (or Notice Paper) when submitting a written notice to the Table Office, the Public Bill Office or the Private Bill Office initiating a proceeding such as questions, early day motions and presentation of a bill. Whenever such an interest is declared, the symbol [R] is printed on the Order Paper after the name of the Member concerned denoting that the Member has declared a relevant interest. Relevant interests which should be declared include any interest which the Member is required to register in the Register of Members' Financial Interests, or which the Member should declare in debate. If this is not the case or if the interest is a new interest, the Member when giving notice should attach to that notice a brief written description of the interest which is being declared. This will then be available for inspection by other Members in the Office where the notice was given. In case of urgent questions which are allowed, a Member with a relevant interest should declare that interest when the question is asked in the House⁸.

Sanctions relating to interests, operating expenses or operating funds

Current situation

17. Rule 85 of RoP provides, inter alia, that any Member who fails to comply with the disclosure of pecuniary interests requirements under Rule 83A of RoP may be admonished, reprimanded or suspended by the Council on a motion to that effect.

⁶ Paragraph 73 of the Guide to the Rules relating to the conduct of Members of the House of Commons of the Parliament of the United Kingdom (2009) (updated May 2010) .

⁷ Paragraph 75 of the Guide to the Rules relating to the conduct of Members of the House of Commons of the Parliament of the United Kingdom (2009) (updated May 2010).

⁸ Paragraphs 78-79 of the Guide to the Rules relating to the conduct of Members of the House of Commons of the Parliament of the United Kingdom (2009) (updated May 2010) .

Practices in the UK House of Commons

18. In the UK House of Commons, if a complaint against a Member is upheld, the Member under complaint may be required to make a public apology to the House. In more serious cases, a penalty may be imposed, which may involve either withholding a Member's salary for a specified period without suspending the Member or the suspension of the Member (with a loss of salary) for a specific period. In the most exceptional cases, the Member under complaint may be expelled from the House. A recommendation that the Member should have his or her salary withheld, or the Member be suspended or expelled must be debated and approved by the House⁹.

19. If during the preliminary enquiry, the Member under complaint already admits to failing to register or declare an interest or where the interest involved is minor or the failure to register or declare was inadvertent, the Member may be allowed to rectify the matter using the rectification procedure provided in Standing Order 150¹⁰. In the case of non-registration of interests, rectification requires a belated entry in the Register on Members' Financial Interests and with an appropriate explanatory note; in the case of non-disclosure, it requires an apology to the House, either by means of a point of order or of an intervention in a relevant debate¹¹.

Views/concerns expressed by CMI members and other Members on registration and declaration of Members' Interests

20. During the current LegCo term, CMI considered and tabled in Council three reports concerning several complaints about Members' failure to comply with the requirements on registration and disclosure of interests. Arising from these complaints and during the motion debate on "Issues in relation to procedural rules on pecuniary interests" at the Council meeting of 13 July 2011 at which the principles of how directorships should be regarded for the purposes of Rule 83A of RoP were debated (**Appendix III**), CMI members and other Members have raised a number of views and concerns about the existing system on registration and disclosure of Members' interests, which are set out in paragraphs 21 to 31 below.

⁹ Paragraph 35 of Parliamentary Note 3.

¹⁰ Since 2002, the Parliamentary Commissioner for Standards has had discretion to allow Members to correct minor failures to register or declare interests without him having to report fully to the Committee on Standards and Privileges. In 2005, the rectification procedure was extended to cases involving parliamentary allowances and the use of facilities and services of the House.

¹¹ Paragraph 108 of the Guide to the Rules relating to the conduct of Members of the House of Commons of the Parliament of the United Kingdom (2009) (updated May 2010).

Registration of interests

21. The registration of "clients" under Rule 83(5)(c) of RoP should cover all professions, except where such disclosure of information would be contrary to any legal or established professional duty of privacy or confidentiality.

22. In respect of the registration of "land and property" under Rule 83(5)(g), fuller details should be registered. For instance, the nature of the property and its location should be provided. Also, since legally speaking land might be considered as a kind of property, the word "land" could be deleted.

23. More information should be provided in registering shareholding and directorship interests, such as the date of acquiring the shares and holding the directorships, the date of ceasing to own the shares and hold the directorships and the reasons for late registration and late de-registration of these interests.

24. The information required in the Registration Form should not go beyond what is required under Rule 83 of RoP. For instance, the registrable interest of "remunerated directorships" under Rule 83(5)(a) means remunerated directorships of companies, public or private, and if the company concerned is a subsidiary of another company within the meaning of the Companies Ordinance (Cap. 32), also the name of that company. However, in the Notes of Category 1 of the Registration Form on "Directorships", Members should briefly state the nature of the business of the company in each case and should register all subsidiary or associated directorships which they hold within the same group, whether remunerated or not, if they are the remunerated directors of that group.

Disclosure of interests

25. The lack of a definition of direct and indirect pecuniary interests in Rule 83A of RoP has rendered it difficult for Members to judge whether they have a direct or indirect pecuniary interest in the matter under consideration at the relevant meeting for the purposes of the Rule.

26. Although it is generally understood that the disclosure of the nature of the direct or indirect pecuniary interest in the matter before a committee is a condition to a Member's speaking on the matter, better guidance should be given on the timing of making disclosure of interests. For instance, it is not clear whether a Member is deemed to have disclosed a relevant interest if he or she has disclosed such an interest at a previous meeting(s) of the same committee deliberating on the same matter.

27. Rule 83A of RoP should be expanded to require that a Member must disclose interests if he or she has a reasonable expectation of pecuniary interests in a matter under consideration by a committee of the Council.

28. The requirement for a Member, by virtue of his or her being a non-executive director ("NED") of a company, to disclose the interests derived from a subsidiary of the company is not reasonably practicable. Although there is no distinction between NEDs and executive directors in law, NEDs do not participate in the day-to-day management of the company. To therefore expect a Member to take steps to find out whether the company of which he or she is a NED has a pecuniary interest in the matter under consideration by a committee of the Council is unreasonable, not to mention that a NED does not have the capacity or duty to keep abreast of the business activities of the subsidiaries of the company of which he or she is a NED.

29. For the requirement referred to in paragraph 28 above to be workable, Members should at best only be required to disclose the interests derived from the major subsidiaries of the company of which he or she is a NED.

Sanctions relating to interests, operating expenses or operating funds

30. Failure to disclose a pecuniary interest in the Council or in any committee of the Council required under Rule 83A of RoP should be considered less serious than not registering/omitting to register a registrable interest required under Rule 83, as Members are given sufficient time to decide which interests to register under Rule 83 but this may not be the case when deciding whether or not to declare interests before they speak or vote at a meeting of a committee.

31. The existing sanctions provided under Rule 85 of RoP for breaching the requirements on registration or disclosure of interests should be expanded to include lesser forms of punishment for breaches which are of a less serious nature as in cases where the breaches are minor and not clearly intentional or are inadvertent.

Issues for consideration

32. In the light of Members' views and concerns as set out in paragraphs 21 to 31 above and having regard to the practices of the UK House of Commons, members may wish to consider the following:

- (a) whether the scope of the registration of interests should be widened and the information to be registered made more detailed to ensure that the registration system continues to secure public

trust and confidence in the integrity of the Council. For instance, in registering their registrable interests of "directorships", "remunerated employment, offices, etc." and "clients", whether Members should be required to provide the precise amount of remuneration received, the nature of the work carried out in return for that remuneration and the number of hours worked during the period to which the remuneration relates;

- (b) whether CMI's views on the principles of how it would regard directorships for the purpose of making the required disclosures under Rule 83A of RoP (in Appendix III) should be re-visited;
- (c) whether Rule 83A should be amended to require that a Member must disclose his or her pecuniary interests if he or she has a reasonable expectation of pecuniary interests in a matter under consideration by a committee of the Council;
- (d) whether a set of more detailed guidelines should be drawn up to replace the existing Guidelines on Members' Interests to better assist Members in complying with Rule 83 of RoP and that such new guidelines should be approved by the Council. In the UK House of Commons, detailed guidance on completing the Registration Form on Members' Financial Interests is set out in the Guide to the Rules relating to the Conduct of Members and the Guide is approved by the House;
- (e) whether the practice of the UK House of Commons on declaration of interests on the Order Paper as referred to in paragraph 16 above should be adopted in the proceedings of the Council and any committee of the Council apart from declaration of interests in debate; and
- (f) whether Rule 85 on sanctions relating to interests, operating expenses or operating funds should be amended to include lesser forms of punishment, including whether a "rectification procedure" referred to in paragraph 19 above should be introduced to dispose of cases of admitted failure to register or disclose interests where the interest involved is minor, or the failure to register or disclose is inadvertent.

Members' advice

33. Members are invited to note the background to the requirements for the registration and disclosure of Members' interests in paragraphs 2 to 19 above and the various views and concerns expressed by Members on the subject matter in paragraphs 21 to 31 above as well as to consider the issues in paragraph 32 above.

Council Business Division 3
Legislative Council Secretariat
4 January 2012

Amendments to the relevant rules concerning registration of Members' interests

Amendments to the relevant Standing Orders ("SO") and Rules of Procedure ("RoP") concerning registration of Members' interests, which are still applicable, are summarized as follows:

- (a) amalgamating two categories of registrable interests on "remunerated employments or offices" and "remunerated trades, professions or vocations" into one category "remunerated employment, offices, etc." to remove the artificial distinction between "remunerated employments or offices" and "remunerated trades, professions or vocations", by making reference to one of the recommendations of the UK House of Commons Select Committee on Members' Interests on the registration and declaration of financial interests as contained in its report published in March 1992 to amalgamate the same (*the amended SO 64A(4)(b) was passed by the former LegCo on 4 May 1994, which is the current Rule 83(5)(b) of RoP*);
- (b) requiring Members to also register the interests received by their spouses relating to "financial sponsorships", "overseas visits" and "any payments or any material benefits or advantages" which arise out of their membership of the Council, by making reference to one of the recommendations of the UK House of Commons Select Committee on Members' Interests on the registration and declaration of financial interests as contained in its report published in March 1992 to require Members to register interests received by their spouses relating to hospitality, gifts and overseas visits which arise out of their membership of the House (*the amended SO 64A(4)(ii),(f) and (g) were passed by the former LegCo on 4 May 1994, which is the current Rule 83(5)(d)(ii),(e) and (f) of RoP*);
- (c) deleting "of substantial value or from which a substantial income is derived" from the registrable interest of "land and property" as Members are already required to make a full declaration on land and property regardless of whether the land or property is of substantial value or whether the Members are deriving a substantial income from the land or property (*the*

amended SO 64A(4)(h) was passed by the former LegCo on 4 May 1994, which is the current Rule 83(5)(g) of RoP);

- (d) in respect of "any payments or any material benefits or advantages" received by Members or their spouses, replacing "on behalf of foreign governments, organizations or persons" with " 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" to cover "any payments or any material benefits or advantages" received by Members or their spouses from other regions in Mainland China (Taiwan and Macau included) and to make clear that foreign persons are persons whose status as "Hong Kong permanent residents" cannot be established under the Immigration Ordinance (Cap.115) *(the amended SO 64A(4)(g) was passed by the Provisional LegCo on 12 April 1997 and the LegCo on 2 July 1998, which is the current Rule 83(5)(f) of RoP);*
- (e) changing the time period for a Member to register his or her registrable interests with the Clerk to LegCo from "not later than seven days before the first sitting of each session" to "not later than the first meeting of each term" to allow sufficient time for Members to complete their registration of registrable interests *(the amended Rule 83(1) of RoP was passed by the Council on 28 April 1999);*
- (f) replacing the requirement that a Member must register the financial sponsorship received "as a candidate for election to the Council, where to the knowledge of the Member the sponsorship exceeds \$10,000 or 25% of his or her election expenses" with the requirement that a Member must register all donations received as a candidate for the election to the Council. This new requirement was made to bring the requirement under RoP in line with that provided in the then Corrupt and Illegal Practices Ordinance (Cap. 288) (which was repealed and re-enacted as the Election (Corrupt and Illegal Conduct) Ordinance (Cap. 554) on 16 February 2000) *(the amended Rule 83(5)(d)(i) of RoP was passed by the Council on 28 April 1999);* and

- (g) requiring that a Member who is a remunerated director of a subsidiary of another company to also register the name of that company so as to tighten up the registration requirements for remunerated directorships (*the amended Rule 83(5)(a) of RoP was passed by the Council on 26 April 2006*).

Council Business Division 3
Legislative Council Secretariat
4 January 2012

**Comparison of the requirements for registration of Members' interests
between the Legislative Council of Hong Kong, the Executive Council of
Hong Kong and the House of Commons of the Parliament
of the United Kingdom**

The following comparison is based on information from:

- the Registration Form on Members' Interests of the Legislative Council of Hong Kong (**Enclosure 1**);
- the Form on Annual Declaration of Registrable Interests of Members of the Executive Council of Hong Kong (**Enclosure 2**); and
- the Registration Form on Members' Financial Interests and the guide to the registration of Members' financial interests of the House of Commons of the Parliament of the United Kingdom (**Enclosure 3**) (English version only).

(1) Directorships

Registration required	Legislative Councilⁱ	Executive Councilⁱⁱ	House of Commonsⁱⁱⁱ
Remunerated directorships in public or private companies	Yes	Yes	Yes
Remunerated directorships through corporate directors	Yes	Yes	No such provision
All subsidiary or associated directorships, whether remunerated or not, which Member holds within the same group in which he/she is a remunerated director	Yes	Yes	Yes
Directorships in companies "not trading" ^{iv}	No such provision	No such provision	No
Name of company	Yes	Yes	Yes
Address of company	No	No	Yes
Nature of business of company	Yes	Yes	Yes
Precise amount of each individual payment received	No	No	Yes ^v
Nature of the work relating to the payment received	No	No	Yes
Number of hours worked for the payment received	No	No	Yes
Name and address of the payer (if not the company)	No	No	Yes ^{vi}

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- i Include all directorships for which a fee, honorarium, allowance or other material benefit is payable. "Material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary of a Legislative Council ("LegCo") Member; or (ii) one-off material benefits exceeding HK\$10,000 in value.
 - ii Include all directorships for which a fee, honorarium, allowance or other material benefit is payable.
 - iii Include all directorships for which salaries, fees or any taxable expenses, allowances, or benefits (e.g. the provision of a company car) are payable.
 - iv "Not trading" means a company which has not begun to trade or has ceased trading, and the company is not engaged in any transaction additional to those required by laws to keep it in being.
 - v Requires Members of Parliament ("MPs") providing services in the capacity of an MP to also register their annual remuneration in bands of £5,000, and to deposit the related service agreements with the Office of the Parliamentary Commissioner for Standards for public inspection.
 - vi Requires MPs to register the payer's name and address, except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality.

(2) Remunerated Employment, Offices, etc.

Registration required	Legislative Councilⁱ	Executive Councilⁱ	House of Commonsⁱⁱ
Name of employment	Yes	Yes	Yes
Address of employment	No	No	Yes
Nature of business of the employment	Yes (where a firm is named)	Yes (where the employment is paid consultancy)	Yes
Precise amount of each individual payment received	No	No	Yes ⁱⁱⁱ
Number of hours worked for the payment received	No	No	Yes
Name and address of the payer	No	No	Yes ^{iv}

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- i An employment, office, trade or profession or vocation (apart from membership to the LegCo/ExCo) is remunerated where a salary, honorarium, allowance or other material benefit is payable. For LegCo, "material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary of a LegCo Member; or (ii) one-off material benefits exceeding HK\$10,000 in value.
- ii Requires MPs to register employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) which is remunerated or in which they have any financial interest.
- iii Requires MPs who are regularly providing services in the capacity of a Member of Parliament to also register earnings in bands of £5,000, and to deposit the related service agreements with the Office of the Parliamentary Commissioner for Standards for public inspection.
- iv Requires MPs to register the name and address of the payer, except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality.

(3) Clients

Registration required	Legislative Council	Executive Council	House of Commons
Provision of services to clients in respect of any paid employment registered in Category 1 (Directorships) or Category 2 (Remunerated Employment, Offices, etc.)	Yes ⁱ	Yes ⁱⁱ	Yes ⁱⁱⁱ
Name of client	Yes	Yes	Yes
Address of client	No	No	Yes
Nature of business of client	Yes	No	Yes
Precise amount of each individual payment received	No	No	Yes
Nature of the work relating to the payment received	No	No	Yes
Number of hours worked for the payment received	No	No	Yes
Name and address of the payer	No	No	Yes ^{iv}

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- i Requires LegCo Members to register details of the provision to clients of services which arise out of or relate in any manner to their positions as Members of LegCo. Members should also register clients to whom services are rendered by the organizations of which they are partners, directors, employees or office holders. Under this category of registrable interests, a Member's obligation is to register those interests within his/her knowledge. It would not be necessary for the Member to find out the names of all the clients in respect of whom remunerated services were rendered by the Member's organization.
- ii Requires ExCo Members to register clients to whom they provide personal services which arise out of or relate in any manner to their positions as Members of ExCo, but has not specified that they should register clients to whom services are rendered through their companies.
- iii Requires MPs to register any provision of services to clients in respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office, profession, etc.). All clients to which personal services are provided should be listed together with the nature of the client's business in each case. Where a Member receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the Member should list any of those clients to whom personal services or advice are provided, either directly or indirectly.
- iv Requires MPs to register the name and address of the payer, except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality.

(4) Election Donations/ Financial Sponsorships/ Gifts, etc.

Registration required	Legislative Council	Executive Council	House of Commons
(a) Election Donations			
Donations linked directly to Member's candidacy in parliamentary election	Yes ⁱ	Not applicable ("N/A")	Yes ⁱⁱ
Donations to Member's candidacy in other election(s)	No	N/A	Yes
Name of sponsor	Yes ⁱⁱⁱ	N/A	Yes
Address of sponsor	Yes ⁱⁱⁱ	N/A	Yes
Amount involved	Yes	N/A	Yes
(b) Financial sponsorships			
Relating to the parliamentary office	Yes ^{iv}	Yes	Yes ^v
Received by Member's spouse	Yes	Yes	No
Name of Member's sponsor	Yes	Yes	Yes
Address of sponsor	No	No	Yes
Details of the sponsorships	Yes ^{vi}	Yes ^{vii}	Yes ^{viii}
(c) Gifts, benefits and hospitality			
Relating to the parliamentary office	No such category	Yes ^{ix}	Yes ^x
Relating to Member's political activity	No such category	No	Yes
Received by Member's spouse	No such category	Yes	Yes

i Requires LegCo Members to register all donations received as candidates of the LegCo election in which they were elected, or received by any person on their behalf for meeting their election expenses.

ii Requires MPs to register donations received by their constituency parties or associations, which are directly linked either to their candidacy of the House or to their candidacy at a non-parliamentary election, and amounting to more than £1,500 from a single source (whether as a single donation or as multiple donations of more than £500) in one calendar year. Members not in the previous parliament should register all donations. Also, donations should be from permissible sources (e.g. individuals registered in UK electoral register, UK-registered organizations, etc.) as stipulated by law.

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- iii LegCo Members only need to attach a copy of the election return relating to election donations which they are required to lodge with the Election Committee under s.37(1)(b) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) for stating the details of sponsor(s) and election donation involved. In that return, only donations of more than HK\$1,000 are required to provide names and addresses of sponsors.
 - iv For financial sponsorships received from a LegCo Member's political organization, it would suffice if the Member merely registers interests directly received from his/her political organization. Such registrable interests include cash subsidy of HK\$5,000 or above each month. Members should also include any material benefit or advantage received gratis or at a price below that generally available to members of the public. The term "material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary of a LegCo Member; or (ii) one-off material benefits exceeding HK\$10,000 in value.
 - v Requires MPs to register financial or material support (e.g. free or subsidized accommodation or services, etc.) received directly or indirectly, as an MP, amounting to more than £1,500 from a single source, whether as a single donation or as multiple donations of more than £500 during a calendar year.
 - vi Where a company is named as sponsor, LegCo Members should briefly indicate the nature of the business of the company.
 - vii ExCo Members should give details such as the name and nature of the organization providing the sponsorships.
 - viii Requires MPs to register the amount of donation, nature and value (if donation in kind) and the date of receipt of the donation.
 - ix Requires ExCo Members to register gifts worth HK\$2,000 or more received in relation to their ExCo membership, by completing a "Declaration of Acceptance of Sponsorships and Gifts" form (which requires information on the date, occasion and treatment of any gifts received). However, they should report the sources of the gifts on a separate confidential sheet in the interest of privacy.
 - x Requires MPs to register gifts or material benefits (e.g. hospitality) worth more than 1% of the current annual parliamentary salary (i.e. about £660 at 1 April 2010) received by the Member, or his/her spouse, or any company in which the Member or the Member and his/her spouse have a controlling interest, and relating to the Member's membership of the House or his/her political activities.

(5) Overseas Visits

Registration required	Legislative Council	Executive Council	House of Commons
Overseas visit made by Member where the cost of the visit was not wholly borne by Member or by public funds, and relating to or arising out of his/her parliamentary office.	Yes	Yes	Yes ⁱ
Overseas visit made by Member's spouse where the cost of the visit was not wholly borne by Member or by public funds, and relating to or arising out of Member's parliamentary office	Yes	Yes	Yes
Purpose of visit	Yes	Yes	Yes
Name of sponsor	Yes	Yes	Yes
Address of sponsor	No	No	Yes
Date of visit	Yes	Not specified ⁱⁱ	Yes
Country visited	Yes	Not specified ⁱⁱ	Yes
Nature of interest received	Yes ⁱⁱⁱ	Yes	Yes
Amount of sponsorship involved	No	Not specified ^{iv}	Yes

i MPs should register overseas visits if the cost exceeded 1% of the current annual parliamentary salary, i.e. about £660 at 1 April 2010.

ii ExCo Members are required to provide details of the overseas visit, such as purpose of the visit, name of the sponsor and nature of interest received. Although ExCo Members are not expressly required to give the date of the visit and the country visited, it is expected that such basic information about a visit will be provided when ExCo Members register the details of an overseas visit.

iii Requires LegCo Members to specify whether the interest relates to provision of passage, accommodation, and/or subsistence allowance.

iv Although ExCo Members are not expressly required to register the amount of donation involved in the overseas visit, they may give such information when registering the details of the visit.

(6) Overseas Payments, Benefits and Advantages

Registration required	Legislative Council	Executive Council	House of Commons
Overseas payments or material benefits or advantages received by Member from an overseas organization or a non-local person, relating to his/her parliamentary office	Yes ⁱ	Yes	Yes ⁱⁱ
Received by Member's spouse	Yes	Yes	Yes
Received by a company in which Member has a controlling interest or the largest shareholding	Yes	No	No
Details of the benefits	Yes	Yes	Yes
Name of donor	Not specified ⁱⁱⁱ	Not specified ⁱⁱⁱ	Yes
Address of donor	Not specified ⁱⁱⁱ	Not specified ⁱⁱⁱ	Yes

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- i Requires LegCo Members to register any payments, material benefits or advantages received by the Members or their spouses from or on behalf of any Government or organization of a place outside Hong Kong, or from any person not qualified as a "Hong Kong permanent resident", which in any way relates to the Member's membership of LegCo. The term "material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary of a LegCo Member; or (ii) one-off material benefits exceeding HK\$10,000 in value. Payments or material benefits include such benefits received by a company in which a Member has a controlling interest, or the largest shareholding, as well as payments or materials benefits received by the Member personally.
- ii Requires MPs to register any gifts or benefits worth more than 1% of the annual parliamentary salary (i.e. about £660 at 1 April 2010) they received from or on behalf of any company, organization or person overseas, which in any way relates to their membership of the House. Also, under UK's Political Parties, Elections and Referendums Act 2000, MPs may not receive benefits worth more than £500 from an overseas source in connection with their political activities, other than those covered by the category of "Overseas Visits". Also, MPs are prohibited by the law from receiving donations from impermissible donors (e.g. non-UK-registered companies or political parties, etc.) or unidentifiable persons.
- iii Both LegCo and ExCo Members are required to provide details of overseas payments, benefits and advantages received. Although they are not expressly required to provide the name and address of the donor, they may do so when providing details of the overseas payments.

(7) Land and Property

Registration required	Legislative Council	Executive Council	House of Commons
The Member's only or principal residence	No ⁱ	Yes	No ⁱⁱ
Other homes (for residential purposes of Member's spouse or dependent children)	Not specified ⁱⁱⁱ	Not specified ^{iv}	No ⁱⁱ
Land or property owned by Member	Yes	Yes	Yes ^v
Land or property held in the name(s) of other persons or companies, but actually owned by the Member	Yes ^{vi}	Yes	No
Land or property not owned by Member, but from which the Member derives a beneficial interest	Yes ^{vii}	Yes	No such provision
General location (detailed address not necessary)	Yes ^{viii}	Yes	Yes ^{ix}
Nature of land or property	Yes	Not specified	Yes ^{ix}
Indicating whether rental income is received from the land or property	Not specified ^x	Not specified ^x	Yes

i Unless LegCo Members derive income from the property.

ii Unless MPs derive an income from the property.

iii Although LegCo Members are not expressly required to register other homes (which are for residential purpose of their spouses and dependent children), it is expected that they should register other homes since the only exemption from registration is a Member's only and principal residence in Hong Kong.

iv Although ExCo Members are not expressly required to register other homes, it is expected that they should register other homes since even property for self-occupation is not exempted from registration.

v Requires MPs to register land or property they have, which has a substantial value, i.e. worth more than a Member's current annual parliamentary salary (about £66,000 at 1 April 2010). If the Member's total property portfolio (excluding main and other homes) has a substantial value, it should be registered. Also, if the income from a Member's total property portfolio (including main and any other homes) is substantial, i.e. more than 10% of the annual parliamentary salary (about £6,600), all the properties from which any income is derived should be registered.

vi LegCo Members are also required to register land or property held indirectly such as through a company or through another person. In the case of holding through a company, the interest is registrable where the Member has control of the company or has more than 50% shareholding in it. In the case of holding through another person, the interest is registrable where the Member may dispose of the land or property through that person or derive any pecuniary interest from that land or property. Land or property held by a Member as trustee and in which the Member has no autonomous right of disposition (e.g. a nominee, trustee or custodian) need not be registered.

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- vii Requires LegCo Members to register land or property, in Hong Kong or elsewhere, in which the Member has a right over its disposition, or from which the Member derives any pecuniary interests.
 - viii Requires LegCo Members to list the location of the property, e.g. "A property on Hong Kong Island" or "Properties in Hong Kong, Canada and the United Kingdom".
 - ix Requires MPs to give reasonably specific entries as to the nature of the land or property and its general location, e.g. "Woodland in Perthshire", "Dairy farm in Wilshire", "3 residential/commercial rented properties in Manchester", etc.
 - x Both LegCo and ExCo Members are not expressly required to indicate whether they receive rental income from the land or properties they registered.

(8) Shareholdings

Registration required	Legislative Council	Executive Council	House of Commons
Interests in shareholdings in any public or private company of which the Member, either himself/herself or with or on behalf of his/her spouse or dependent children, holds a nominal value greater than "X" % of the issued share capital of the company	X=1%	X=1% ⁱ	15%; or less than 15%, but worth (at the previous 5 April or based on the Member's estimation) more than the current annual parliamentary salary (about £66,000 at 1 April 2010).
Shareholdings in companies "not trading" ⁱⁱ	No such provision	No such provision	No
Name of the company	Yes	Yes	Yes
Nature of the company's business	Yes	No	Yes
Shareholdings in self-invested personal pension funds	No such provision	No such provision	Yes

i In addition, on first appointment and annually thereafter, ExCo Members should declare to the Chief Executive on a confidential basis and in greater detail their financial interests, including shareholdings (irrespective of the amount) in companies as well as futures and options contracts, held by themselves or jointly with their spouses, children or other close relatives. The Clerk to ExCo should be notified within two trading days after occurrence of any changes to the interests declared as well as any currency transactions involving the Hong Kong dollar amounting to more than HK\$200,000.

ii "Not trading" means a company which has not begun to trade or has ceased trading, and the company is not engaged in any transaction additional to those required by laws to keep it in being.

(9) Miscellaneous and Other Categories

Category of registrable interest	Legislative Council	Executive Council	House of Commons
Miscellaneous (other relevant interests Members consider registrable)	Yes	No such category	Yes
Family members employed and remunerated through parliamentary allowances	No ⁱ	No such category	Yes ⁱⁱ
Loans/credit arrangements relating to Member's political activities (e.g. loans of money, overdraft, as guarantees for loans to Members, etc.)	No such category	No such category	Yes ⁱⁱⁱ
Membership of boards, committees and other organisations which might be construed by members of the public as a declaratory of interest.	No such category	Yes	No such category

i LegCo Members are not allowed to employ their relatives as staff. Also, their relatives should not have any interests in the consultants employed.

ii Requires MPs to register the name, relationship to them, and job title of any family members employed by them and remunerated through parliamentary allowances, if the payment to the relative is equal to or more than 1% of a Members' annual parliamentary salary (about £660 at 1 April 2010).

iii Requires MPs to register all loans or credit arrangements of over £1,500 which are from permissible sources as stipulated by law, and relating to their political activities. They are prohibited by law from accepting loans or credit arrangements of over £500 from impermissible sources.

Council Business Division 3
Legislative Council Secretariat
4 January 2012

***LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION***



Registration Form on Members' Interests



April 2006

Category

1. Directorships
2. Remunerated Employment, Offices, etc.
3. Clients
4. Election donations/Financial Sponsorships
5. Overseas Visits
6. Payments, benefits and advantages received from any Government or organization of a place outside Hong Kong or from any person who does not qualify as a “Hong Kong permanent resident”
7. Land and Property
8. Shareholdings
9. Miscellaneous

Name of Member: _____

Registrable Interest

Directorships

1. Do you have any remunerated directorships in any public or private company?

YES/NO (*Please delete as appropriate*)

If so, please list below. If the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), please provide the name of that other company.

- Notes:** (a) "Remunerated directorships" include all directorships for which a fee, honorarium, allowance or other material benefit is payable.
- (b) The term "material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary* of a Member of the Council (* excluding the general expenses allowance which covers expenses incurred by a Member in his work); or (ii) one-off material benefits exceeding \$10,000 in value. (This definition also applies to the term "material benefit" in categories 2, 4 and 6.)
- (c) Remunerated directorships of both local and overseas companies are registrable.
- (d) Remunerated directorships through corporate directors are also registrable. However, particulars of remunerated directorships through corporate directors need only be updated on an annual basis, at the beginning of each legislative session.
- (e) Where you are a remunerated director of a company, all subsidiary or associated directorships which you hold within the same group, whether remunerated or not, should also be registered.
- (f) You should give the name of the company, briefly stating the nature of the business of the company in each case.
- (g) Subsidiary of another company has the same meaning as in section 2(4) of the Companies Ordinance (Cap. 32)

Signature: _____

Date: _____

Registrable Interest

Remunerated Employment, Offices, etc.

2. Are you receiving any remuneration from any employment, office, trade, profession or vocation (apart from membership of the Legislative Council)?

YES/NO

If so, please list the name of the employment, office, trade, or profession.
Where a firm is named, please briefly indicate the nature of the firm's business.

- Notes:**
- (a) An employment, office, trade or profession is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.
 - (b) Please refer to note (b) of Category 1 for the definition of "material benefit".
 - (c) "Remunerated offices" should include all "remunerated" public offices.
 - (d) Members who have paid posts as consultants or advisers should indicate the nature of the consultancy in the register: for example, "management consultant", "legal adviser", etc.

Signature: _____

Date: _____

Registrable Interest

Clients

3. Does any of the paid employment registered in categories 1 or 2 above entail the provision to clients of services which arise out of or relate in any manner to your position as a Member of the Legislative Council?

YES/NO

If so, please list out such employment and state in each case the nature of the client's business.

- Notes:** (a) Please provide the name(s) of client(s). Services in this context include those rendered by you personally or those, to your knowledge, rendered by an organization of which you are a partner, director, employee or office holder. Some examples of registrable interests under this category are given in the Guidelines on Registration of Interests for the purpose of illustration.
- (b) Under this category of registrable interests, a Member's obligation is to register those interests within his knowledge. It would not be necessary for the Member to find out the names of all the clients in respect of whom remunerated services were rendered by the Member's organization.

Signature: _____

Date: _____

Registrable Interest

Election donations/Financial Sponsorships

4(1) Did you receive any election donation (see note (a) below) towards your being elected to the membership of the Legislative Council?

YES/NO

If so, please give details of the sponsor(s) and the amount involved in each case (see note (b) below).

4(2) Have you or your spouse received any payment, or any material benefit or advantage (see Notes (c)-(f) below) from any person or organization which in any way relates to your membership of the Legislative Council?

YES/NO

If so, please give details.

- Notes:**
- (a) "Election donation" has the same meaning as in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). Under the Ordinance, "election donation" means any of the following donations –
 - (i) any money given to or in respect of the candidate or candidates for the purpose of meeting, or contributing towards meeting, the election expenses of the candidate or candidates;
 - (ii) any goods given to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, and includes any goods given incidental to the provision of voluntary service;
 - (iii) any service provided to or in respect of the candidate or candidates for the purpose of promoting the election of the candidate or candidates or of prejudicing the election of another candidate or other candidates, but does not include voluntary service.
 - (b) For the purpose of stating the details of sponsor(s) and election donation involved, a Member may attach a copy of the election return relating to election donations which he is required to lodge with the Election Committee under s.37(1)(b) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). However, copies of receipts are not required.
 - (c) A Member is expected to make the necessary enquiries of his spouse in order to make a full and timely return on the registration of interests relating to financial sponsorships.
 - (d) Please refer to note (b) of Category 1 for the definition of "material benefit".
 - (e) You should include any material benefit or advantage received *gratis* or at a price below that generally available to members of the public.
 - (f) Where a company is named as sponsor, please indicate briefly the nature of its business.

Signature: _____

Date: _____

Registrable Interest

Overseas Visits

5. Have you or your spouse made any overseas visits relating to or in any way arising out of your membership of the Legislative Council where the cost of the visit was not wholly borne by yourself or by public funds of Hong Kong?

YES/NO

If so, please provide the following details :

Dates of Visit & Countries Visited	Purpose of Visit & Name(s) of Sponsor(s)	Nature of Interest Received

- Notes:**
- (a) A Member is expected to make the necessary enquiries of his spouse in order to make a return on the registration of interests relating to overseas visits.
 - (b) Under "Nature of Interest Received" please specify whether the interest relates to the provision of passage, accommodation, and/or subsistence allowance.
 - (c) "Overseas visits" is interpreted to include all visits outside Hong Kong.
 - (d) An interest under this category should be registered within fourteen days of the conclusion of the visit.

Signature: _____

Date: _____

Registrable Interest

Payments, benefits and advantages received from any Government or organization of a place outside Hong Kong or from any person who does not qualify as a "Hong Kong permanent resident"

6 (1) Have you or your spouse received any payments, or material benefits or advantages from or on behalf of any Government or organization of a place outside Hong Kong, which in any way relates to your membership of the Legislative Council?

YES/NO

If so, please give details.

6 (2) Have you or your spouse received any payments, or material benefits or advantages from or on behalf of any person who does not qualify as a "Hong Kong permanent resident" under the Basic Law, which in any way relates to your membership of the Legislative Council?

YES/NO

If so, please give details.

- Notes:**
- (a) A Member is expected to make the necessary enquiries of his spouse in order to make a return on the registration of interests under this category.
 - (b) Overseas hospitality and travel facilities should be entered under category 5.
 - (c) The definition of "Hong Kong permanent resident" is given in the Guidelines on Registration of Interests.
 - (d) Payments or material benefits include such benefits received by a company in which a Member has a controlling interest, or the largest shareholding, as well as payments or material benefits received by the Member personally.
 - (e) Please refer to note (b) of Category 1 for the definition of "material benefit".

Signature: _____

Date: _____

Registrable Interest

Land and Property

7. Do you have any land or property in Hong Kong or elsewhere?

YES/NO

If so, please list the location of the property e.g. "A property on Hong Kong Island" or "Properties in Hong Kong, Canada and the United Kingdom".

- Notes:**
1. The requirement is to register the general nature of the land or property owned by a Member. Details such as addresses are not required.
 2. The only or principal residence in Hong Kong which a Member owns and ordinarily lives in need not be registered unless he also derives income from it.
 3. Land or property are registrable where a Member has a right over its disposition or has any pecuniary interest deriving from it. Registrable interest includes land or property owned by the Member in his own name, or held indirectly such as through a company or through another person. In the case of holding through a company, the interest is registrable where the Member has control of the company or has more than 50% shareholding in it. In the case of holding through another person, the interest is registrable where the Member may dispose of the land or property through that person or derive any pecuniary interest from that land or property. Land or property held by a Member as trustee and in which the Member has no autonomous right of disposition (e.g. a nominee, trustee or custodian) need not be registered.

Signature: _____

Date: _____

Registrable Interest

Shareholdings

8. Do you have (either yourself or with or on behalf of your spouse or dependent children) interests in shareholdings in any public or private company which have a **nominal** value greater than 1 per cent of the issued share capital of the company?

YES/NO

If so, please list each company, indicating in each case the nature of its business.

- Notes:
- (a) There is no need to register the size, or value of the shareholdings.
 - (b) "Shareholdings" is defined as personal shareholdings and do not include shareholdings held by a Member in the capacity of a nominee shareholder.
 - (c) It is the obligation of a Member to register interests under this category within his knowledge.
 - (d) Shareholdings held by a Member's spouse are not registrable unless such holdings are within the knowledge of the Member, and are held by the Member "with or on behalf of" his spouse. This guideline is equally applicable to shareholdings in respect of a Member's infant children.

Signature: _____

Date: _____

Registrable Interest

Miscellaneous

9. If, bearing in mind the definition of purpose set out in the Guidelines on Registration of Interests, you have any relevant interests which you consider should be disclosed but which do not fall within the eight categories set out above, please provide the details.

Signature : _____

Name : _____

Date : _____

**Annual Declaration of Registrable Interests of
Members of the Executive Council**

Name of Member : _____

Registrable Interests

Contents

1. Remunerated directorships in any public or private company

[Notes:

- (a) "Remunerated directorships" include all directorships for which a fee, honorarium, allowance or other material benefit is payable.
- (b) Please give the name of the company, briefly stating the nature of the business of the company in each case.
- (c) Remunerated directorships of both Hong Kong companies and those outside Hong Kong are registrable.
- (d) Remunerated directorships through corporate directors are also registrable.
- (e) Where you are a remunerated director of a company, all subsidiary or associated directorships which you hold within the same group, whether remunerated or not, should also be registered.]

* Please provide information on separate sheets if necessary. Please sign on every such separate sheet.

Registrable Interests

Contents

2. Remunerated Employments, Offices, Trades, Profession, etc.

[Notes:

- (a) Indicate the name of the employment, office, trade, or profession.
 - (b) An employment, office, trade or profession is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.
 - (c) "Remunerated offices" should include all "remunerated" public offices.
 - (d) Members who have paid posts as consultants or advisers should indicate the nature of the consultancy in the register; for example, "management consultant", "legal adviser", etc.
 - (e) All remunerated employments in Hong Kong and outside Hong Kong are registrable.]
3. Please indicate the names of clients if any of the above registrable interests includes provision to clients of personal services which arise out of or relate in any manner to your position as a Member of the Executive Council.

Registrable Interests

Contents

4. Land and property owned in Hong Kong or outside Hong Kong, including those for self-occupation. Land or property which are held in the name of Members' spouses, children or other persons or companies, but are actually owned by Members; or land or property which are not owned by Members, but in which Members have a beneficial interest (e.g. rental income), are all registrable. It is not necessary to provide detailed addresses of the land or property.

5. Names of companies (both listed and unlisted ones) or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or children, a beneficial interest in shareholdings of a nominal value greater than 1% of the issued share capital.

6. Membership of Boards, Committees and other organisations which might be construed by members of the public as a declaratory interest - e.g. Hong Kong General Chamber of Commerce, Real Estate Developers Association, etc.

Date : _____

Signature : _____

To : Clerk to the Executive Council

Declaration of Acceptance of Sponsorships and Gifts

(A) Financial Sponsorships and Overseas Sponsored Visits

1. Have you or your spouse received any sponsorship, payment, or any material benefit or advantage from any person or organisation which in any way relates to your membership of the Council? If so, please give details such as the name and nature of the organisation.

2. Have you or your spouse made any overseas visits relating to or in any way arising out of your membership of the Council where the cost of the visit was not wholly borne by yourself or by public funds of Hong Kong? If so, please give details such as the purpose of the visit, the name of sponsors and the nature of interest received.

3. Have you or your spouse received any payments, or material benefits or advantages from or on behalf of any government outside Hong Kong, organisation or person which in any way relates to your membership of the Council? If so, please give details.

(B) Gifts (See notes below)

Gifts worth over HK\$2,000 received by you should be declared as follows -

1. Item (Please specify the brand name)

2. Date received

3. Description of occasion
(e.g. an academic seminar, a prize giving ceremony)

4. Capacity
(e.g. officiating guest)

5. Treatment
(e.g. retained as souvenir, donated to a charity)

Signature : _____

Name of Member : _____

Date : _____

Note¹ Gifts received from a relative or received on a special occasion; or advantages which are available on equal terms to persons who are not ExCo Members need not be declared. "Relative" includes the spouse, fiancé or fiancée, parent, step-parent, lawful guardian, in-laws, grandparent, great-grandparent, nephew, niece, uncle, aunt, cousin and spouse's siblings. "Special occasions" include birthday, wedding, anniversary, engagement, baptism or functions hosted by ExCo Members.

Note² The source of the gift received by you should be reported on the attached confidential sheet in the interests of privacy.

Registration form on Members' interests in the House of Commons, the United Kingdom

General Election May 2010



The main purpose of the Register of Members' Financial Interests is to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament. Registration of such interests is required under the Resolutions of the House of 22 May 1974, 28 June 1993, 6 November 1995, 24 July 1996, 14 May 2002, 9 February 2009 and 30 April 2009. For details of the information which is required to be registered, please refer first to the explanatory notes in each section of the form. Further, more detailed, guidance can be found in the *Guide to the Rules relating to the Conduct of Members* (available from the Vote Office and online). Copies of that document, and personal advice, can be obtained from the office of the Parliamentary Commissioner for Standards, House of Commons (Ext. 3277 or 0311). For advice about the permissibility of donations, please contact the Electoral Commission (020 7271 0616).

If there is not enough space in any section of this form for the information required, additional sheets may be attached to it; but each such sheet should carry the Member's signature.

Subsequent changes or additions to your entry must be notified to the Registrar within four weeks of any change occurring.

Name (*Block capitals, please*)

Constituency

IMPORTANT NOTES

1. Test for Registration

The test for registration is not whether actions in Parliament *will* be influenced by the interest, nor whether the interest provider *intended* to exercise influence, but **whether others might reasonably think** that this might be the case.

2. Agreements for the provision of services

In accordance with the Resolutions of the House of 6 November 1995 and 14 May 2002, the following rules must be observed when submitting entries under Categories 1, 2 and 3 of the Register.

Any Member entering into an agreement with an outside body which involves the provision of services in the capacity of a Member of Parliament (otherwise than for media work) must, in addition to making the appropriate entry in the Register, put such agreement into writing and deposit a copy of the agreement for the provision of services with the Parliamentary Commissioner for Standards who will make it available for public inspection.

The written agreement should indicate the nature of the services to be provided, should make it clear that Members are not required to take part in activities which fall within the definition of lobbying for reward or consideration (see paragraphs 89 to 101 of the *Guide to the Rules relating to the Conduct of Members*) and must specify the fees or benefits the Member is to receive in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

A Member undertaking media work (e.g. journalism, broadcasting, speaking engagements, media appearances, training) which is related to parliamentary affairs need not deposit a copy of an agreement with the Parliamentary Commissioner for Standards but must specify the fees or benefits received, in bands as above.

For guidance on the application of the rule regarding agreements for the provision of services, see paragraphs 66 - 71 of the *Guide to the Rules relating to the Conduct of Members*.

Category 1
(Directorships)

1. DIRECTORSHIPS

See paragraphs 19 to 23 of the Guide to the Rules.

Do you have, or expect to have, any remunerated directorships in any public or private company?

Yes

No

Please tick the appropriate box. If yes, please list the names and addresses of the companies in the details space below, briefly stating the nature of the business of the company in each case.

Notes: (i) Remuneration received in respect of work done in a Member's parliamentary capacity should be indicated in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

(ii) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.

(iii) In this Category and in other categories, "remunerated" should be read as including taxable expenses, allowances or other benefits.

Details

Name and address of company

Nature of business

Please list in respect of each payment:

The amount:

The nature of the work carried on in return for that payment:

The number of hours worked during the period to which that payment relates:

Name and address of person making the payment if different from above (you do not need to disclose these if doing so would infringe legal or established professional privilege):

Category 2

(Remunerated employment, office, profession etc)

2. **REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.**
See paragraphs 24 to 26 of the Guide to the Rules.

Do you have, or expect to have, any employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) for which you are remunerated or in which you have any financial interest?

Yes No

Please tick the appropriate box. If yes, please set out the details below.

Notes: (i) Remuneration received in respect of work done in a Member's parliamentary capacity should be indicated in bands of up to £5,000; £5,001 to £10,000; and thereafter in bands of £5,000.

(ii) Membership of Lloyd's should be registered under this Category. If you register membership of Lloyd's you should also disclose the categories of insurance business which you are underwriting.

Details

Please list in respect of each payment:

Name and address of source of remunerated employment

Nature of the business

The amount:

The nature of the work carried out in return for that payment:

The number of hours worked during the period to which the payment relates:

The name and address of the payer (you do not need to disclose these where doing so would infringe legal or established professional privilege):

Note: Newly elected Members should register only payments received since 6 May 2010. Members who sat in the last Parliament are advised also to register payments received during the Dissolution.

Category 3
(Clients)

3. **CLIENTS**
See paragraphs 27 and 28 of the Guide to the Rules.

Please list here in respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office or profession etc) any clients to whom you personally provide services or who have benefited from your advice.

Name and address of client You should also indicate the relationship to the relevant entry in Category 1 or Category 2.

Nature of business

Details

Please list, in respect of each payment:

The amount:

The nature of the work carried on in return for that payment:

The number of hours worked during the period to which that payment relates:

Name and address of person, organisation or company making the payment if different from above (you do not need to disclose this if it would infringe legal or established professional privilege).

Category 4
(Sponsorships)

4. SPONSORSHIPS

See paragraphs 29 to 36 of the Guide to the Rules.

4(a) Donations to your constituency association

Has any donation amounting to more than £1,500 (whether as a single donation or as multiple donations of more than £500) been received by your constituency party or association, or relevant grouping of associations, which was linked expressly to your candidacy or membership of the House?

Yes

No

If yes, please list your sponsor(s) in the details space below. Where a company is named as sponsor, please indicate briefly the nature of its business.

Please provide the following information:

(a) Donations to constituency party or association or grouping of associations linked to your candidacy at an election or to membership of the House

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation or nature and value if donation in kind:

Donor status:

Individual

Company

Other (please specify)

Please also confirm that your party has reported this to the Electoral Commission, or will do so in its next quarterly report.

Yes

Category 4
(Sponsorships) - continued

4(b) Other sponsorship

See paragraphs 29 to 36 of the Guide to the Rules.

Do you benefit from any financial or material support as a Member of Parliament, other than as registered in 4(a), amounting to more than £1,500 annually from a single source?

Yes

No

If yes, please give details below, including the name of the organisation or company providing the support. Where a company is named, please indicate briefly the nature of its business.

Notes: (i) You should register here any source from which you receive any financial or material support as a Member of Parliament, either direct or indirect; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.

(ii) Non-exempt political donations which you are required to report to the Electoral Commission should be registered here unless they fall more appropriately under another Category.

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation or nature and value if donation in kind:

Date of receipt of donation:

Date of acceptance of donation:

Donor status:

- Individual
- Building society
- Friendly society
- Limited liability partnership
- Registered party (other than own party)
- Trade union
- Unincorporated association
- Company – with registration number

Is the donation one which will be reported by your party to the Electoral Commission as being made to a front-bench spokesperson?

Yes

No

If the donation was from a trust or bequest, please ask for a separate form.

Category 5
(Gifts, benefits and hospitality UK)

5. GIFTS, BENEFITS AND HOSPITALITY (UK)

See paragraphs 37-45 of the Guide to the Rules.

Have you, your spouse or partner or any other person received any gift, or any material benefit, such as hospitality, of a value greater than 1 per cent of the current parliamentary salary (£660 at 1 April 2010) from any company, organisation or person within the United Kingdom which in any way relates to your membership of the House or to your political activities?

Yes

No

If yes, please give details below

Notes:

- (i) *You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public.*
- (ii) *You should include not only gifts and material advantages received personally by you or your spouse or partner or other relevant person, but also those received by any company or organisation in which you (or you and your spouse or partner) have a controlling interest.*
- (iii) *Where hospitality which is provided to a Member also includes benefits received by another person together with or on behalf of yourself, the total value of the hospitality to all of those taking part should be counted towards the threshold for registration.*
- (iv) *Gifts and other benefits received from the same source in the course of a calendar year should be registered if their cumulative value is greater than 1 per cent of the current parliamentary salary.*

Category 5
(Gifts, benefits and hospitality UK) – continued

Details

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of gift or benefit or nature and value if benefit in kind:

Date of receipt of gift or benefit:

Date of acceptance of gift or benefit:

Status of person, organisation or company providing the benefit:

Individual

Building society

Friendly society

Limited liability partnership

Registered party (other than own party)

Trade union

Unincorporated association

Company – with registration number

If reporting a donation from a trust or bequest, please ask for a separate form.

Category 6
(Overseas visits)

6. OVERSEAS VISITS

See paragraphs 46 to 48 of the Guide to the Rules.

Have you or your spouse or partner made any overseas visits relating to or in any way arising out of your membership of the House¹ where the cost of the visit exceeded 1 per cent of the current parliamentary salary (£660 at 1 April 2010) and was not wholly borne by yourself or UK public funds?

Yes

No

Note: You are not required to register visits paid for or undertaken on behalf of Her Majesty's Government, the House of Commons or its Committees, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group, the British-Irish Inter-Parliamentary Assembly, the European Parliament, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the Nato Parliamentary Assembly or the OSCE Parliamentary Assembly, your own political party or an institution of the European Union or a political group of the European Parliament.

Please provide the following information:

Name of donor:

Address of donor (the address of individuals will not be published):

Amount of donation (if there is no commercial equivalent and you believe the value to be above £1,500, please provide an estimate of the probable value):

Destination of visit:

Date of visit:

Purpose of visit:

Is the donation one which will be reported by your party to the Electoral Commission as being made to a front-bench spokesperson?

Yes

No

¹ The Electoral Commission has requested that you should include here any overseas visit made in connection with your political activity.

Category 7
(Overseas benefits and gifts)

7. **OVERSEAS BENEFITS AND GIFTS**
See paragraph 49 of the Guide to the Rules.

Have you or your spouse or partner received any gifts or benefits of a value greater than 1 per cent of the current parliamentary salary (£660 at 1 April 2010), from or on behalf of any company, organisation or person overseas, which in any way relates to your membership of the House?

Yes

No

If yes, please give details below.

Note: *Benefits in the form of overseas hospitality and travel facilities should be entered under Category 6. Otherwise the notes under Category 5 apply here also. Under the Political Parties, Elections and Referendums Act 2000 Members may not receive benefits worth more than £500 from an overseas source, other than as covered in Category 6, in connection with their political activities. Advice on permissibility should be sought from the Electoral Commission.*

Please provide the following information:

Details

Name and address of donor

Category 8
(Land and property)

8. LAND AND PROPERTY

See paragraphs 50 to 53 of the Guide to the Rules.

- (a) Do you have any land or property, other than any home used for your personal residential purposes or those of your spouse or partner and dependent children, which is worth more than the current parliamentary salary (£66,000 at 1 April 2010)?

Yes

No

- (b) Do you receive rental income from any land or property to a total annual value greater than 10 per cent of the current parliamentary salary (£6,600 at 1 April 2010)?

Yes

No

If either of these applies, please indicate below the nature of all the property concerned (e.g. holiday cottage, estate, farm, smallholding, woodland, residential rented/leasehold property, commercial rented/leasehold property) and give the general location of the property in each case.

Note: (i) Any rental income received from property used for your personal residential use or that of your spouse or partner should be included in calculating whether you need to register under 8(b).

(ii) Property held in a self-invested personal pension should be registered here if it is worth more than the current parliamentary salary (£66,000).

Please provide the following information:

Nature of Property

Location

Whether Rental Income is Received

Yes

No

Category 9
(Shareholdings)

9. SHAREHOLDINGS

See paragraphs 54 to 59 of the Guide to the Rules.

Do you have (either yourself or with or on behalf of your spouse, partner or dependent children) interests in shareholdings in any public or private company or other body which are (a) greater than 15 per cent of the issued share capital of the company or body; or (b) 15 per cent or less of the issued share capital but worth more, at the previous 5 April, than the current parliamentary salary (£66,000 at 1 April 2010)?

Yes No

If so, please list each company or body below, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

Notes: (i) Shareholdings held by the Member's spouse or partner separately from the Member do not need to be registered.

(ii) Members having holdings in collective investment vehicles (eg unit trusts, ACVCs) should generally not register them, but should have regard to the purpose of the Register and make an entry under Category 11 if, for example, the vehicle is sector specific.

(iii) Members who benefit from trusts should follow the principle set out in paragraph (ii) above. Blind trusts should not be registered.

(iv) For the purposes of sub-Category 9(b) the appropriate value is that at the preceding 5 April. If the market value cannot be established, you should establish an estimated value and register on this basis.

(v) If a registered shareholding is disposed of, you may inform the Registrar of Members' Financial Interests of the date on which this is done and a note will be appended to the entry.

(vi) Share options should be indicated separately.

(vii) Identifiable shareholdings held in a self-invested personal pension should be registered here if worth more than the current parliamentary salary (£66,000).

Details

Name of company (or body):

Nature of company's business:

Is the shareholding 9(a) or 9(b) (see above)?

Category 10
(Loans)

10. LOANS AND OTHER CONTROLLED TRANSACTIONS

See also paragraphs 60 to 62 of the Code of Conduct and Guide to the Rules relating to the conduct of Members.

Loans, credit facilities and security given to Members of Parliament are regulated by the Political Parties, Elections and Referendums Act 2000 (PPERA). This means that when you enter into any of these transactions, you must check that you can accept it, record it and in certain cases, register it in the Register of Members' Financial Interests.

Any of the following in excess of £500 are loans in terms of PERA:

- loans of money
- credit facilities, such as credit cards and overdrafts
- connected transactions (securities), such as guarantees for a party's obligations to someone else

The term "loans" is used in the registration form to refer to all of these transactions.

Who can you enter into a loan with?

You must only accept loans from permissible lenders. Before you enter into a loan, you must make sure that the lenders are permissible, and that they will remain permissible for the whole term of the loan. Entering into a loan that is not permissible is a criminal offence. You should also carry out regular checks throughout the term of the loan to make sure that your lenders are still permissible.

How do you work out the value of a loan?

Type of loan	Value
A loan of money	The total amount you will borrow
A credit facility	The maximum amount you can borrow
A security (connected transaction)	The amount which the lender would be liable for if you default

If the loan allows any interest to be added to the total amount you borrow, you do not need to include this in the value of the loan.

What do you do if you have an impermissible loan?

If a lender is not permissible or if they become impermissible, the transaction is void.

It has no legal effect and you must pay back anything you owe to the lender, together with any interest you owe, immediately.

If you accepted a connected transaction, such as a guarantee, please call the Electoral Commission² straight away.

It will need to give you full advice on what you must do in your particular case.

How do you record impermissible loans?

For impermissible loans you must record:

- the same details as for a permissible loan
- details of how you dealt with the transaction. For example, how you repaid the loan.

You must report this to the Electoral Commission rather than the Registrar.

Which loans do you need to register in the Register of Members' Financial Interests?

All Members must register:

- all permissible loans over £1,500
- all permissible donations and loans that add up to over £1,500 from the same source in the same calendar year (aggregated donations and loans)
- changes to the details of loans that you have already registered
- all permissible donations and loans which:
 - are (or add up to) over £1,500
 - and come from a source that you have already registered in the same calendar year

NB all loans in excess of £500 must be checked for permissibility.

Registering new loans and changes to your existing loans

If you have new loans, or there are changes to your existing loans, you need to register them in the Register of Members' Financial Interests.

Details

Do you have a loan, credit facility or security that relates to your political activity?

Yes

No

Is the loan (a) from a permissible source and reportable to the Registrar?

or (b) from an impermissible source reportable to the Electoral Commission

² Contact details for the Electoral Commission: Tel 020 7271 0616, internet www.electoralcommission.org.uk, address Trevelyan House, 30 Great Peter Street, London SW1P 2HW.

If you have entered into a loan that does not have a connected transaction (such as a guarantee), please give details as follows. If there is a connected transaction, please contact the Electoral Commission.

The lender's name and address (as shown on the relevant register):

If the lender is a company, their registered company number:

The value of the loan:

The date the loan was entered into:

The date the loan is due to be repaid (or a statement that it is indefinite):

The rate of interest - or if the rate is variable, how it is going to be calculated:

Whether or not any security has been given for the loan:

Notes:

1. *If the lender is an overseas elector, you must register their home address. This is because their address will not appear on the electoral register.*
2. *If the lender is an unincorporated association, you must register the main office address.*

Category 11
(Miscellaneous)

11. MISCELLANEOUS

See paragraphs 63 and 64 of the Guide to the Rules.

This category may be used for the registration of financial interests which do not obviously fall within any other category but which nonetheless fall within the main purpose of the Register and also for the registration of non-financial interests which you believe fall within the main purpose of the Register.

- Note: (i) There is no general requirement to register unremunerated interests, but such interests may be registered if a Member considers that they may be thought by others to influence his or her actions in a similar manner to a remunerated interest.*
- (ii) If a Member has solicited a donation to charity worth more than 1 per cent of the annual parliamentary salary (£660 as at 1 April 2010), the Member should consider registering it here.*

Details

Category 12
(Employment of family members)

12. EMPLOYMENT OF FAMILY MEMBERS

See paragraph 65 of the Guide to the Rules.

Family members employed and remunerated through parliamentary allowances.

Note: please also see restrictions imposed by the Independent Parliamentary Standards Authority on the employment of connected parties.

Is a member of your staff who is paid for from the parliamentary allowances related to you by blood, marriage or relationship equivalent to marriage? *You do not need to register this person if you pay such a person, in a year, less than 1% of the annual parliamentary salary (£660 at 1 April 2010).*

Yes

No

If yes, please state:

- a) the person's name
- b) their relationship to you
- c) their job title (see guidance issued by Independent Parliamentary Standards Authority)

I have received and read the Code of Conduct and the Guide to the Rules relating to the Conduct of Members.

Signature:

Date:

Please return this form to the Office of the Parliamentary Commissioner for Standards, House of Commons, London SW1A 0AA.

Registration form version May 2010

Extract from the Guide to the Rules relating to the Conduct of Members of
the House of Commons of the Parliament of the United Kingdom, 2009
(updated May 201)

1. Registration of Members' Financial Interests

Rules of the House

"Every Member of the House of Commons shall furnish to a Registrar of Members' Financial Interests such particulars of his registrable interests as shall be required, and shall notify to the Registrar any alterations which may occur therein, and the Registrar shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public."

(Resolution of the House of 22 May 1974, amended on 9 February 2009)

"For the purposes of the Resolution of the House of 22 May 1974 in relation of disclosure of interests in any proceeding of the House or its Committees, any interest declared in a copy of the Register of Members' Financial Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division of the House or in any of its Committees."

(Part of the Resolution of the House of 12 June 1975, amended on 9 February 2009)

10. Under the Resolution agreed by the House on 22 May 1974, and under the Code of Conduct, Members are required to register their financial interests in a Register of Members' Financial Interests. The duty of compiling the Register rests with the Commissioner, whose functions are set out in Standing Order No. 150. The Commissioner is assisted by the Registrar.

Definition of the Register's purpose

11. The main purpose of the Register of Members' Financial Interests is "to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament."² The registration form specifies twelve Categories of registrable interests which are described below. Apart from the specific rules, there is a more general obligation upon Members to keep the overall definition of the Register's purpose in mind when registering their interests.

12. The purpose of registration is openness. Registration of an interest does not imply any wrongdoing.

Duties of Members in respect of registration

13. Members of Parliament are required to complete a registration form and submit it to the Commissioner within one month of their election to the House (whether at a general election or a by-election). After the initial publication of the Register (or, in the case of Members returned at by-elections, after their initial registration) it is the responsibility of

² Select Committee on Members' Interests, First Report, Session 1991-92, "Registration and Declaration of Financial Interests", HC 236, paragraph 27.

Members to notify changes in their registrable interests within four weeks of each change occurring.

14. Any Member who has a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the House (except voting) to which the registration would be relevant until he or she has notified the Commissioner of that interest.

15. Members are responsible for making a full disclosure of their interests, and if they have relevant interests which do not fall clearly into one or other of the specified categories, they are nonetheless expected to register them, normally under Category 11.

16. Financial thresholds below which interests are not registrable apply except in Categories 1, 2 and 3, and the thresholds for the categories vary. All single benefits of whatever kind which exceed the applicable threshold (if any) should be registered in the appropriate Category. Category 4 requires the registration of all benefits received from the same source which amount to more than £1,500 in a calendar year, in increments of more than £500. Categories 5, 6 and 7 require the registration of all benefits, received from the same source in the course of a calendar year, which cumulatively amount to more than 1 per cent of the current parliamentary salary.³ Category 8 requires the registration of property worth more than 100% of a Member's annual parliamentary salary⁴ or rental income worth 10% of that salary.⁵ Category 9 requires the registration of shareholdings worth more than 100% of the annual parliamentary salary. Category 10 applies the same threshold as Category 4. In addition, if a Member considers that any benefit he or she has received falls within the definition of the main purpose of the Register set out in paragraph 11, even though it does not exceed the 1 per cent threshold, the Member should register it under Category 11 (Miscellaneous). The threshold for Category 12 is, again 1% of the annual parliamentary salary.

17. PPERA makes provision as to the permissibility of donations for amounts over £500. By making an entry in the Register the Member confirms that to the best of his or her belief the donation is from a permissible source. The threshold for reporting under PPERA is £1,500, whether as a single donation or as an accumulation of donations of £500 or more from the same source within the same calendar year. When accepting benefits worth more than £500 but below the registration threshold of £1,500, Members should bear in mind the need to ensure they are from permissible donors and keep records as they may be reportable when combined with other donations from the same source in a calendar year. Donations over £500 that are from an unidentifiable or impermissible source should be returned and reported to the Commission within 30 days.

3 About £660 at 1 April 2010

4 About £66,000 at 1 April 2010

5 About £6,600 at 1 April 2010

Publication and public inspection

18. The Register is published under the authority of the Committee on Standards and Privileges in printed form soon after the beginning of a new Parliament, and approximately annually thereafter. Between printings the Register is regularly updated electronically. The current version and a number of previous editions are available for public inspection in the Parliamentary Archives. The current Register, with previous editions, is also available on the Internet. At the discretion of the Commissioner copies of individual entries in the Register may be supplied on request.

The Categories of Registrable Interest

[Note: Each of the boxes in this section contains a description of one of the Categories of interest which the House has agreed should be registered and which appear in the registration form]

Part 1

Category 1

Directorships: Remunerated directorships in public and private companies including directorships which are individually unremunerated, but where remuneration is paid through another company in the same group.

19. In this Category, and in others, “remuneration” includes not only salaries and fees, but also the receipt of any taxable expenses, allowances, or benefits, such as the provision of a company car. Members must register the name of the company in which the directorship is held and give a broad indication of the company’s business, where that is not self-evident from its name. In addition to any remunerated directorships, a Member is also required to register any directorships he or she holds which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which he or she holds a remunerated directorship. Otherwise, Members are not required to register unremunerated directorships but may do so under Category 11 if they consider the relevant test is met.

20. Companies which have not begun to trade or which have ceased trading need not be registered, either under this Category or under Category 9 (Shareholdings). “Not trading” should, however, be interpreted in a strict sense; if a company is engaged in any transaction additional to those required by law to keep it in being, then a remunerated directorship in that company should be registered. If a Member wishes to register a directorship in a company which is not trading the Member should make the position clear by adding the words “not trading” after the name of the company.

21. A Member who holds a registrable directorship, including a non-executive directorship, and who provides in respect of that directorship services in the capacity of a Member of Parliament, is required to deposit with the Office of the Parliamentary Commissioner for Standards, for public inspection if required, such an agreement for the provision of services as is described in paragraphs 66 to 71 below.

22. Members must register under this category the precise amount of each individual payment made in relation to any directorship, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

23. Members providing services in the capacity of a Member of Parliament should also register their annual remuneration in bands of £5,000 (eg up to £5,000, £5,001–£10,000).

Category 2

Remunerated employment, office, profession, etc: Employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) which is remunerated or in which the Member has any financial interest. Membership of Lloyd's should be registered under this Category⁶

24. All employment outside the House and any sources of remuneration which do not fall clearly within any other Category should be registered here. Members must register under this category the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

25. As with Category 1, a Member who is regularly providing services in the capacity of a Member of Parliament should obtain, and deposit with the Office of the Parliamentary Commissioner for Standards for public inspection and reproduction if required, an agreement for the provision of services, and should register earnings in bands of £5,000. In the case of media work there is no requirement to obtain an agreement, but the earnings band must be registered. For further guidance on media work see paragraph 71.

26. Members who have previously practised a profession of which they remain a member may wish to register that profession with a bracketed remark such as "[non practising]" after the entry. This is particularly desirable in cases of sleeping partnerships and where it is likely that the Member will resume the profession at a later stage. Such interests should be registered under Category 11 rather than this category.

Category 3

Clients: In respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office, profession, etc.), any provision to clients of services should be registered under this Category. All clients to which personal services are provided should be listed together with the nature of the client's business in each case. Where a Member receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the Member should list any of those clients to whom personal services or advice are provided, either directly or indirectly.

27. If a Member is employed as a parliamentary adviser by a firm which is itself a consultancy, he or she should register under this category any clients of that firm to which he or she has personally provided services. In addition the Member should register any

⁶ Members who have resigned from Lloyd's should continue to register their interest as long as syndicates in which they participated continue to have years of account which are open or in run-off. In such circumstances Members should register the date of resignation. Members of Lloyd's are also required to disclose the categories of insurance business which they are underwriting. Any member of Lloyd's receiving financial assistance (including relief from indebtedness or other loan concessions but excluding any general settlement available to all Lloyd's members) from a company, organisation or person within or outside the United Kingdom should register that interest under Categories 5 or 7, as appropriate.

clients of the consultancy which he or she knows have benefited from such advice. Where a company is named as a client, the nature of the company's business should be indicated. The consultancy itself should be registered under Category 2.

28. Members must register under this category the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

Category 4

Sponsorships:

- (a) Any donation received by a Member's constituency party or association, or relevant grouping of associations which is linked either to candidacy at an election or to membership of the House; and
- (b) any other form of financial or material support as a Member of Parliament, amounting to more than £1,500 from a single source, whether as a single donation or as multiple donations of more than £500 during the course of a calendar year.

29. This category deals with sponsorship or other forms of support by companies, trade unions, professional bodies, trade associations and individuals. Donations to Members relating to their political activities (which under PPERA are to be interpreted widely) are generally registrable under this category unless:

- a) it would be more appropriate to register them under another Category, such as Category 5 (Gifts, benefits and hospitality (UK)) or Category 6 (Overseas visits), or
- b) they are exempt from registration.

30. Category 4(a) deals with financial contributions to constituency parties or associations, or (where the party is organised otherwise than on a constituency basis) the relevant grouping of associations. Such reporting to the Register of Members' Financial Interests is additional to the statutory reporting requirements of local political party accounting units to the Electoral Commission under PPERA. For the purposes of the Register of Members' Financial Interests, support should be regarded as "linked" directly to a Member's candidacy or membership of the House if it is expressly tied to the Member by name, eg if it is a contribution to the Member's fighting fund or a donation which has been invited or encouraged by the Member or candidate. Financial contributions to constituency associations, parties or area associations, etc, which are not linked to a Member's candidacy or membership of the House, that is where the donation would have been forthcoming irrespective of the identity of the candidate or Member, and the candidate or Member played no personal part in securing it, do not have to be registered on the Register of Members' Financial Interests.

31. Members who did not sit in the previous parliament should register all donations linked to their candidacy received in the twelve month period before the date on which they submit their returns to the Registrar.⁷

32. It is not possible to give an exhaustive list of what might be considered 'linked' to an individual, and, as always, Members who are in any doubt should consult the Registrar.⁸ They are also reminded that the requirement to register covers only donations of which they are aware or might reasonably be expected to be aware. Registration by the Member is additional to any registration required of the local organisation.

33. Category 4(b) covers any other financial or material benefit in support of a Member's role as a Member of Parliament. (Any contribution for the *personal benefit* of a Member should be entered under Category 5 (Gifts, benefits and hospitality (UK))). Such support is registrable whether it is provided directly to the Member or is a donation made to a Member's central party organisation accompanied with a wish that it be allocated to the support of a particular Member or front-bench office. (In such circumstances the party's reporting obligations to the Electoral Commission under PPERA remain). The types of support which should be registered under this Category include: the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual; the provision of free or subsidised accommodation for the Member's use, other than accommodation provided by a local authority to a Member for the sole purpose of holding constituency surgeries or accommodation provided solely by the constituency party; and financial contributions towards such services or accommodation.

34. Members standing for election to non-parliamentary office (for instance election to a devolved institution, elected mayoralty or party office) should register donations received to support such candidacy.

35. Where Members receive sponsorship of registrable value from political clubs or other associations, they should register this fact together with the names of individual donors who have contributed more than £1,500 to the club in a calendar year. Similarly, if a fund-raising event raises more than £1,500, a Member benefiting should register the event and any qualifying donations from individuals or bodies; where the funds raised are available for more than one elected representative (for instance, more than one Member or a Member and a Member of the Scottish Parliament), each recipient Member should register the benefit as if he or she were the sole beneficiary.

36. After determining that the donation is from a permissible source,⁹ when making an entry under this Category, Members must provide:

7 This ensures that their entries cover the same period as those of returned Members.

8 Members might, in this context, ask themselves such questions as 'Did I write to or meet the donor asking for a contribution?', 'Was a letter sent out headed 'Campaign to [Re-] Elect [name] ', 'Was I the guest of honour at a dinner where donations were sought?' and 'Have I a particular relationship to the donor which would not be the case in respect of another candidate?'. If the answer to any of these is 'Yes', then the presumption should be in favour of registration.

9 Sources of donations are controlled under PPERA. Information about permissibility is included in a Note at the end of this section. For further information and advice please contact the Electoral Commission on 020 7271 0616.

Name of donor

Address of donor (the address of individuals will not be published)

Amount of donation or nature and value if donation in kind

Date of receipt of donation

Date of acceptance of donation

Donor status

Individual

Building society

Friendly society

Limited liability partnership

Registered party (other than own party)

Trade union

Unincorporated association

Company—with registration number

In the case of a donation from a trust

Name and address of person who created the trust

Name (and, if the trust was created after 27 July 1999) address of all others by whom property has been transferred to the trust, including company registration number if applicable

If the trust was created before 27 July 1999, the date the trust was created.

In the case of a bequest

The full name of the person who made the bequest

The address of that person at the time of death, or, if that person was not registered in an electoral register at the time of death, the last address at which that person was registered during the previous five years

Category 5

Gifts, benefits and hospitality (UK): Any gift to the Member or the Member's spouse or partner, or any material benefit, of a value greater than one per cent of the current parliamentary salary from any company, organisation or person within the UK which in any way relates to membership of the House or to a Member's political activity.

37. The specified financial value above which tangible gifts (such as money, jewellery, glassware etc.), or other benefits (such as hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services etc.) must be registered is one per cent of a Member's annual parliamentary salary.¹⁰

38. The rule means that Members must register any gift, or other benefit, which in any way relates to membership of the House and which is given free, or at a cost below that generally available to members of the public whenever the value of the gift or benefit is greater than the amount specified above. Members must also register any similar gift or

¹⁰ About £660 as at April 2010.

benefit which is received by any company or organisation in which the Member, or the Member and the Member's spouse or partner jointly, have a controlling interest.

39. Members must register gifts and other benefits from the same source in the course of a calendar year which cumulatively are of a value greater than one per cent of the current parliamentary salary, even if each single gift or benefit is of lesser value.

40. Members must register benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of themselves as if they had received them in person.

41. Members must register gifts, or other benefits, from another Member of Parliament in the same way as those from anyone else.

42. Although hospitality from public bodies (Her Majesty's Government, any of the devolved institutions in Scotland, Wales or Northern Ireland or non-departmental bodies including Members' local or health authorities), if valued at over £500, is considered impermissible under PPERA, the Electoral Commission recognises that such hospitality from these sources is in many cases part of Members' duties and therefore forms part of their remuneration and allowances, which do not need to be reported under PPERA. Under the rules of the House they are not registrable, but in any case of doubt the Electoral Commission should be consulted as to permissibility before acceptance.

43. Gifts and material benefits in this Category (and other Categories) are exempt from registration if they do not relate in any way to membership of the House or to a Member's political activity. The extent to which this exemption applies in any particular case is necessarily a matter of judgement. Both the possible motive of the giver and the use to which the gift is put have to be considered; if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the House or to a Member's political activity, or would not reasonably be thought by others to be so related, it need not be registered. If there is any doubt it should be registered.

44. Where a personal benefit to the Member is not specifically received in the capacity of a Member of Parliament but is nonetheless related to his or her political activity, as, for instance, in the case of a fund set up to assist in a legal action arising out of such activity, any individual donations to the fund which are of registrable value should be registered under this category.

45. In respect of benefits under this Category the information required to be provided is as for Category 4.

Category 6

Overseas visits: With certain specified exceptions, overseas visits made by the Member or the Member's spouse or partner relating to or in any way arising out of membership of the House where the cost of the visit exceeds one per cent of the current parliamentary salary and was not wholly borne by the Member or by United Kingdom public funds.

46. When making an entry under this Category the Member must register:

Name of donor

Address of donor (the address of individuals will not be published)

Amount of donation (if there is no commercial equivalent, and the Member believes the value to have exceeded £1,500, the Member should provide a statement that he or she has been unable to ascertain the value of the donation but believes it to have been more than £1,500)

Destination of visit

Date of visit

Purpose of visit

Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered All-Party or parliamentary group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the Government, organisation, company or person ultimately meeting the cost should be specified.

47. The following categories of visit, which are mainly paid for from United Kingdom public funds or which involve reciprocity of payment with other Governments or Parliaments, together with any hospitality associated with such a visit, are exempt from registration:

- i) Visits which are paid for by, or which are undertaken on behalf of, Her Majesty's Government or which are made on behalf of an international organisation to which the United Kingdom Government belongs (Note: Visits paid for by the British Council are registrable under PPERA, and the previous exemption therefore no longer applies);
- ii) Visits abroad with, or on behalf of, a Select Committee of the House, or undertaken under a Resolution of the House;
- iii) Visits undertaken on behalf of, or under the auspices of, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group, the British-Irish Parliamentary Assembly, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly. (Note: The Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme and the National Council for Voluntary Organisations' MP Secondment Scheme and the Industry and Parliament Trust are no longer exempt from registration);
- iv) Visits arranged and paid for wholly by a Member's own political party;
- v) Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament.

48. Similar categories of visit may be added to this list from time to time by the Committee on Standards and Privileges. Visits which are entirely unconnected with membership of the House, or with a Member's political activities, are exempt from registration.

Category 7

Overseas benefits and gifts: Any gift to the Member or to the Member's spouse or partner, or any material advantage, of a value greater than one per cent of the current parliamentary salary from or on behalf of any company, organisation or person overseas which in any way relates to membership of the House.

49. The financial limits and guidelines which apply to Category 5 also apply here. Members should enter a cross-reference under this Category where an interest already entered in Categories 1, 2 or 3 entails the receipt of payments from abroad. There are legal restrictions on Members' accepting benefits from abroad in connection with their political activities, about which they may wish to take advice from the Electoral Commission.

Category 8

Land and property: Any land or property—

(a) which has a substantial value (unless used for the personal residential purposes of the Member or the Member's spouse or partner), or

(b) from which a substantial income is derived.

The nature of the property should be indicated.

50. Property used for the personal residential purposes of the Member or the Member's spouse or partner and dependent children (that is, their main and any other homes) does not need to be registered under Category 8(a). It may need to be registered under Category 8(b), but only if the Member derives an income from it and derives a substantial income from his or her total property portfolio (see paragraph 51). A property, such as a farm, on which the Member has a residence should be registered if it has a substantial value aside from the residential use.

51. "Substantial value" means a value greater than the current parliamentary salary. If a Member's total property portfolio (excluding main and other homes) has a substantial value, it should be registered.

52. "Substantial income" means an income greater than 10 per cent of the current parliamentary salary. If the income from a Member's total property portfolio (*including* main and any other homes) is substantial, all the properties from which any income is derived should be registered.

53. Entries should be reasonably specific as to the nature of the property and its general location, for example:—

"Woodland in Perthshire"

“Dairy farm in Wiltshire”

“3 residential/commercial rented properties in Manchester”.

Category 9

Shareholdings: Interests in shareholdings held by the Member, either personally, or with or on behalf of the Member's spouse or partner or dependent children, in any public or private company or other body which are:

(a) greater than 15 per cent of the issued share capital of the company or body; or

(b) 15 per cent or less of the issued share capital, but greater in value than the current parliamentary salary.

The nature of the company's business in each case should be registered.

54. When determining whether shareholdings are registrable under the criteria set out above, Members should include not only holdings in which they themselves have a beneficial interest but also those in which the interest is held with, or on behalf of, their spouse or partner or dependent children.

55. For each registrable shareholding, the entry should state the name of the company or body, briefly indicate the nature of its business, and make clear which of the criteria for registration is applicable.

56. The value of a shareholding is determined by the market price of the share on the preceding 5 April; but if the market price cannot be ascertained (eg because the company is unquoted and there is no market in the shares), the Member should decide whether to register it on the basis of its estimated value. Interests in shareholdings include share options.

57. It is sometimes appropriate to register shareholdings falling outside Categories 9a and 9b. In considering whether to do so, Members should have regard to the definition of the main purpose of the Register: “to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament”. If a Member considers that any shareholding which he or she holds falls within this definition, the Member should register the shareholding under Category 11.

58. Holdings in a collective investment vehicle (including unit trusts, investment companies with variable capital (ICVCs) and investment trusts) are not generally registrable. Members are, however, advised to have regard to the general principle of the Register and to consider registration in appropriate cases, such as sector-specific vehicles. Members who are beneficiaries of trusts should treat them in the same way.

59. Pensions are not in themselves registrable, but identifiable holdings in a self-invested personal pension fund, if of registrable value, are registrable either under Category 8 or Category 9 as appropriate.

Category 10

Controlled transactions within the meaning of Schedule 7A PPERA, not otherwise recorded in the Register

60. Since 2006 loans and credit arrangements—‘regulated transactions’—have been controlled under PPERA and were previously reportable to the Electoral Commission (further detailed guidance on the treatment of loans is available from the Commission). When a Member is offered a loan or credit arrangement over £500 in value relating to political activities they should confirm whether it is from a permissible source (see paragraph 3 and if in any doubt consult the Electoral Commission for further information), before deciding whether to enter into it. If it is over £1,500 in value, a Member has 30 days in which to report this to the Register of Members’ Financial Interests (for permissible loans). Loans over £500 in value that are from an impermissible source must not be entered into.

61. If any part of the value of a loan is used in connection with the Member’s political activities, it is a regulated loan. This includes loans taken out for any other purpose, any part of whose value is used in connection with the Member’s political activities as long as it was the Member’s intention in taking out the loan that it would be used for those activities.

62. Another type of regulated transaction that a Member is required to report to the Registrar of Members’ Financial Interests under PPERA is a ‘connected transaction’. This is defined as the provision of security on behalf of a Member where any part of the money or benefit from the original transaction is used in connection with the Member’s political activities, for example:

- a supporter provides a personal guarantee to a bank to repay the mortgage on a Member’s office if the Member is unable to do so;
- a supporter gives a supplier a charge against their own property if a Member fails to meet their trade credit agreement.

Category 11

Miscellaneous: Any relevant interest, not falling within one of the above categories, which nevertheless falls within the definition of the main purpose of the Register which is “to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches, or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament,” or which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit.

63. The main purpose of this Category is to enable Members to enter in the Register any interests which they consider to be relevant to the Register’s purpose, but which do not obviously fall within any of the other categories. As the Select Committee on Members’ Interests pointed out in its First Report of Session 1991–92: “it is a cardinal principle that Members are responsible for making a full disclosure of their own interests in the Register;

and if they have relevant interests which do not fall clearly into one or other of the specified Categories, they will nonetheless be expected to register them".¹¹

64. The general principle of the Register is that the requirement to register is limited to interests entailing remuneration or other material benefit.¹² Members are not, therefore, required by the rules to register unremunerated directorships (eg directorships of charitable trusts, professional bodies, learned societies or sporting or artistic organisations) and the Category should not be used to itemise these or other unremunerated interests. However, when a Member considers that an unremunerated interest which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, such an interest may be registered here. Such interests may include, but are not limited to, shareholdings (as described in paragraph 57 above), unremunerated parliamentary consultancies, or non-practising membership of professions. Interests such as a fund to defray legal expenses relating to activities as a Member or political activities should also be registered here if no benefit has yet been received.

Part 2

Category 12

Family members employed and remunerated through parliamentary allowances.

65. Members are required to register the name, relationship to them, and job title of any family members (by blood or by marriage or a relationship equivalent to marriage) employed by them and remunerated through parliamentary allowances (for casual employment, this is subject to a threshold of 1% of a Member's annual parliamentary salary).

Note on permissible donations and loans

After receiving a donation over £500 in value a Member has 30 days to check and confirm it is from a permissible source before either accepting it or returning it. Before entering into a loan a Member must check and confirm the lender is permissible. The Member then has a further 30 days to report permissible donations or loans over £1,500 to the Registrar or to report impermissible or unidentifiable donations and loans (over £500) to the Commission. Members must check the permissibility of a lender before entering into a loan, credit facility or guarantee arrangement for political activities.

Under Chapter 2 of Part IV of PPERA a permissible source is:

- an individual registered in a UK electoral register (including bequests)
- a UK-registered company which is incorporated within the European Union (EU) and carries on business in the UK
- a GB-registered political party
- a UK-registered trade union

¹¹ *Op.cit.*, paragraph 29.

¹² *Ibid*, paragraph 31.

- a UK-registered building society
- a UK-registered limited liability partnership that carries on business in the UK
- a UK-registered friendly society
- a UK-based unincorporated association that carries on business or other activities in the UK

Funding for overseas visits can come from any source as long as the amount given does not exceed the cost of the trip.

Agreements for the provision of services

“Any Member proposing to enter into an agreement which involves the provision of services in his capacity as a Member of Parliament shall conclude such an agreement only if it conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000, shall be deposited with the Parliamentary Commissioner for Standards at the same time as it is registered in the Register of Members’ Financial Interests and made available for inspection and reproduction by the public.

Any Member who has an existing agreement involving the provision of services in his capacity as a Member of Parliament which conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members, but which is not in written form, shall take steps to put the agreement in written form; and no later than 31st March 1996 a full copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members’ Financial Interests and made available for inspection and reproduction by the public.

Provided that the requirement to deposit a copy of an agreement with the Commissioner shall not apply—

- (a) if the fees or benefits payable do not exceed one per cent of the current parliamentary salary; nor
- (b) in the case of media work (but in that case the Member shall deposit a statement of the fees or benefits payable in the bands specified above).”

(Part of a Resolution of the House of 6 November 1995, amended on 14 May 2002 and on 9 February 2009)

66. Under a Resolution of the House of 6 November 1995 the House agreed that Members should deposit certain agreements for the provision of services with the Parliamentary Commissioner for Standards.

Members should:

- ensure that the agreement does not breach the ban on lobbying for reward or consideration (see paragraphs 89–101 below);
- put any such agreement in written form;
- deposit a full copy of the agreement with the Commissioner. The agreement should indicate the nature of the services to be provided and specify the fees or benefits the Member is to receive in bands of (1) up to £5,000; (2) £5,001 to £10,000 (and thereafter in bands of £5,000);
- make the appropriate entry in the Register; and
- declare the interest when it is appropriate to do so (see paragraphs 72–88).

Deposited agreements may be inspected in the Parliamentary Archives.

67. 'Services in the capacity of a Member of Parliament' is usually taken to mean advice on any parliamentary matter or services connected with any parliamentary proceeding or otherwise related to the House. Essentially, when Members are considering whether an agreement is necessary they should ask themselves 'Would I be doing this job in this way if I were not a Member of Parliament', and seek an agreement if the answer is 'No'.

68. The Select Committee on Standards in Public Life¹³ gave the following guidance in respect of the application of the rule:

"The present rule is that all remunerated outside employment must be included in the Register, irrespective of whether it has any bearing on a Member's actions in Parliament. We have no doubt that this discipline should continue to be observed.

If our recommendation that paid advocacy¹⁴ in Parliament should be prohibited altogether is adopted by the House, it is essential that no future agreements should require Members to take part in activities which can be described as advocacy.

The new requirement for employment agreements¹⁵ to be put in writing will apply principally to any arrangement whereby a Member may offer advice about parliamentary matters. We think it right, however, that it should also include frequent, as opposed to merely occasional, commitments outside Parliament which arise directly from membership of the House. For example, a regular, paid newspaper column or television programme would have to be the subject of a written agreement, but ad hoc current affairs or news interviews or intermittent panel appearances would not.¹⁶

It may not always be immediately obvious whether a particular employment agreement arises directly from, or relates directly to, membership of the House. At one end of the spectrum are those Members whose outside employment pre-dates their original election, whilst at the other extreme are those who have taken up paid adviserships since entering the House. In between there will be many cases which are difficult to classify. Some Members, for example, may provide advice on Parliamentary matters incidentally as part of a much wider employment agreement covering matters wholly unrelated to the House. In these circumstances, it would be for an individual Member to decide how far it would be proper to isolate the Parliamentary services within a separate, depositable agreement; in reaching that decision he may wish to consult the Commissioner."

69. On the basis of this guidance the Committee on Standards and Privileges has agreed that disclosing the remuneration for parliamentary services separately from remuneration for other services would be justified only in exceptional circumstances; eg where the parliamentary services are separately identifiable and form only a small proportion of the

13 Select Committee on Standards in Public Life, Second Report, Session 1994-95, HC 816, paragraphs 39-42.

14 Referred to in the Guide as "lobbying for reward or consideration".

15 Referred to in the Guide as "agreements for the provision of services".

16 But see also paragraph 71 below.

services as a whole. In any such case the entry in the Register should make it clear that the remuneration is for parliamentary services as part of a wider agreement.

70. The scope of the Resolutions is not limited to employment registered under Category 2 (Remunerated employment, office, profession, etc) but includes other forms of employment, such as directorships (including non-executive directorships), when these involve the provision of services by the Member in his or her capacity as a Member of Parliament.

71. The following special provisions apply to media work (journalism, broadcasting, speaking engagements, media appearances, training, &c):

- a) The deposit of an agreement for the provision of services is not required.
- b) Unless the work is wholly unrelated to parliamentary affairs, such as a sports column in a newspaper, Members who register any form of media work under Category 2 (Remunerated employment, office, profession, etc.) should declare the remuneration, or value of the reward, they receive for each commitment, or group of commitments for the same organisation or audience in the same calendar year, in bands of (1) up to £5,000; (2) £5,001–£10,000 (and thereafter in bands of £5,000).

Extract of Paragraph 3.14 from the Report of the Committee on Members' Interests on its consideration of a complaint against Ir Dr Hon Raymond HO, Hon Jeffrey LAM and Hon Abraham SHEK tabled at the Legislative Council Meeting on 22 June 2011

CMI's views on the principles of how it would regard directorships for the purpose of Rule 83A of RoP are set out as follows:

X X X X X

- (a) a company is regarded as having a direct pecuniary interest in a project if the company has bid for a contract or has been awarded a contract under the project;
- (b) if a company is regarded as having a direct pecuniary interest in a project by virtue of (a) above, a Member who is a director of the company is regarded as having an indirect pecuniary interest in the project;
- (c) there is no distinction between executive directors, non-executive directors and independent non-executive directors as far as disclosure of pecuniary interest under Rule 83A of RoP is concerned;
- (d) a Member is expected to take reasonable steps to find out, for the purpose of making the required disclosures under Rule 83A of RoP, whether the company of which he is a director has a pecuniary interest in the matter under consideration by a committee; and
- (e) generally speaking, if a subsidiary of a company ("parent company") has bid for a contract or has been awarded a contract under a project, then, the parent company is regarded as having an indirect pecuniary interest in the project and on this basis, a Member who is a director of that parent company is regarded as having an indirect pecuniary interest in the project.

X X X X X