

立法會
Legislative Council

LC Paper No. CMI/26/13-14

Ref: CB(3)/C/2(12-16)

Committee on Members' Interests

Minutes of Meeting
held on Wednesday, 29 January 2014 at 8:30 am
in Conference Room 2A of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Frankie YICK Chi-ming
Hon Gary FAN Kwok-wai
Hon CHAN Yuen-han, SBS, JP
Hon Dennis KWOK

Clerk in attendance : Mr Arthur LEUNG
Chief Council Secretary (3)3

Staff in attendance : Mr Kenneth CHEN
Secretary General

Mr Jimmy MA, JP
Legal Adviser

Miss Odelia LEUNG
Assistant Secretary General 3

Mr KAU Kin-wah
Senior Assistant Legal Adviser 3

Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Wylie HO
Senior Council Secretary (3)6

Ms Ally NG
Administrative Assistant I (3)9

Action

I. Outcome of consultation with Members on proposed amendments to the requirements for Members to register their interests

(LC Paper No. CMI/21/13-14)

The Chairman recapitulated that members decided at the last meeting held on 24 October 2013 that all Members be consulted on the amendments to the registration requirements, which were proposed by the Committee on Members' Interests ("CMI") of the last and current Legislative Council ("LegCo") terms. He further said that pursuant to that decision, a questionnaire was issued to all Members on 11 November 2013 and a briefing session for Members was held on 22 November 2013.

2. At the invitation of the Chairman, the Clerk briefed members on the outcome of consultation with Members on the proposed amendments to the registration requirements, as set out in the paper (LC Paper No. CMI/21/13-14). Except for the President, all the other 69 Members had responded to the questionnaire. According to the consultation outcome, a majority of the responding Members agreed to the following proposed amendments to the Registration Form on Members' Interests ("Registration Form"):

- (a) Members should be required to register the following additional particulars –
 - (i) the start dates of having and the dates of ceasing to have, during the term, registrable interests under the categories of "directorships", "remunerated employment, offices, etc." and "clients";
 - (ii) the dates of ceasing, during the term, to own/hold shares of each company which had been registered; and
 - (iii) the reasons for participation in sponsored overseas visits; and
- (b) the layout of the Registration Form should be revised.

3. As the proposed amendments to the Registration Form in paragraph 2 (a) and (b) above were supported by a majority of Members, the Chairman sought members' views on whether CMI should take them forward.

4. Mr Frankie YICK sought clarifications on:

- (a) whether Members would be required to provide the additional particulars only when they registered interests of the relevant categories or changes in such interests;

- (b) whether the scope of interests registrable under the category of "clients" would remain unchanged, i.e. Members were required to register the names of those clients to whom they provided services personally which arose out of or were related in any manner to their membership of the Council, but they were not required to register the names of the clients of the companies by which they were employed; and
- (c) whether the threshold of 1% shareholding in a company would continue to apply to the registration of shareholding interests.

5. The Chairman replied in the affirmative.

Registration of interests under the category of "overseas visits"

6. With regard to the proposal requiring Members to provide additional information on the estimated amounts/values of sponsorships concerning sponsored overseas visits, Mr Gary FAN noted from the footnotes of Appendix II to the paper the view expressed by several Members that they might have difficulties in providing such estimates. He considered that this could be the main reason why a majority of Members disagreed to the proposal. A few Members had suggested that Members should be required to provide particulars such as the classes of air travel and the names of the hotels when registering sponsored overseas visits. Mr FAN enquired whether Members were currently required to provide such particulars and, if not, whether CMI could take forward this suggestion. In reply, the Clerk said that Members were not currently required to provide such particulars.

7. Mr Frankie YICK said that as Members had not been consulted on the suggestion, their views had to be sought should CMI decide to consider it further. While he would not in principle object to conducting another round of consultation with Members, he doubted if the suggestion would receive the support of a majority of Members, given that 35 Members had disagreed with the original proposal of requiring Members to provide the estimated amounts/values of sponsorships when registering sponsored overseas visits.

8. At the invitation of the Chairman, the Secretary General ("SG") pointed out that as the suggestion was made by only four Members, members might consider the need to consult all Members.

9. Mr Gary FAN said that in addition to the four Members who made the suggestion, another six Members had proposed that Members should

be required to provide information on accommodation, transport and meals when registering sponsored overseas visits.

10. Mr Jeffrey LAM considered that CMI should act in accordance with the consultation outcome by taking forward only those proposals which were supported by a majority of Members, and any new proposal might be considered in future. Members agreed.

11. The Clerk said that as the Council passed on 8 January 2014 the resolution to amend Rule 83(5)(a) and (h) of the Rules of Procedure ("RoP") to tie in with the commencement of the new Companies Ordinance (Cap. 622) on 3 March 2014, consequential amendments were required to be made to the relevant pages of the Registration Form.

12. Members agreed that:

- (a) the proposed new Registration Form in Appendix III to the paper, which had incorporated the proposed amendments in paragraph 2 above and the consequential amendments relating to the new Companies Ordinance, be adopted;
- (b) the new Registration Form should take effect on 3 March 2014 with no retrospective effect; and
- (c) the House Committee ("HC") be consulted on the new Registration Form and relevant arrangements and, subject to HC's views, the President's approval should be sought under Rule 83 of the RoP.

II. Proposed revision of the procedure for handling complaints (LC Paper No. CMI/22/13-14)

13. The Chairman recapitulated that at the meeting on 28 January 2013, members considered the amendments to "The procedure of the Committee on Members' Interests for handling complaints received in relation to the registration or declaration of Members' interests or Members' claims for reimbursement of operating expenses" ("the Procedure"), proposed by CMI of the Fourth LegCo in the light of its experience in handling a number of complaints. At that meeting, members noted that a number of issues relating to the Procedure should be examined further.

14. At the invitation of the Chairman, the Clerk briefed members on the salient points in the paper (LC Paper No. CMI/22/13-14).

15. The Chairman invited members' views on the following proposed direction and principles for revising the Procedure:

- (a) to authorize the Clerk to CMI to deal with, without first seeking instruction from the Chairman of CMI, any complaint which CMI would not consider for the reason that the complaint met the descriptions in paragraph 4¹ of the paper or fell outside the purview of CMI;
- (b) to provide that the purpose of the Preliminary Consideration stage was to decide whether CMI should investigate the complaint and once CMI decided to investigate the complaint, it would proceed to the Investigation Stage; and
- (c) to provide that one of the considerations which CMI might take into account when considering whether or not to recommend sanction of a Member under complaint found to have breached the relevant rule(s) was "whether the breach involves any conflict of interests with the Member's role as a Member of LegCo".

the clerk

16. Members agreed to the aforesaid direction and principles for revising the Procedure and that the Clerk should draft a revised Procedure for members' consideration.

III. Any other business

17. There being no other business, the meeting ended at 9:00 am.

Council Business Division 3
Legislative Council Secretariat
21 March 2014

¹ Under the existing Procedure, CMI would not consider any complaint that meets the following descriptions:

- (a) the complaint is made by an anonymous or unidentifiable person or by a person who cannot be contacted; or
- (b) the complaint is made against a former Member; or
- (c) the complaint is about a Member's act or omission which allegedly took place seven years or more prior to the date of the complaint.