

# 立法會

## *Legislative Council*

LC Paper No. CMI/15/14-15

Ref : CB3/C/2(12-16)

### **Committee on Members' Interests Paper for the meeting on 9 December 2014**

### **Outcome of consultation with Members on proposals in relation to the disclosure of pecuniary interests under Rule 83A of the Rules of Procedure**

#### **Purpose**

This paper reports on the outcome of consultation with Members on proposals in relation to the disclosure of pecuniary interests under Rule 83A of the Rules of Procedure ("RoP").

#### **Background**

2. At its meetings held on 30 April 2013 and 29 April 2014, the Committee on Members' Interests ("CMI") deliberated on the following issues about Members' disclosure of pecuniary interests under Rule 83A of the RoP, which were raised by the Bills Committee on the Stamp Duty (Amendment) Bill 2012 during its scrutiny of the Bill:

- (a) whether a Member is required to disclose a pecuniary interest which is in common with the rest or a sector of the population of Hong Kong ("common pecuniary interest"); and
- (b) whether a Member is required to disclose the same pecuniary interest in a matter each time he speaks on the matter in the same committee ("repeated disclosures").

3. After deliberation, CMI puts forward the following two proposals for consultation with all Members:

- (a) to exclude common pecuniary interests from the requirement of Rule 83A on disclosure of pecuniary interests by Members in the Council or any committee or subcommittee (Proposal 1); and

- (b) to require members of a committee/subcommittee on legislative proposals to disclose pecuniary interests when they first speak on a matter in the committee/subcommittee and repeated disclosures of the same interests at subsequent meetings of the same committee/subcommittee are not necessary (Proposal 2).

4. CMI has also decided that as Rule 83A has to be amended if the two proposals are to be implemented, Members should be consulted on the proposed amendments to Rule 83A in **Appendix I** (with amendments shown in marked-up form). Proposed new subrules (3) and (2) of Rule 83A seek to implement Proposals 1 and 2 respectively.

5. Pursuant to CMI's decisions, all Members were consulted on the two proposals and the proposed revised Rule 83A by way of a questionnaire (LC Paper No. CMI/32/13-14).

### **Outcome of consultation with Members**

6. All Members except the President responded to the questionnaire. The consultation outcome is set out in **Appendix II** and summarized as follows:

#### Proposal 1

- (a) 58 Members (84%) agree to Proposal 1 and the proposed new Rule 83A(3);
- (b) 9 Members (13%) disagree with Proposal 1;
- (c) 2 Members (3%) have no view on Proposal 1 and the proposed new Rule 83A(3);

#### Proposal 2

- (a) 60 Members (87%) agree to Proposal 2 and the proposed new Rule 83A(2);
- (b) 7 Members (10%) disagree with Proposal 2; and
- (c) 2 Members (3%) have no view on Proposal 2 and the proposed new Rule 83A(2).

## **Advice sought**

7. Members are invited to note the outcome of consultation and advise on the way forward. If CMI decides to take forward the proposals, the Committee on Rules of Procedure ("CRoP") will be consulted on the proposed amendments to Rule 83A. Subject to CRoP's views, CMI will seek the views of the House Committee. Should the House Committee agree to the proposed amendments to Rule 83A, the Chairman of CMI will move a motion to amend that rule at a Council meeting.

Council Business Division 3  
Legislative Council Secretariat  
13 November 2014

**Proposed revised Rule 83A of the Rules of Procedure**

**83A. Personal Pecuniary Interest to be Disclosed**

~~In (1) Subject to subrules (2) and (3), a Member shall not in the Council or in any committee or subcommittee, a Member shall not —~~

- ~~(a) move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or~~
- ~~(b) speak on any such matter,~~

except where he discloses the nature of that interest.

~~(2) In—~~

- ~~(a) any Bills Committee; or~~
- ~~(b) any subcommittee appointed pursuant to Rule 75(12) for the purpose of assisting the House Committee in the performance of its functions under Rule 75(10),~~

~~a Member, who has disclosed as required under subrule (1) his pecuniary interest in relation to a matter at a meeting of the relevant committee or subcommittee, shall not be required to declare the same interest in subsequent meetings of the same committee or subcommittee before the Member speaks on the same matter.~~

~~(3) Subrule (1) shall not apply where the Member's interest in a matter is in common with the rest of the population of Hong Kong or a sector thereof.~~

Legend:

- Texts proposed to be deleted are shown with deletion lines.
- Texts proposed to be added are shown in italic and underlined.

## Consultation on proposals in relation to the disclosure of pecuniary interests under Rule 83A of the Rules of Procedure

### Detailed outcome of Members' responses

#### Q.1: Proposal to exclude common pecuniary interests from the requirement of Rule 83A

Agree: 58	Disagree: 9	No view : 2
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Agree			
CHAN Kam-lam	Albert HO	Tommy CHEUNG	MA Fung-kiok
TAM Yiu-chung	James TO	Vincent FANG	<i>(NCF) (1 member)</i>
WONG Ting-kiung	Emily LAU	James TIEN	POON Siu-ping
Starry LEE	WU Chi-wai	Frankie YICK	<i>(FLU) (1 member)</i>
CHAN Hak-kan	SIN Chung-kai	CHUNG Kwok-pan	Joseph LEE
IP Kwok-him	Helena WONG	<i>(LP) (5 members)</i>	CHAN Kin-por
Steven HO	<i>(DP) (6 members)</i>	LEE Cheuk-yan	LEUNG Ka-lau
CHAN Han-pan	WONG Kwok-hing	Cyd HO	Paul TSE
LEUNG Che-cheung	WONG Kwok-kin	CHEUNG Kwok-che	NG Leung-sing
Elizabeth QUAT	CHAN Yuen-han	Fernando CHEUNG	YIU Si-wing
CHIANG Lai-wan	Alice MAK	<i>(LaP) (4 members)</i>	IP Kin-yuen
Christopher CHUNG	KWOK Wai-keung	Regina IP	Martin LIAO
<i>(DAB) (12 members)</i>	TANG Ka-piu	Michael TIEN	Tony TSE
LAU Wong-fat	<i>(FTU) (6 members)</i>	<i>(NPP) (2 members)</i>	<i>(U/I) (9 members)</i>
Abraham SHEK	Ronny TONG	Charles Peter MOK	
Jeffrey LAM	Claudia MO	<i>(PC) (1 member)</i>	
Andrew LEUNG	Kenneth CHAN	Frederick FUNG	
Priscilla LEUNG	<i>(CP) (3 members)</i>	<i>(ADPL) (1 member)</i>	
Christopher CHEUNG			
LO Wai-kiok			
<i>(BPA) (7 members)</i>			

Disagree		No View
Alan LEONG	Kenneth LEUNG	LAM Tai-fai
KWOK Ka-ki	<i>(PC) (1 member)</i>	WONG Yuk-man
Dennis KWOK	LEUNG Yiu-chung	<i>(U/I) (2 members)</i>
<i>(CP) (3 members)</i>	<i>(NWSC) (1 member)</i>	
Albert CHAN	LEUNG Kwok-hung	
CHAN Chi-chuen	<i>(LSD) (1 member)</i>	
<i>(PP) (2 members)</i>	Gary FAN	
	<i>(ND) (1 member)</i>	

#### Q.2: Proposed subrule (3) of Rule 83A in Appendix I

Among the 58 Members who agree to Q.1:

Agree: 58	Disagree: 0
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**Q.3: Proposal that members of a committee/subcommittee on legislative proposals are only required to disclose pecuniary interests when they first speak and repeated disclosures at subsequent meetings are not required**

<b>Agree: 60</b>	<b>Disagree: 7</b>	<b>No view : 2</b>
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<b>Agree</b>			
CHAN Kam-lam	Albert HO	Tommy CHEUNG	MA Fung-kwok (NCF) (1 member)
TAM Yiu-chung	James TO	Vincent FANG	
WONG Ting-kwong	Emily LAU	James TIEN	POON Siu-ping (FLU) (1 member)
Starry LEE	WU Chi-wai	Frankie YICK	
CHAN Hak-kan	SIN Chung-kai	CHUNG Kwok-pan (LP) (5 members)	Joseph LEE
IP Kwok-him	Helena WONG (DP) (6 members)	LEE Cheuk-yan	CHAN Kin-por
Steven HO		Cyd HO	LEUNG Ka-lau
CHAN Han-pan	WONG Kwok-hing	CHEUNG Kwok-che	Paul TSE
LEUNG Che-cheung	WONG Kwok-kin	Fernando CHEUNG (LaP) (4 members)	NG Leung-sing
Elizabeth QUAT	CHAN Yuen-han	Regina IP	YIU Si-wing
CHIANG Lai-wan	Alice MAK	Michael TIEN (NPP) (2 members)	IP Kin-yuen
Christopher CHUNG (DAB) (12 members)	KWOK Wai-keung	Charles Peter MOK (PC) (1 member)	Martin LIAO
LAU Wong-fat	TANG Ka-piu (FTU) (6 members)		Tony TSE (U/I) (9 members)
Abraham SHEK	Ronny TONG		
Jeffrey LAM	Alan LEONG		
Andrew LEUNG	Claudia MO		
Priscilla LEUNG	Kenneth CHAN		
Christopher CHEUNG	KWOK Ka-ki		
LO Wai-kwok (BPA) (7 members)	Dennis KWOK (CP) (6 members)		

<b>Disagree</b>		<b>No View</b>
Albert CHAN	Frederick FUNG (ADPL) (1 member)	LAM Tai-fai
CHAN Chi-chuen (PP) (2 members)	LEUNG Kwok-hung (LSD) (1 member)	WONG Yuk-man (U/I) (2 members)
Kenneth LEUNG (PC) (1 member)	Gary FAN (ND) (1 member)	
LEUNG Yiu-chung (NWSC) (1 member)		

**Q.4: Proposed subrule (2) of Rule 83A in Appendix I**

Among the 60 Members who agree to Q.3:

<b>Agree: 60</b>	<b>Disagree: 0</b>
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Abbreviations

ADPL	Hong Kong Association for Democracy and People's Livelihood	FTU	The Hong Kong Federation of Trade Unions	NPP	New People's Party
BPA	Business and Professionals Alliance for Hong Kong	LaP	Labour Party	NWSC	Neighbourhood and Worker's Service Centre
CP	Civic Party	LP	League of Social Democrats	PC	The Professional Commons
DAB	Democratic Alliance for the Betterment and Progress of Hong Kong	LSD	Liberal Party	PP	People Power
DP	Democratic Party	NCF	New Century Forum	U/I	Political affiliation undeclared/Independents
FLU	The Federation of Hong Kong and Kowloon Labour Unions	ND	Neo Democrats		