

立法會
Legislative Council

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Date : 28 June 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 July 2012

**Proposed resolution under Article 75 of the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China**

I forward for Members' consideration a proposed resolution which Hon Mrs Sophie LEUNG will move at the Council meeting of 11 July 2012 under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

2. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

**Basic Law of the Hong Kong Special Administrative Region of the
People's Republic of China**

Resolution

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region**

Resolved that the amendments to the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region as set out in the Schedule be approved and applied to Members with effect from the fifth term of office of the Legislative Council.

Schedule

Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

1. Rule 4 amended (election of President)

Rule 4(1) –

Repeal

“the Schedule”

Substitute

“Schedule 1”.

2. Rule 83 amended (registration of interests)

(1) Rule 83(1), (2) and (3) –

Repeal

“such form as may be approved by the President”

Substitute

“the form specified in Schedule 2” .

(2) Rule 83(5)(h) –

Repeal

“capital.”

Substitute

“capital;”.

(3) After Rule 83(5)(h) –

Add

“(i) remunerated membership of boards, committees or other organizations.”.

3. Schedule amended (procedure for the election of the President of the Legislative Council)

The Schedule –

Renumber the Schedule as Schedule 1.

4. Schedule 2 added

After Schedule 1–
Add

“Schedule 2

[Rule 83]

Legislative Council of the Hong Kong Special Administrative Region

Registration Form on Members' Interests

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 or 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 or 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 remunerated subsidiary or associated directorships which you hold within the same group 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 (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	

Excluding the registration made before the first meeting of the term

Signature: _____ Date: _____

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

Name of Member: _____

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	
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	

Excluding the registration made before the first meeting of the term

(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, profession or vocation in each case in the table below.

- Notes:**
- (a) An employment, office, trade, profession or vocation 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, profession or vocation	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, profession or vocation if the engagement is made during the term #

Excluding the registration made before the first meeting of the term

Signature: _____ Date: _____

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

Category 2 – Remunerated Employment, Offices, etc.

Name of Member: _____

2(2). If you ceased to engage in any remunerated employment, office, trade, profession or vocation 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, profession or vocation	Date of ceasing to engage in the remunerated employment, office, trade, profession or vocation

(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 #

Excluding the registration made before the first meeting of the term

Signature: _____ Date: _____

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

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)*

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 section 37(1)(b) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). However, copies of receipts are not required.

If yes, please list details of the sponsor(s) and the amount involved in each case (please see note (b) above).

Signature: _____ Date: _____

Category 4 – Election Donations / Financial Sponsorships

Name of Member: _____

4(2). Have you or your spouse received any payment, or any material benefit or advantage from any person or organization 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 full and timely return on the registration of interests relating to financial sponsorships.
 - (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) You should include any material benefit or advantage received *gratis* or at a price below that generally available to members of the public.
 - (d) Where a company is named as sponsor, please indicate briefly the nature of its business.

If yes, please give details.

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 or 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 or 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 in 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	

Excluding the registration made before the first meeting of the term

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	

Excluding the registration made before the first meeting of the term
(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 #

Excluding the registration made before the first meeting of the term

Signature: _____ Date: _____

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

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: _____