

立法會

Legislative Council

LC Paper No. CMI/27/11-12

Ref: CB(3)/C/2 (08-12)

Committee on Members' Interests **Paper for the eighth meeting on 16 March 2012**

Review of registration of Members' interests

Purpose

This paper provides further information on a comparison of the registrable interests of Members of the Legislative Council of Hong Kong ("LegCo") with those of the Executive Council of Hong Kong ("ExCo") and the House of Commons of the Parliament of the United Kingdom ("UK"). This paper also proposes changes to the existing Registration Form on Members' Interests ("the Registration Form") of LegCo for members' consideration.

Background

2. At the meeting of the Committee on Members' Interests ("CMI") held on 9 January 2012, members noted a comparison of the registrable interests of Members of LegCo, ExCo and the UK House of Commons ("the comparison table") (Appendix II to LC Paper No. CMI 19/11-12). The Secretariat was requested to provide further information on the comparison to facilitate members in considering whether, and if so, how the existing system of registration of Members' interests in LegCo should be changed to enhance transparency and accountability.

Further information on the registrable interests of LegCo, ExCo and the UK House of Commons

3. An information note setting out the major differences between the registrable interests of Members of LegCo, ExCo and the UK House of

Commons is in **Appendix I**. The revised comparison table is in **Appendix II**.

Proposed changes to the registration requirements

4. Having regard to the views expressed by members at the last meeting on 9 January 2012 and the relevant practices of the UK House of Commons and ExCo, members are invited to consider the following proposed changes to the existing requirements for the registration of interests by LegCo Members:

Remunerated directorships, remunerated employment, offices, etc. and clients (Rule 83(5)(a), (b) and (c) of the Rules of Procedure ("RoP"))

- (a) more details on any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his actions, speeches or votes in the Council, or actions taken in his capacity as a Member of the Council should be provided under "directorships", "remunerated employment, offices, etc." and "clients". It is proposed that the nature of work for which the remuneration relates should be provided under "directorships", "remunerated employment, offices, etc." and "clients";

Overseas visits (Rule 83(5)(e)of RoP)

- (b) the estimated amount/value of the sponsorship received by Members and their spouses arising out of the membership of the Council should be provided under "overseas visits";

Land and property (Rule 83(5)(g)of RoP)

- (c) more details on the location and usage of the land or property owned by Members (except for self-occupation) should be provided under "land and property". For instance, if a Member owns a residential property in the Central district on Hong Kong Island for rental purpose, such information should be provided; and

Additional category of registrable interest

- (d) a new category of "remunerated membership of boards, committees and other organizations", for instance, membership of statutory bodies and non-governmental organizations for which an honorarium is payable, should be added to enhance openness and transparency in the registration of Members' interests.

5. As Members are required under Rule 83(3) of RoP to furnish to the Clerk to LegCo within 14 days particulars of any change in their registrable interests, it is further proposed that Members should provide the following information:

(a) Directorships

- (i) the date on which Members start to hold any directorship of a company should be provided under "directorships" in registering such directorship with the Clerk to LegCo during the term pursuant to Rule 83(3) of RoP¹; and
- (ii) the date on which Members ceased to hold the directorship of a company should also be provided under "directorships" when notifying the Clerk to LegCo under Rule 83(3) of RoP that they have ceased to hold such directorship which has been registered with the Clerk to LegCo before the first meeting of the term or during the term;

(b) Remunerated employment

- (i) the date on which Members start to engage in remunerated employment should be provided under "remunerated employment, offices, etc." in registering such employment with the Clerk to LegCo during the term pursuant to Rule 83(3) of RoP; and
- (ii) the date on which Members ceased to engage in the remunerated employment should also be provided under "remunerated employment, offices, etc." when

¹ Excluding the registration made before the first meeting of the term.

notifying the Clerk to LegCo under Rule 83(3) of RoP that they have ceased to engage in such employment which has been registered with the Clerk to LegCo before the first meeting of the term or during the term;

(c) Clients

- (i) the date on which Members start to provide service to a client which arises out of or relates in any manner to their position as a Member of LegCo should be provided under "clients" in registering such employment with the Clerk to LegCo during the term pursuant to Rule 83(3) of RoP; and
- (ii) the date on which Members ceased to provide service to a client which arises out of or relates in any manner to their position as a Member of LegCo should also be provided under "clients" when notifying the Clerk to LegCo under Rule 83(3) of RoP that they have ceased to engage in such employment which has been registered with the Clerk to LegCo before the first meeting of the term or during the term;

(d) Land and property

- (i) the date on which Members own or hold any land or property should be provided under "land and property" if such land or property is registered with the Clerk to LegCo during the term pursuant to Rule 83(3) of RoP; and
- (ii) the date on which Members ceased to own or hold any land or property should also be provided under "land and property" when notifying the Clerk to LegCo under Rule 83(3) of RoP that they have ceased to own or hold such land or property which has been registered with the Clerk to LegCo before the first meeting of the term or during the term; and

(e) Shareholdings²

- (i) the date on which Members acquire more than 1% of the issued share capital of a company should be provided under "shareholdings" in registering such shareholdings with the Clerk to LegCo during the term pursuant to Rule 83(3) of RoP; and
- (ii) the date on which Members ceased to own more than 1% of the issued share capital of a company should also be provided under "shareholdings" when notifying the Clerk to LegCo under Rule 83(3) of RoP that they have ceased to own these shares which have been registered with the Clerk to LegCo before the first meeting of the term or during the term.

6. The proposed revised Registration Form is in **Appendix III**.

Proposed endorsement of the Registration Form by the Council

7. Under Rule 83(1) to (3) of RoP, Members are required to furnish to the Clerk to LegCo, in such form as may be approved by the President, particulars of their registrable interests. Rule 83(5) of RoP sets out the different categories of registrable interests, while the particulars of these registrable interests which should be registered are set out in the Registration Form. To put beyond doubt that Members are not only required to comply with Rule 83(5) of RoP but also to provide the particulars as required in the Registration Form, it is proposed that the Registration Form be made a part of RoP. The proposed amendments to RoP to incorporate the Registration Form into RoP are in **Appendix IV**.

Proposed timetable for implementation

8. Assuming that CMI agrees to the proposals set out in paragraphs 4 and 7 above, CMI may wish to consider whether all Members should be consulted by way of a consultation paper. Subject to members' decisions, the proposed timetable for implementing the proposals is as follows:

- (a) consideration of the draft consultation paper on the proposals with all Members - early April 2012;

² Members may wish to note that the Companies Bill, which was introduced into the Council on 26 January 2011 and currently being scrutinized by a Bills Committee, proposes to introduce a mandatory no-par regime for all companies with a share capital. The effect of this proposal, if passed, is that the concept of "nominal value" of shares in a company will be abolished. CMI will need to consider at a later stage the implication of the implementation of this proposal.

- (b) issuance of the consultation paper to all Members - mid April 2012;
- (c) deadline of consultation - early May 2012;
- (d) consideration of the outcome of consultation by CMI and preparation of report to the House Committee ("HC") - mid/late May 2012;
- (e) submission of report to HC on the proposals (assuming that the proposals are supported by the majority of Members) - 8 June 2012; and
- (f) if (e) is agreed to by HC, moving of a motion by the Chairman of CMI to amend RoP at a Council meeting to give effect to the proposals - 27 June 2012.

Advice sought

9. Members are invited to note the information in paragraph 3 above. Members are also invited to consider the proposed changes to the registration requirements, the proposed amendments to RoP and the proposed timetable for implementation in paragraphs 4 to 8 above.

Council Business Division 3
Legislative Council Secretariat
14 March 2012

Information Note

Major differences between the registrable interests of the Legislative Council of Hong Kong, Executive Council of Hong Kong and the House of Commons of the Parliament of the United Kingdom

Background

At the meeting of the Committee on Members' Interests ("CMI") held on 9 January 2012, members noted a comparison of the registrable interests of the Legislative Council of Hong Kong ("LegCo"), the Executive Council of Hong Kong ("ExCo") and the House of Commons of the Parliament of the United Kingdom ("UK") in Appendix II to LC Paper No. CMI 19/11-12 ("the comparison table"). The Secretariat was requested to provide further information on the major differences between the registrable interests of LegCo, ExCo and the UK House of Commons.

Major differences between the registrable interests of LegCo and those of the UK House of Commons

2. The eight categories of registrable interests of LegCo Members, i.e. "directorships", "paid employment", "clients", "financial sponsorships"¹, "overseas visits", "overseas payments and benefits"², "land and property" and "shareholdings", which were introduced in 1991, were modelled on those in use by the UK House of Commons at that time.

3. Since 1991 a number of amendments have been made to the registration requirements of certain registrable interests of LegCo Members to bring them in line with existing legislation and to tighten up and rationalize the registration requirements. The major amendments include: (a) in respect of the category of "financial sponsorships", Members are required to register all donations received as a candidate for the election to the Council, in place of registering the financial sponsorship received "as a candidate for election to the

¹ Members' election donations were included as interests registrable under "Financial sponsorships" in 1999.

² The registrable interest of "any payments or any material benefits or advantages received by the Member or his spouse from or on behalf of foreign governments, organizations or persons" was replaced by "any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of any government or organization of a place outside Hong Kong; or any person who is not a Hong Kong permanent resident" in 1998.

Council, where to the knowledge of the Member the sponsorship exceeds \$10,000 or 25% of his or her election expenses". This new requirement, passed by the Council on 28 April 1999, was made to bring the requirement under Rule 83(5)(d)(i) of the Rules of Procedure ("RoP") in line with that provided in the then Corrupt and Illegal Practices Ordinance (Cap. 288) (which was repealed and re-enacted as the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) on 16 February 2000); (b) in respect of the category of "directorships", Members who are remunerated directors of subsidiaries of companies are also required to register the names of the parent companies of those companies. This new requirement, passed by the Council on 26 April 2006, was made to tighten the registration requirements for "directorships" (the amended Rule 83(5)(a) of RoP).

4. Although the registration requirements of Members' interests in LegCo at the outset were modelled on those in use by the UK House of Commons at that time, LegCo had not adopted any of the major recent changes introduced by the UK House of Commons to certain registrable interests. These major changes are set out in the ensuing paragraphs.

Directorships, paid employment and clients

5. In 1991, both LegCo and the UK House of Commons required their Members to register the names of the companies or bodies in which they held remunerated directorships and remunerated employment under the categories of "directorships" and "paid employment" respectively and to register the names of the clients under the category of "clients" when the interests registered under "directorships" and "paid employment" included personal services by Members which arose out of or were related in any manner to their membership of the Council and the House respectively.

Changes made by the UK House of Commons in 1995

6. To address the concern where Members of the Parliament ("MPs") were increasingly accepting positions which involved advice or consultancy deriving from their knowledge or expertise as parliamentarians, the UK House of Commons passed a resolution on 6 November 1995 to require MPs providing services in the capacity of a Member to register their annual remuneration in bands of £5,000 under "directorships", "paid employment" and "clients", and to deposit with the Office of the Parliamentary Commissioner for Standards any service agreement for public inspection.

Changes made by the UK House of Commons in 2009

7. On 30 April 2009, the UK House of Commons passed a resolution to require Members to register the following particulars of their earned outside

income under the categories of "directorships", "paid employment" and "clients" on the ground that the public had the right to know how much time Members devoted to making money rather than to representing their constituents"³ and that the job of a Member was generally regarded as full-time⁴:

- (a) precise amount of each individual payment made in relation to any interest⁵;
- (b) nature of the work carried out in return for that payment;
- (c) number of hours worked during the period to which the payment relates;
- (d) 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; and
- (e) 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.

8. The above resolution was moved, following a request made by the Prime Minister to the Committee on Standards in Public Life⁶ that it should "consider issues such as the impact of MPs holding second job and their roles outside Parliament". The request was made against the background of a review on Members' allowances, as a result of the revelation by the media that several MPs had misused their parliamentary allowances and made claims not allowed by the rules.

³ House of Commons Debates 30 April 2009 c1070

⁴ Although there is no legal requirement for Members to work on a full-time basis in the UK House of Commons nor does the House set out any definition of what constitutes a full-time legislator, many Members have taken the membership of the House as their main occupation in terms of the time spent on parliamentary duties. The Code of Conduct for Members allows for "remunerated outside interest as a director, consultant, or adviser, or in any other capacity, whether or not such interests are related to membership of the House", although paid advocacy in the House is forbidden. For the Members with outside employment, their occupations are considered by the UK House of Commons as part-time. (See Information Note on "Remuneration of Members of the House of Commons of the United Kingdom" prepared by the Research Division of LegCo Secretariat (LC Paper No. IN09/11-12).)

⁵ 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 year.

⁶ The Committee on Standards in Public Life is an independent public body which advises government on ethical standards across the whole of public life in the United Kingdom.

Latest development

9. On 19 January 2012, the Parliamentary Commissioner for Standards of the UK House of Commons published a consultation paper on the "Review of the Guide to the Rules relating to the Conduct of Members". In the consultation paper, MPs' views are sought on, inter alia, the proposals to replace the three categories of registrable interests, i.e. "directorships", "paid employment" and "clients", with a single category of "employment and earnings"⁷ and to discontinue the requirement for MPs to register the number of hours worked for paid outside employment. In respect of the latter, the Commissioner takes the view that while requiring MPs to register the number of hours spent on paid outside employment will enable the public to know how much time a Member spends on paid outside employment, it does not provide a comprehensive record of time spent away from parliamentary duties and many will argue that it will be an unwarranted intrusion into a Member's personal life if it does. Further, it may be difficult to associate a payment with the hours worked in circumstances such as the time taken to prepare and give a speech.⁸ The consultation period will end on 12 April 2012.

Financial sponsorships

10. In 1991, both LegCo and the UK House of Commons required their Members to register under "financial sponsorships" if they received a sponsorship the amount of which exceeded 25% of their election's expenses to the Council and the House respectively, or they received any payment or material benefits, either direct or indirect, from any person or organization arising from their membership of the Council and the House respectively.

Changes made by the UK House of Commons in 1993

11. In 1993, the UK House of Commons agreed to split the category of "financial sponsorships" into two separate categories: one covering "sponsorships" which it defined as meaning "predicable, regular or continuing support in money or kind", and the other covering more occasional "gifts, hospitality and benefits", to better help prevent MPs from forgetting that they are required to disclose gifts received in the UK in the same way as those received from overseas sources.⁹ Since 1993, MPs are required to register all benefits they or their spouses received from the same source in the course of a calendar year which cumulatively amount to more than 1% of the current

⁷ Consultation Paper by the Parliamentary Commissioner for Standards, "Review of the Guide to the Rules Relating to the Conduct of Members", 19 January 2012, P.8

⁸ Ibid, p.9

⁹ "Registration and Declaration of Members' Financial Interest", First Report of the Select Committee on Members' Interest of the UK House of Commons, 4 March 1992, p. xiv

parliamentary salary which in any way relates to membership of the House or to a Member's political activity.

Position in Hong Kong

12. CMI of the former LegCo considered that it was not necessary to follow the practice of the UK House of Commons to split the category of "financial sponsorships" into "sponsorships" and "gifts, hospitality and benefits", as the interests concerned were registrable under existing rules.¹⁰ In 1993, Members were required to provide information on any material benefit received under "directorships" and "paid employment" and any material benefit or advantage received under "financial sponsorships" and "overseas payments and benefits" under the then Registration Form on Members' Interests ("the Registration Form"). According to the Notes of the then Registration Form, the term "material benefit or advantage" referred to interest received from a single source in the course of one year where the total value of such interest exceeded 5% of the annual salary of a LegCo Member.

13. Since May 1994, Members are also required to register in the Registration Form any material benefit or advantage their spouses received which relates to their membership of the Council under "financial sponsorships" and "overseas payments and benefits". The term "material benefit or advantage", as defined in the Notes of the then Registration Form, 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 or (ii) one-off material benefits exceeding \$10,000 in value. Since the First LegCo in 1998, the term "material benefit" with the same aforesaid definition applies to "directorships", "paid employment", "financial sponsorships" and "payments and benefits received from any government or organization outside Hong Kong or from any person who does not qualify as a Hong Kong permanent resident".

14. In 2001, the then CMI considered whether minimum value of registrable one-off material benefits, set at \$10,000, was still appropriate. Having studied factors such as how the minimum value had been set, the stipulations set out by some overseas legislatures, the incidence of Members receiving material benefits of value close to \$10,000, CMI suggested that the amount should be adjusted downwards to \$2,000. The suggestion was put to the House Committee for discussion on 2 March 2001. As the main stream opinion of Members could not be ascertained at that meeting, CMI decided to seek the views of all Members by way of circulation of paper. The majority view it received from the Members was that the minimum value of registrable one-off material benefits should be maintained at \$10,000. Accordingly, CMI decided not to vary the amount, and informed Members of its decision on

¹⁰ Notes of the meeting held on 17 April 1993, Committee on Members' Interests of LegCo, para 6

6 June 2001.

Shareholdings

15. In 1991, the registration requirement in respect of the category of "shareholdings" in both LegCo and the UK House of Commons was to register the names of companies or bodies in which Members held shares of a nominal value greater than 1% of the issued share capital of the companies or bodies.

Changes made by the UK House of Commons in 1993

16. To meet the criticisms that shares of quite large value could escape registration if these shares constituted less than 1% of the issued share capital, the UK House of Commons changed the registration requirement for "shareholdings" in 1993 by requiring Members to, apart from registering shares which were more than 1% of the issued share capital of the company or body, also register shares which were less than 1% of the issued share capital but had a nominal value of more than £25,000.¹¹

Position in Hong Kong

17. CMI of the former LegCo considered the changes made by the UK House of Commons in paragraph 16 above and decided that no change should be made as "regardless of the value of the shareholding, a Member would have little control of a particular company if he held less than 1% of the issued share capital of the company. Moreover, it had never been, nor should it be, the purpose of the Register on Members' Interests to reflect the personal wealth of any particular Member. Furthermore, adopting the House of Commons' rule would result in more frequent changes to be made to the Register; not only would this mean an additional burden on the part of the Member, the frequent reports by Members of stocks traded might even have an undue influence on the stock market which should best be avoided."¹²

Changes made by the UK House of Commons in 2002

18. The UK House of Commons further introduced changes to the registration requirement for "shareholdings" in 2002 by replacing the financial threshold of greater than 1% with greater than 15% and replacing the "nominal value" concept with "actual value". Under this new requirement, MPs are required to register shares which are greater than 15% of the issued share

¹¹ "Registration and Declaration of Members' Financial Interest", First Report of the Select Committee on Members' Interest of the UK House of Commons, 4 March 1992, p. xix

¹² Notes of the meeting held on 17 April 1993, Committee on Members' Interests of LegCo, para 21

capital of the company or body, or 15% or less of the issued share capital but greater in value than the current annual parliamentary salary. Such changes were made to address the concerns that nominal value of shares often bore very little relationship to their actual value and in consideration that the 1% de minimis threshold was low but that Members would still be required to register shareholdings if the actual value of the shares was greater than the current annual parliamentary salary.¹³

Position in Hong Kong

19. Under Rule 83(5)(h) of RoP, a Member is required to register the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than 1% of the issued share capital. Members may wish to note that the Companies Bill, which was introduced into the Council on 26 January 2011 and currently being scrutinized by a Bills Committee, proposes to introduce a mandatory no-par regime for all companies with a share capital. The effect of this proposal, if passed, is that the concept of "nominal value" of shares in a company will be abolished.¹⁴ CMI will need to consider at a later stage the implication of the implementation of this proposal.

Land and property

Practices in the UK House of Commons

20. The UK House of Commons requires the registration of property (except for self-occupation) worth more than 100% of a Member's annual parliamentary salary or rental income worth more than 10% of that salary.

21. In the UK House of Commons, entries should be reasonably specific as to the nature of the property and its general location, for examples: "woodland in Perthshire", "dairy farm in Wilshire" and "3 residential/commercial rented properties in Manchester".

Position in Hong Kong

22. Unlike the UK House of Commons, there is no financial threshold for the registration of land and property by LegCo Members. Further, in the Registration Form of LegCo on "land and property", Members are only required to list the location of the property, for instance, "A property on Hong

¹³ Fifth Report of the Committee on Standards and Privileges of the UK House of Commons, Session 2000-01, para 24

¹⁴ Please see clause 130 under Part 4 of the Companies Bill.

Kong Island" or "Properties in Hong Kong, Canada and the United Kingdom" but not other details.

Family members employed and remunerated through parliamentary allowances

Practices in the UK House of Commons

23. It has long been a tradition of the UK House of Commons for Members to employ their family members, the majority of whom are spouses, as staff handling local constituency affairs.¹⁵ The UK House of Commons did not require Members to register family members employed and remunerated through parliamentary allowances until 2008¹⁶, following a complaint made about a Member in May 2007 for misusing parliamentary allowances to employ his son who was a student at the time.¹⁷

Position in Hong Kong

24. LegCo does not have this category of registrable interest under Rule 83 of RoP. According to "A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council", Members are not allowed to employ their relatives as staff. Also, their relatives should not have any interests in the consultants employed. These provisions have been in place since September 1995.

Major differences between the registrable interests of LegCo and those of ExCo

25. ExCo Members are required to register six categories of registrable interests, 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

¹⁵ According to the Committee on Standards in Public Life, in 2009 almost one-third of the MPs employ members of their own families, with a few who employed more than one. See CSPL 12th Report, "MPs' expenses and allowances", November 2009, p.56.

¹⁶ According to the Guide to the Rules relating to the conduct of Members, 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), para 65.

¹⁷ Committee on Standards and Privileges, 4th Report of session 2007-2008, "Conduct of Mr Derek Conway", 25 January 2008.

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 inspection.¹⁸

Land and property

26. 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.

Shareholdings

27. As regards the registration of shareholdings, both LegCo and ExCo Members 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 capital. ExCo Members are however 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.¹⁹

Membership of boards, committees and other organizations which might be construed by members of the public as a declaratory interest

28. The category "membership of boards, committees and other organizations which might be construed by members of the public as a declaratory interest" is not a registrable interest of LegCo. To prevent conflict of interest during discussion at ExCo, ExCo Members are required to register

¹⁸ 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)).

¹⁹ 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)).

their membership of bodies or associations, such as the Hong Kong General Chamber of Commerce and the Real Estate Developers Association, as their participation in that discussion might affect the decision of ExCo in these bodies or associations²⁰.

Council Business Division 3
Legislative Council Secretariat
14 March 2012

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²⁰ Background brief on "Declaration mechanism by Executive Council Members" prepared by the Legislative Council Secretariat for the meeting of the Panel on Constitutional Affairs on 15 November 2010 (LC Paper No. CB(2) 239/10-11(09)), para 6.

**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 ^{iv}	Yes	Yes
Remunerated directorships through corporate directors	Yes	Yes	Such requirement not specified
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
Details to register			
Name of company	Yes	Yes	Yes
Address of company	No	No	Yes
Nature of business of company	Yes	Yes	Yes
Amount of director's fee received	No	No	Yes ^v
Nature of the work relating to the director's fee received	No	No	Yes
Number of hours worked for the director's fee received	No	No	Yes
Name and address of payer (if the company is not the payer)	No	No	Yes ^{vi}

-
- i Include all directorships for which a fee, honorarium, allowance or other material benefit is payable. "Material benefit" refers to (a) 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 (\$43,890 in February 2012); or (b) 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. Members of Parliament ("MPs") are however not required to register directorships in companies which are not trading. "Not trading" is 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.
 - iv If the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), Members are also required to provide the name of that other company.
 - v MPs are required to register the amount of each individual payment they received, if an individual payment is valued above 0.1% of an MP's salary (£66 in March 2010), or if the cumulative total of payments from the same source in the same year are valued to be above 1% of an MP's salary (£660 in March 2010). MPs who have provided services in the capacity of an MP should 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 MPs are required 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 Council	Executive Council	House of Commons
Remunerated employment, office, trade, profession or vocation	Yes ⁱ	Yes ⁱ	Yes ⁱⁱ
Details to register			
Name of employment, office, trade, or profession	Yes	Yes	Yes ⁱⁱⁱ
Address of employment, office, trade, or profession	No	No	Yes ⁱⁱⁱ
Nature of business	Yes (where a firm is named) ^{iv}	Yes (only when the employment is paid consultancy) ^{iv}	Yes
Amount of each individual payment received arising from the employment, office, trade or profession	No	No	Yes ^v
Number of hours worked for the payment received arising from the employment, office, trade or profession	No	No	Yes

-
- 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 (a) 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 (\$43,890 in February 2012); or (b) one-off material benefits exceeding HK\$10,000 in value.
- ii MPs are required 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.

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- iii In addition to registering the name and address of the employment, MPs are also required to register the name and address of the payer if the source of employment is an individual, except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality.
 - iv Members who have paid posts as consultants or advisers should indicate the nature of the consultancy in the register, for example, "management consultant", or "legal adviser".
 - v MPs are required to register the amount of each individual payment if an individual payment is valued above 0.1% of a Member's salary (£66 in March 2010), or if the cumulative total of payments from the same source in the same year are valued to be above 1% of a Member's salary (£660 in March 2010). MPs who have provided services in the capacity of an MP should 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.

(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, when they arise out of or relate to membership of LegCo ⁱ	Yes, when they arise out of or relate to membership of ExCo ⁱⁱ	Yes, irrespective of whether they arise out of or relate to membership of the House ⁱⁱⁱ
Details to register			
Name of client	Yes	Yes	Yes
Address of client	No	No	Yes
Nature of business of client	Yes	No	Yes
Amount of each individual payment received in return for service provided to client	No	No	Yes ^{iv}
Nature of the work relating to the payment received in return for service provided to client	No	No	Yes
Number of hours worked for the payment received in return for service provided to client	No	No	Yes
Name and address of the person, organization or company making the payment if different from the client registered	No	No	Yes ^v

- i LegCo Members are required 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.

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- ii ExCo Members are required 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 it is not specified that they should register clients to whom services are rendered through their companies.
 - iii MPs are required 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 an MP receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the MP should list any of those clients to whom personal services or advice are provided, either directly or indirectly.
 - iv MPs are required to register the amount of each individual payment if an individual payment is valued above 0.1% of an MP's salary (£66 in March 2010), or if the cumulative total of payments from the same source in the same year are valued to be above 1% of an MP's salary (£660 in March 2010). MPs who have provided services in the capacity of an MP should 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.
 - v MPs are required 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. The Registrar for Members' Financial Interests noted that since many MPs who are barristers were engaged by solicitors, and many MPs who are doctors worked for the National Health Service or named private practice, they did not find themselves required to give personal details of clients. According to the Parliamentary Commissioner for Standards, in the 16 November 2011 edition of the Register only 7 MPs made entries under Category 3 (Clients).

(4(1)) Election Donations

Registration required	Legislative Council	Executive Council	House of Commons
Election donations received towards a Member being elected to the membership of the Legislative Council/House of Commons	Yes ⁱ	Not applicable ("N/A")	Yes ⁱⁱ
Details to register			
Name of sponsor	Yes ⁱⁱⁱ	N/A	Yes
Address of sponsor	Yes ⁱⁱⁱ	N/A	Yes
Amount involved	Yes	N/A	Yes

-
- i LegCo Members are required 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 MPs are required 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. MPs 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. MPs 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.
- iii LegCo Members are required 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.

(4(2)) Financial Sponsorships

Registration required	Legislative Council	Executive Council	House of Commons
Payment, material benefit or advantage received relating to the membership of LegCo/ExCo/House of Commons	Yes ⁱ	Yes	Yes ⁱⁱ
Received by Member's spouse	Yes	Yes	Yes ⁱⁱⁱ
Details to register			
Name of sponsor	Yes	Yes	Yes
Address of sponsor	No	No	Yes
Details of the sponsorships	Yes ^{iv}	Yes ^v	Yes ^{vi}

-
- i 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 (a) 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 (\$43,890 in February 2012); or (b) one-off material benefits exceeding HK\$10,000 in value.
- ii MPs are required 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.
- iii See Category 9 on gifts received by spouses of MPs.
- iv Where a company is named as sponsor, LegCo Members should briefly indicate the nature of the business of the company.
- v ExCo Members should give details such as the name and nature of the organization providing the sponsorships.
- vi MPs are required to register the amount of donation, nature and value (if donation in kind) and the date of receipt of the donation.
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(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 the membership of LegCo/ExCo/House of Commons	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 the membership of LegCo/ExCo/House of Commons	Yes	Yes	Yes
Details to register			
Purpose of visit	Yes	Yes	Yes
Name of sponsor	Yes	Yes	Yes
Address of sponsor	No	No	Yes
Date of visit	Yes	No ⁱⁱ	Yes
Country visited	Yes	No ⁱⁱ	Yes
Nature of any interest received	Yes ⁱⁱⁱ	Yes	Yes
Amount of sponsorship involved	No	No ^{iv}	Yes ^v

-
- 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 LegCo Members are required 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.
- v MPs are required to register the cost of the visit. If there is no commercial equivalent and the value is believed to be above £1,500, an estimate of the probably value should be provided.

(6) Overseas Payments, Benefits and Advantages

Registration required	Legislative Council	Executive Council	House of Commons
Payments, material benefits or advantages received by Member from an overseas organization or a non-local person, relating to his/her membership of LegCo/ExCo/House of Commons	Yes ⁱ	Yes	Yes ⁱⁱ
Payments, material benefits or advantages received by Member's spouse from an overseas organization or a non-local person, relating to his/her membership of LegCo/ExCo/House of Commons	Yes	Yes	Yes
Payments, material benefits or advantages received by a company (in which the Member has a controlling interest or the largest shareholding) from an overseas organization or a non-local person, relating to his/her membership of LegCo/ExCo/House of Commons	Yes	No	No
Details to register			
Details of the payments, material benefits or advantages received	Yes	Yes	Yes
Name of donor who provided the payments, material benefits or advantages	No ⁱⁱⁱ	No ⁱⁱⁱ	Yes
Address of donor who provided the payments, material benefits or advantages	No ⁱⁱⁱ	No ⁱⁱⁱ	Yes

- i LegCo Members are required 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 (a) 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 (\$43,890 in February 2012); or (b) 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 MPs are required 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. This category is little used. In the 16 November 2011 edition of the Register, only two MPs made entries under this category.

 - 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
Land or property owned by Member	Yes ⁱ	Yes ⁱ	Yes ⁱⁱ
Land or property held in the name(s) of other persons or companies, but actually owned by the Member	Yes ⁱⁱⁱ	Yes	No
Land or property not owned by Member, but from which the Member derives a beneficial interest	Yes ^{iv}	Yes	No
Details to register			
Location (detailed address not necessary)	Yes ^v	Yes	Yes ^{vi}
General nature of land or property	Yes	No ^{vii}	Yes ^{vi}
Rental income received from the land or property	No ^{viii}	No ^{viii}	Yes

-
- i LegCo Members are not required to register their only principle residences in Hong Kong which they own and ordinarily live in, unless incomes are derived from the properties. ExCo Members are required to register land and properties including those for self-occupation.
- ii MPs are required 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. MPs are not required to register properties used for the personal residential purposes of themselves or their spouses and dependent children, unless the MPs derive incomes from the properties.
- iii LegCo Members are 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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- iv LegCo Members are required 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.
 - v LegCo Members are required 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".
 - vi MPs are required 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. A review is being made to see whether or not MPs should be required to register properties outside the UK, which they are not required to do so at present.
 - vii Although such requirement was not specified, in practice ExCo members include the nature of land and property they own in the register.
 - viii 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 (either held by the Member or with or on behalf of his/her spouse or dependent children)	Yes, when the holding has a nominal value greater than 1% of the issued share capital of the company	Yes, when the holding has a nominal value greater than 1% of the issued share capital of the company ⁱ	Yes, when the holding is greater than 15% of the issued share capital of the company; 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). ⁱⁱ
Details to register			
Name of the company	Yes	Yes	Yes
Nature of the company's business	Yes	No	Yes
Shareholdings in self-invested personal pension funds	No	No	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 The UK's registration system for the category of shareholding has a different emphasis than those adopted by Hong Kong. Rather than concerning only with the nominal value of the shares, the UK's system also concerns with the market value of the shares and Members are required to register their holding of such shares when the shares' values are above the current annual parliamentary salary (£66,000).

(9) Miscellaneous and other categories

Miscellaneous

Legislative Council	Executive Council	House of Commons
Members can register under "Miscellaneous" any relevant interests which they consider should be disclosed but which do not fall within the eight categories in the Register. Examples of entries made by Members include gifts they received, and memberships in government advisory boards and statutory bodies.	"Miscellaneous" is not provided in the Register.	This is a category in the Register which may be used by MPs for the registration of financial or non-financial interests which do not obviously fall within any other category but which nonetheless fall within the main purpose of the Register. MPs may register information such as unremunerated directorships of charitable trusts, professional bodies or sporting or artistic organisations under this category.

Gifts

Legislative Council	Executive Council	House of Commons
No such category is provided. Gifts such as hampers had in the past been registered by Members under "Miscellaneous" in the Register.	ExCo Members are required to register gifts worth HK\$2,000 or more received by them or their spouses 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.	Under the category of "Gifts, Benefits and Hospitality (UK)", MPs are required 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.

Family members employed and remunerated through parliamentary allowances

Legislative Council	Executive Council	House of Commons
LegCo Members are not allowed to employ their relatives as staff. Also, their relatives should not have any interests in the consultants employed.	Not applicable.	Under the category of "Employment of Family Members", MPs are required 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).

Loans/credit arrangements relating to Member's political activities

Legislative Council	Executive Council	House of Commons
Such information are not required to be registered.	Such information are not required to be registered.	Loans, credit facilities and security given to MPs are regulated by the Political Parties, Elections and Referendums Act 2000. Under the category of "Loans and other Controlled Transactions", MPs are required 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.

Membership of boards, committees and other organisations

Legislative Council	Executive Council	House of Commons
Such information are not required to be registered. Some Members registered their memberships in government advisory boards and statutory bodies under "Miscellaneous" in the Register.	ExCo Members are required to register under this category details of their membership of Boards, Committees and other organizations which might be construed by members of the public as a declaratory interest.	Such information are not required to be registered.

Council Business Division 3
Legislative Council Secretariat
14 March 2012

G:\COMMON\Grouped by subjects\Committee on Members Interests\2008-2012 term\Open Meetings\8th meeting 2012.03.01\Papers\Appendix II (new)\Feb20 draft\Miscellaneous (20Feb).doc

***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

Register of Members' Financial Interests

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)

I. 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 £560 at 1 April 2010

4 About £56,000 at 1 April 2010

5 About £5,500 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 I

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).

DRAFT

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



Registration Form on Members' Interests



? 2012

Important Notes

Time limits for registration of interests

Every Member is required to not later than the first meeting of each term furnish to the Clerk to the Legislative Council ("LegCo") in the Registration Form on Members' Interests ("the Registration Form") particulars of his registrable interests (Rule 83(1) of the Rules of Procedure ("RoP")).

2. Every Member is required to furnish to the Clerk to LegCo within 14 days of any change to his registrable interests (Rule 83(3) of RoP)

Register of Members' interests

3. Particulars of registrable interests are entered in a Register of Members' Interests ("the Register") for public inspection (Rule 83(4) of RoP).

4. The main purpose of the Register is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his actions, speeches or votes in the Council, or actions taken in his capacity as a Member of the Council. Members are required to have this general purpose in mind when determining what interests should properly be disclosed.

5. It is for individual Members to provide the required information and be responsible for what is recorded about himself in the Register, as each is answerable to his fellow Members and the public.

6. The registration of interests is additional to, and in no way a replacement of, the requirement on Members to disclose pecuniary interests under Rule 83A of RoP which is reproduced hereunder:

"In the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest."

7. As far as the RoP are concerned, it is not a breach to receive material benefits, provided that the material benefits are registered in accordance with Rule 83 of RoP. Whether or not the acceptance of a particular material benefit is in contravention of the provisions of the Prevention of Bribery Ordinance (Cap. 201) or other Ordinances is a matter for the Member to decide for himself having regard to his own knowledge of the circumstances.

8. For details of the registrable interests which are required to be registered under Rule 83 of the RoP, please refer to the explanatory notes in each category of registrable interest in the Registration Form. Further guidance can be found in the Guidelines on Registration of Interests which is available from the LegCo Secretariat and the LegCo website.

9. If there is not enough space for completing any section of the Registration Form, additional sheets may be attached to it; but each sheet should carry the Member's signature.

Category

1. Directorships
2. Remunerated Employment, Offices, etc.
3. Clients (arising from or relating in any manner to the membership of the Council)
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. Remunerated membership of boards, committees and other organizations
10. Miscellaneous

Name of Member: _____

Category 1- Directorships

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

Yes **No** (*Please ✓ where appropriate*)

If yes, please list the details of the company in each case in the table below.

- 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 remuneration* of a Member of the Council (*excluding the operating expenses reimbursement); or (ii) one-off material benefits exceeding \$10,000 in value.
 - (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) Subsidiary of another company has the same meaning as in section 2(4) of the Companies Ordinance (Cap. 32) which specifies that a company shall be deemed to be a subsidiary of another company if –
 - "(a) that other company: (i) controls the composition of the board of directors of the first-mentioned company; or (ii) controls more than half of the voting power of the first-mentioned company; or (iii) holds more than half of the issued share capital of the first-mentioned company (excluding any part of it which carries no right to participate beyond a specified amount in a distribution of either profits or capital); or
 - (b) if the first-mentioned company is a subsidiary of any company which is that other company's subsidiary."

Details

Name of company	
- Nature of business of the company	
- Nature of work carried out in return for the remuneration	
- Capacity (<i>Please ✓ where appropriate</i>)	<input type="checkbox"/> Executive Director <input type="checkbox"/> Non-Executive Director <input type="checkbox"/> Others (<i>please specify</i>) _____
- Starting date of holding the directorship of the company if the directorship is appointed during the term	
- Name of the company if the company of which you are a remunerated director is a subsidiary company of that company	

Signature: _____

Date: _____

(If you have more directorships to register, please use the additional sheet provided after this page.)

Category 1- Directorships
1(1) (cont'd)

Name of Member: _____

Name of company	
- Nature of business of the company	
- Nature of work carried out in return for the remuneration	
- Capacity (Please ✓ where appropriate)	<input type="checkbox"/> Executive Director <input type="checkbox"/> Non-Executive Director <input type="checkbox"/> Others (please specify) _____
- Starting date of holding the directorship of the company if the directorship is appointed during the term	
- Name of the company if the company of which you are a remunerated director is a subsidiary company of that company	
Name of company	
- Nature of business of the company	
- Nature of work carried out in return for the remuneration	
- Capacity (Please ✓ where appropriate)	<input type="checkbox"/> Executive Director <input type="checkbox"/> Non-Executive Director <input type="checkbox"/> Others (please specify) _____
- Starting date of holding the directorship of the company if the directorship is appointed during the term	
- Name of the company if the company of which you are a remunerated director is a subsidiary company of that company	

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

1(2). If you ceased to hold any directorships of companies which have been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.

Details

Name of company	Date of ceasing to hold the directorship

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 2 – Remunerated Employment, Offices, etc.

2(1). Are you receiving any remuneration from any employment, office, trade, profession or vocation (apart from membership of the Legislative Council)?

Yes **No** (*Please ✓ where appropriate*)

If yes, please list the details of the employment, office, trade, or profession in each case in the table below.

- Notes:**
- (a) An employment, office, trade or profession is "remunerated" where a salary, 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 remuneration* of a Member of the Council (*excluding the operating expenses reimbursement); or (ii) one-off material benefits exceeding \$10,000 in value.
 - (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.

Details

Name of the remunerated employment, office, trade, or profession	Nature of business of the firm (if a firm is named)	Nature of work carried out in return for the remuneration	Starting date of being engaged in the employment, office, trade or profession if the engagement is made during the term

Signature: _____ **Date:** _____

(If you have more remunerated employment, office, trade, or profession to register, please use the additional sheet provided after this page.)

Category 2- Remunerated Employment, Offices, etc.
2(1) (cont'd)

Name of Member: _____

Name of the remunerated employment, office, trade, or profession	Nature of business of the firm (if a firm is named)	Nature of work carried out in return for the remuneration	Starting date of being engaged in the employment, office, trade or profession if the engagement is made during the term

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Category 2- Remunerated Employment, Offices, etc.

Name of Member: _____

2(2). If you ceased to engage in any remunerated employment, office, trade or profession which has been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.

Details

Name of the remunerated employment, office, trade, or profession	Date of ceasing to engage in the remunerated employment, office, trade or profession

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 3 – Clients

(arising from or relating in any manner to the membership of the Council)

3(1). Does any of the paid employment registered in Category 1 (Directorships) or Category 2 (Remunerated employment, offices, etc.) 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** *(Please ✓ where appropriate)*

If yes, please list details in each case in the table below.

- Notes:**
- (a) 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: a solicitor Member's firm acts for a client in making representations to the Council on a bill, and an accountant Member's firm acts for a client in preparing tender documents for a project which is the subject of deliberations by the Finance Committee.
 - (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.

Details

Name of the client	Nature of business of the client	Nature of work carried out in return for the remuneration	Starting date of provision of service to the client if such employment is engaged during the term

Signature: _____ Date: _____

(If you have more clients to register, please use the additional sheet provided after this page.)

Name of Member: _____

Name of the client	Nature of business of the client	Nature of work carried out in return for the remuneration	Starting date of provision of service to the client if such employment is engaged during the term

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

3(2). If you ceased any employment under this category which has been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.

Details

Name of the client	Date of ceasing the provision of service to the client

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 4 – 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 (Please ✓ where appropriate)

If yes, please list details of the sponsor(s) and the amount involved in each case in the table.

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) 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 remuneration* of a Member of the Council (*excluding the operating expenses reimbursement); or (ii) one-off material benefits exceeding \$10,000 in value.

Details

Name of the donor	Nature of business of the donor (if a company is named as donor)	Amount of the donation

Signature: _____ Date: _____

(If you have more donors to register, please use the additional sheet provided after this page.)

Category 4 – Election Donations/ Financial Sponsorships

4(1) (cont'd)

Name of Member: _____

Name of the donor	Nature of business of the donor (if a company is named as donor)	Amount of the donation

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 5 – 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** (*Please ✓ where appropriate*)

If yes, please list details in the table below.

- 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) "Overseas visits" is interpreted to include all visits outside Hong Kong.
 - (c) An interest under this category should be registered within 14 days of the conclusion of the visit.

Details

Name(s) of the sponsor(s)	
Date(s) of the visit	
Country or place visited	
Purpose of the visit	
Nature of interest received (Please specify whether the interest relates to the provision of passage, accommodation, and/or subsistence allowance)	
Estimated amount/value of the sponsorship	

Signature: _____ Date: _____

Name of Member: _____

Category 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”

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** (*Please ✓ where appropriate*)

- 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 (Overseas Visits).
 - (c) 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.
 - (d) 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 remuneration* of a Member of the Council (*excluding the operating expenses reimbursement); or (ii) one-off material benefits exceeding \$10,000 in value.

If yes, please give details.

Signature: _____ Date: _____

Category 6 – Overseas payments, benefits and advantages

Name of Member: _____

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

(Please ✓ where appropriate)

- 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 (Overseas Visits).
 - (c) The definition of "Hong Kong permanent resident" given in Paragraph 2 of Article 24 of the Basic Law is as follows:
 - (1) Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;
 - (2) Chinese citizens who have ordinarily resided in Hong Kong for a continuous period of not less than seven years before or after the establishment of the Hong Kong Special Administrative Region;
 - (3) Persons of Chinese nationality born outside Hong Kong of those residents listed in categories (1) and (2);
 - (4) Persons not of Chinese nationality who have entered Hong Kong with valid travel documents, have ordinarily resided in Hong Kong for a continuous period of not less than seven years and have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region;
 - (5) Persons under 21 years of age born in Hong Kong of those residents listed in category (4) before or after the establishment of the Hong Kong Special Administrative Region; and
 - (6) Persons other than those residents listed in categories (1) to (5), who, before the establishment of the Hong Kong Special Administrative Region, had the right of abode in Hong Kong only.
 - (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) 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 remuneration* of a Member of the Council (*excluding the operating expenses reimbursement); or (ii) one-off material benefits exceeding \$10,000 in value.

If yes, please give details.

Signature: _____

Date: _____

Name of Member: _____

Category 7 – Land and Property

7(1). Do you have any land or property in Hong Kong or elsewhere?

Yes **No** (*Please ✓ where appropriate*)

If yes, please list details of each case in the table below.

- Notes:**
- (a) The requirement is to register the general location and nature of the land or property owned by a Member and whether any income is derived from such land or property. Detailed addresses are not necessary.
 - (b) 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.
 - (c) Land or property is 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.

Details

Location of the land or property <i>(e.g. in Central district on Hong Kong Island)</i>	Nature of the land or property <i>(e.g. residential property, commercial property, car parking space, etc.)</i>	Whether rental income is received <i>(Please ✓ where appropriate)</i>		Date of owning or holding the land or property if the land or property is owned or held during the term
		Yes	No	

Signature: _____ **Date:** _____

(If you have more land or property to register, please use the additional sheet provided after this page.)

Name of Member: _____

Location of the land or property (e.g. in Central district on Hong Kong Island)	Nature of the land or property (e.g. residential property, commercial property, car parking space, etc.)	Whether rental income is received (Please ✓ where appropriate)		Date of owning or holding the land or property if the land or property is owned or held during the term
		Yes	No	

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

7(2). If you ceased to own or hold any land or property which has been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.

Location of the land or property (<i>e.g. in Central district on Hong Kong Island</i>)	Nature of the land or property (<i>e.g. residential property, commercial property, car parking space, etc.</i>)	Date of ceasing to own or hold the land or property

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 8 – Shareholdings

8(1). 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% of the issued share capital of the company?

Yes **No** (*Please ✓ where appropriate*)

If yes, please list details in each case in the table below.

- 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.

Details

Name of the company	Nature of business of the company	Date of acquisition of the shares if these shares are acquired during the term

Signature: _____ Date: _____

(If you have more shares to register, please use the additional sheet provided after this page.)

Name of Member: _____

8(2). If you ceased to own or hold any shares of a company which have been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.

Name of the company	Date of ceasing to own the shares of the company

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Category 9 – Remunerated membership of boards, committees and other organizations

9(1). Are you a remunerated member of any board, committee or organization?

Yes **No** (*Please ✓ where appropriate*)

If yes, please list details in each case in the table below.

Note: A membership is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.

Details

Name of the board/committee/organization (<i>e.g. statutory bodies, non-governmental organizations, etc.</i>)	Date of becoming a remunerated member of the board/committee/organization if you join the board/committee/organization during the term

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Category 9 – Remunerated membership of boards, committees and other organizations

9(1) (cont'd)

Name of Member: _____

Name of the board/committee/organization <i>(e.g. statutory bodies, non-governmental organizations, etc.)</i>	Date of becoming a remunerated member of the board/committee/organization if you join the board/committee/organization during the term

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Category 9 – Remunerated membership of boards, committees and other organizations

Name of Member: _____

9(2). If you ceased to be a remunerated member of any board, committee or organization which has been registered with the Clerk to the Legislative Council before the first meeting of the term or during the term, please list the details in the table below.	
Name of the board/committee/organization (e.g. statutory bodies, non-governmental organizations, etc.)	Date of ceasing to be a remunerated member

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of Member: _____

Category 10 - Miscellaneous

10. If, bearing in mind the purpose of the Register of Members' Interests 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 nine categories set out above, please give details below.

Signature: _____ Date: _____

Proposed amendments to Rule 83 of the Rules of Procedure

83. Registration of Interests

(1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the first meeting of each term, furnish to the Clerk, in ~~such the~~ form ~~as may be approved by the President specified in Schedule 2~~, particulars of his registrable interests. (*L.N. 107 of 1999*)

(2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in ~~such the~~ form ~~as may be approved by the President specified in Schedule 2~~, particulars of his registrable interests.

(3) Every Member shall furnish to the Clerk, in ~~such the~~ form ~~as may be approved by the President specified in Schedule 2~~, particulars of any change in such registrable interests, within 14 days of any such change.

(4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.

(5) In this Rule, "registrable interests" means –

- (a) remunerated directorships of companies, public or private, and if the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), also the name of that other company; (*L.N. 73 of 2006*)
- (b) remunerated employments, offices, trades, professions or vocations;
- (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;

- (d) (i) all donations, as a candidate in the Legislative Council election in which the Member was elected as a Member of the Council, received by the Member or any person on his behalf for the purpose of meeting the Member's election expenses in the election; or
(L.N. 107 of 1999)
- (ii) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect; *(L.N. 107 of 1999)*
- (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
- (f) any payments or any material benefits or advantages received by the Member or his spouse 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;
- (g) land and property;
- (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital~~;~~;
- (i) remunerated membership of boards, committees and other organizations.***

Legend:

Texts proposed to be added are shown in italics

Texts proposed to be deleted are shown with deletion lines