

立法會
Legislative Council

LC Paper No. CMI/47/15-16

Ref : CB3/C/1 (12-16)

**Paper for the House Committee
meeting on 17 June 2016**

**Amendment to Rule 83 of the Rules of Procedure
proposed by the Committee on Members' Interests**

Purpose

This paper seeks the views of the House Committee on an amendment to Rule 83 of the Rules of Procedure ("RoP") proposed by the Committee on Members' Interests ("CMI").

Background

Registration requirement on election donations

2. 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. Registrable interests, as defined in RoP 83(5), include election donations.

Statutory requirement for candidates to lodge election returns

3. Under section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), all candidates of a Legislative Council ("LegCo") election are required to lodge their election returns with the Chief Electoral Officer within the specified deadlines. With the passage of the Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill at the LegCo meeting of 1 June 2016 and the commencement of the enacted Ordinance on 10 June 2016, the deadlines under section 37 of Cap. 554 for all candidates in the same election for lodging their election returns have been aligned to: **60 days** after the election results of all constituencies are notified in the Gazette.

Using election returns for registering election donations under RoP

4. The notes on page 10 of the Registration Form on Members' Interests (**Appendix I**) state that: (a) "election donations" has the same meaning as that in Cap. 554; and (b) for the purpose of stating the details of sponsor(s) and election donations involved, a Member may attach a copy of the election return relating to election donations which he is required to lodge with the Chief Electoral Officer under Cap. 554.

Proposal to align the deadlines for registration of election donations with the deadline for lodging election returns

5. 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 LegCo meetings. In other words, Members were required under RoP 83 to register the election donations received by them well before the 60-day deadline for lodging election returns under Cap. 554. In view of this, CMI proposes that RoP 83 be amended so as to align the deadlines for Members to register election donations under RoP with the 60-day deadline for lodging election returns under Cap. 554 ("the alignment proposal").

Consultation with Members on the alignment proposal and the proposed revised RoP 83

6. CMI sought, in May 2016 by way of a questionnaire, the views of all Members on the alignment proposal, together with the proposed revised RoP 83 to give effect to this proposal (**Appendix II**). All Members except the President responded to the questionnaire. The consultation outcome is in **Appendix III** and summarized as follows:

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

7. As the consultation outcome shows that a clear majority of Members support the alignment proposal and the proposed amendment to RoP 83, CMI decided at its meeting held on 31 May 2016 that the matter should be taken forward.

Consultation with the Committee on Rules of Procedure

8. CMI consulted the Committee on Rules of Procedure ("CRoP") on the proposed amendment to RoP 83 early this month. CRoP supported the proposed amendment.

Advice sought

9. Members are invited to consider CMI's proposed amendment to RoP 83 in Appendix II. Subject to the views of the House Committee, the Chairman of CMI will move a motion at a LegCo meeting to amend RoP 83. The wording of the motion is in **Appendix IV**.

Council Business Division 3
Legislative Council Secretariat
14 June 2016

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 Chief Electoral Officer 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: _____

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 with Members 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
-----------	-------------	-------------

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		Cyd HO	LAM Tai-fai
LEUNG Che-cheung	WONG Kwok-hing	CHEUNG Kwok-che	CHAN Kin-por
Elizabeth QUAT	WONG Kwok-kin	Fernando CHEUNG	LEUNG Ka-lau
CHIANG Lai-wan	CHAN Yuen-han	<i>(LaP) (4 members)</i>	Paul TSE
Christopher CHUNG	Alice MAK		WONG Yuk-man
<i>(DAB) (12 members)</i>	KWOK Wai-keung	Regina IP	NG Leung-sing
	TANG Ka-piu	Michael TIEN	YIU Si-wing
LAU Wong-fat	<i>(FTU) (6 members)</i>	<i>(NPP) (2 members)</i>	IP Kin-yuen
Abraham SHEK		Charles Peter MOK	Martin LIAO
Jeffrey LAM	Alan LEONG	Kenneth LEUNG	Tony TSE
Andrew LEUNG	Claudia MO	<i>(PC) (2 members)</i>	<i>(U/I) (11 members)</i>
Priscilla LEUNG	Kenneth CHAN		
Christopher CHEUNG	KWOK Ka-ki		
LO Wai-kwok	Dennis KWOK	LEUNG Yiu-chung	
<i>(BPA) (7 members)</i>	Alvin YEUNG	<i>(NWSC) (1 member)</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 in Appendix II:

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		

**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 Rules of Procedure of the Legislative Council of the
Hong Kong Special Administrative Region be amended as set out in the
Schedule.

Schedule

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

1. Rule 83 amended (registration of interests)

After Rule 83(2) –

Add

“(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).”.