

立法會
Legislative Council

LC Paper No. CMI/40/15-16

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

Committee on Members' Interests
Paper for the meeting on 31 May 2016

**Proposal to align the deadlines for registration of election donations
with the deadline for lodging election returns and
proposed amendments to the Registration Form on Members' Interests**

Purpose

This paper seeks the views of members of the Committee on Members' Interests ("CMI") on: (a) the way forward in relation to the proposal to align the deadlines for registration of election donations under the Rules of Procedure ("RoP") with the deadline for lodging election returns under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); and (b) the proposed amendments to the Registration Form on Members' Interests ("the Form").

Background

2. A Member is required to furnish to the Clerk to the Legislative Council ("LegCo") particulars of his registrable interests before the relevant deadline in such form as may be approved by the President (i.e. the Form) under Rule 83(1) and (2) of RoP. Registrable interests, as defined in RoP 83(5), include election donations and beneficial interests in shares of companies or other bodies ("shareholding interests").

**Proposal to align the deadlines for registration of election donations
under RoP with the deadline for lodging election returns under Cap. 554**

3. Under section 37 of Cap. 554, a candidate of a LegCo election is required to lodge his election return with the Chief Electoral Officer **not later than 60 days** after the following: (a) the date of publication of the election result in the Gazette; (b) the declaration of the termination of the election proceedings; or (c) the declaration of the failure of the election (as the case may be).

4. At the last CMI meeting held on 10 May 2016, members agreed to the proposal to align the deadlines¹ for Members to register election donations under RoP with the 60 days' deadline for lodging election returns under Cap. 554 ("the alignment proposal"). CMI decided to seek the views of all Members on the alignment proposal, together with the proposed revised RoP 83 to give effect to this proposal (**Appendix I**), by way of a questionnaire.

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

- (a) 64 Members (93%) agree to the alignment proposal and the proposed revised RoP 83;
- (b) no Member (0%) disagrees with the alignment proposal; and
- (c) 5 Members (7%) have no view on the alignment proposal and the proposed revised RoP 83.

6. Given the above consultation outcome, it is proposed that the Committee on Rules of Procedure ("CRoP") be consulted on the proposed amendment to RoP 83 in Appendix I. Subject to CRoP's views, CMI will seek the views of the House Committee. Should the House Committee agree to the proposed amendment to RoP 83, the Chairman of CMI will move a motion at a Council meeting to amend that Rule. In the event that the said motion cannot be dealt with before the prorogation of the Fifth LegCo, the issue will be revisited by the next CMI.

Proposed amendments to the Form

7. At the last CMI meeting held on 10 May 2016, members noted that shareholding interests are defined in RoP 83(5)(h) as "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 shares of a number greater than one-hundredth of the total number of issued shares". While the Form, which is based on that Rule, provides that a Member has to register his shareholding interests in "any company or body", neither that Rule nor the Form contains express reference to or provision on

¹ Subrules (1) and (2) of RoP 83 respectively provide that a Member returned through a general election shall register his interests **not later than the first Council meeting** of a term, whereas a new Member returned through a by-election shall register his interests **within 14 days** from the date of his becoming a new Member to fill a vacant seat. In the current and past three terms of LegCo, there were 30 days or less between the dates of publication of the LegCo election results and the dates of the respective first Council meetings.

whether shareholding interests in overseas companies are registrable. According to the definition of shareholding interests in RoP 83(5)(h), a "beneficial interest" of over 1% in the shares of a company or body is registrable. CMI decided that for the sake of clarity, the Form should be amended to explicitly state that shareholding interests in overseas companies are registrable. The proposed amendments to page 16 of the Form are marked up in **Appendix III**.

Advice sought

8. Members are invited to consider:
 - (a) the way forward in relation to the alignment proposal (paragraph 6 above); and
 - (b) the proposal to seek the views of all Members on the proposed amendments to the Form in Appendix III by way of a questionnaire (paragraph 7 above). Subject to the majority support of Members, CMI may decide that the President be invited to approve the revised Form pursuant to RoP 83(1) and (2).

Council Business Division 3
Legislative Council Secretariat
30 May 2016

Proposed revised 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 form as may be approved by the President, particulars of his registrable interests.

(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 form as may be approved by the President, particulars of his registrable interests.

(2A) Notwithstanding the provisions in subrules (1) and (2), particulars of a Member's registrable interests under subrule (5)(d)(i) shall be furnished to the Clerk within the period for lodging election returns in relation to a Legislative Council election provided in section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

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

X X X X X X

Legend:

- Text proposed to be added are shown in italic and underlined.

Consultation on the proposal to align the deadlines for registration of election donations with the deadline for lodging election returns

Detailed outcome of Members' responses

1. Views on the captioned proposal:

Agree: 64	Disagree: 0	No view : 5
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Agree			
CHAN Kam-lam	Albert HO	Tommy CHEUNG	Gary FAN
TAM Yiu-chung	James TO	Vincent FANG	<i>(ND) (1 member)</i>
WONG Ting-kwong	Emily LAU	James TIEN	
Starry LEE	WU Chi-wai	Frankie YICK	MA Fung-kwok
CHAN Hak-kan	SIN Chung-kai	CHUNG Kwok-pan	<i>(NCF) (1 member)</i>
IP Kwok-him	Helena WONG	<i>(LP) (5 members)</i>	
Steven HO	<i>(DP) (6 members)</i>	LEE Cheuk-yan	Joseph LEE
CHAN Han-pan	WONG Kwok-hing	Cyd HO	LAM Tai-fai
LEUNG Che-cheung	WONG Kwok-kin	CHEUNG Kwok-che	CHAN Kin-por
Elizabeth QUAT	CHAN Yuen-han	Fernando CHEUNG	LEUNG Ka-lau
CHIANG Lai-wan	Alice MAK	<i>(LaP) (4 members)</i>	Paul TSE
Christopher CHUNG	KWOK Wai-keung	Regina IP	WONG Yuk-man
<i>(DAB) (12 members)</i>	TANG Ka-piu	Michael TIEN	NG Leung-sing
LAU Wong-fat	<i>(FTU) (6 members)</i>	<i>(NPP) (2 members)</i>	YIU Si-wing
Abraham SHEK	Alan LEONG	Charles Peter MOK	IP Kin-yuen
Jeffrey LAM	Claudia MO	Kenneth LEUNG	Martin LIAO
Andrew LEUNG	Kenneth CHAN	<i>(PC) (2 members)</i>	Tony TSE
Priscilla LEUNG	KWOK Ka-ki	LEUNG Yiu-chung	<i>(U/I) (11 members)</i>
Christopher CHEUNG	Dennis KWOK	<i>(NWSC) (1 member)</i>	
LO Wai-kwok	Alvin YEUNG		
<i>(BPA) (7 members)</i>	<i>(CP) (6 members)</i>		

No View
Albert CHAN
CHAN Chi-chuen
<i>(PP) (2 members)</i>
Frederick FUNG
<i>(ADPL) (1 member)</i>
LEUNG Kwok-hung
<i>(LSD) (1 member)</i>
POON Siu-ping
<i>(FLU) (1 member)</i>

2. Views on the proposed revised Rule 83 of Rules of Procedure:

Among the 64 Members who agree to Item 1:

Agree: 64

Disagree: 0

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	LSD	League of Social Democrats	PC	The Professional Commons
DAB	Democratic Alliance for the Betterment and Progress of Hong Kong	LP	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		

Name of Member: _____

Category 8 – ~~Shareholdings~~ Beneficial interests in shares of companies or other bodies

8(1). Do you have (either yourself or with or on behalf of your spouse or infant children) any beneficial ~~interests~~ interest in shares in any company or body of a number greater than 1% of the total number of issued shares of the company or body?

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~~ shares.
- (b) "~~Shareholdings~~" "Shares" is defined as ~~personal shareholdings~~ shares in local and overseas companies or bodies (including shell companies or bodies which do not (i) own any assets or (ii) carry on any business or (iii) conduct any commercial activities), and ~~do~~ does not include ~~shareholdings~~ shares held by a Member in the capacity of a nominee shareholder unless the shares are held on behalf of his spouse or infant children.
- (c) It is the obligation of a Member to register interests under this category within his knowledge.
- (d) ~~Shareholdings~~ Shares held by a Member's spouse are not registrable unless such ~~holdings~~ shares 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~~ shares in respect of a Member's infant children.

Details

Name of the company <u>or body</u>	Nature of business of the company <u>or body</u>
<p>Legend:</p> <ul style="list-style-type: none"> - Text proposed to be added are shown in italic and underlined. - Text proposed to be deleted are shown with deletion line. 	

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

Signature: _____ Date: _____