



立法會

LEGISLATIVE COUNCIL

By email

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24 May 2017

Mr James Middleton
Chairman
ClearTheAir

Dear Mr Middleton,

Thank you for your letter dated 15 May 2017 and subsequent emails expressing concern that the presence of certain Legislative Council ("LegCo") Members, whom you said to have vested interests in the tobacco industry, at the meeting of the Subcommittee on Smoking (Public Health) (Notices) (Amendment) Order 2017 ("the Subcommittee") of LegCo would be inconsistent with certain requirements of the World Health Organization Framework Convention on Tobacco Control.

As you are aware, LegCo is the legislature of the Hong Kong Special Administrative Region. Under Article 73 of the Basic Law, LegCo has the powers and functions, among other matters, to enact laws. Article 75 of the Basic Law gives LegCo the power to make rules of procedure of LegCo on its own, subject to the proviso that the rules do not contravene the Basic Law.

Regarding conflicts of interest, Rules 83A and 84(1) of the Rules of Procedure of LegCo provide that Members are required to disclose their pecuniary interests, whether direct or indirect, in matters being considered, and should not vote on any matter in which they have a direct pecuniary interest. This is to ensure that other Members and the public are made aware, when a Member is participating in the proceedings of the Council or its committees, of any pecuniary interest which might reasonably be thought to be relevant to those proceedings and might influence his views on the matter. These rules apply to members of the Subcommittee. Moreover, unless there are reasons for not doing so, all meetings of the Subcommittee are open to the public and minutes of meetings are accessible on the website of LegCo.

The above apart, every Member is required, under Rule 83 of the Rules of Procedure, to furnish to the Clerk to LegCo particulars of his registrable interests. Particulars of registrable interests are entered in a Register of Members' Interests ("the Register") for public inspection. 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 LegCo. In addition, a set of Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such ("the Advisory Guidelines") has been issued by the LegCo's Committee on Members' Interests.

The relevant requirements and the Register, as well as the Advisory Guidelines can be viewed on the website of LegCo at http://www.legco.gov.hk/general/english/cmi/cmi_1620.htm.

Yours sincerely,



(KWOK Ka-ki)

Chairman

Subcommittee on Smoking (Public Health)
(Notices) (Amendment) Order 2017