

民政事務總署
香港灣仔軒尼詩道一百三十號
修頓中心二十九及三十樓



Home Affairs Department
29th and 30th Floors, Southorn Centre,
130 Hennessy Road,
Wan Chai,
Hong Kong.

本署檔號： HAD HQ CR/4-35/10/(C)
來函檔號： CB4/PAC/R68
電話： 2835 1483
傳真： 2834 5466

(By e-mail only)

12 July 2017

Mr Anthony CHU
Clerk to Public Accounts Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Mr Chu,

Public Accounts Committee
Consideration of Chapter 4 of the Director of Audit's Report No. 68
Provision of district council funds for community involvement projects

Thank you for your letter of 4 July 2017. The information required is provided below –

- (a) The Home Affairs Department (HAD) has issued the following guidelines for District Council (DC) members on management of conflicts of interest in community involvement projects, including declaration of interests:
 - (i) Part L and Appendices IV and V of the model text of DC Standing Orders (model text), a copy of which is at Annex 1.
 - (ii) Part IX and Annex H of the Manual on the Use of District Council Funds, a copy of which is at Annex 2.

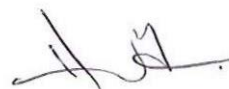
- (b) On the handling of interests declared at meetings, the model text has provided that the chairman of the DC or the committee shall decide whether a member disclosing an interest in a matter may speak or vote on that matter, may remain in the meeting as an observer, or should withdraw from the meeting.

Some DCs, having regard to their operational experience, have formulated procedures on how to handle interests declared at meetings for reference by the DC chairmen. Examples of the arrangements as endorsed by the DCs concerned are attached at Annexes 3 and 4.

HAD is working with DC secretariats with a view to drawing up a set of good practices on the handling of interests declared and rulings made by the DC chairmen at meetings. These good practices would be circulated to all DCs for reference.

- (c) Copy of the standing orders of all the 18 DCs in relation to declaration of interests is attached at Annex 5. While ten DCs (namely, Central & Western, Southern, Wan Chai, Kowloon City, Kwun Tong, Sham Shui Po, Yau Tsim Mong, Islands, North and Tuen Mun) have adopted procedures same as that of the model text, the other eight DCs (namely, Eastern, Wong Tai Sin, Kwai Tsing, Sai Kung, Sha Tin, Tai Po, Tsuen Wan and Yuen Long) have made some minor modifications for their standing orders. The differences have been highlighted in their respective standing orders and a table showing the reasons for the modifications is set out at Annex 6.

Yours sincerely,



(Howard YAM)

for Director of Home Affairs

c.c. (By email)

Secretary for Home Affairs

Director of Leisure and Cultural Services

Secretary for Financial Services and the Treasury

Director of Audit

***Note by Clerk, PAC:** *Please refer to District Council website for Annex 5, and Appendix 30 of this Report for Annex 6.*

Extract from Model Text of District Council Standing Order (December 2015)

L. DECLARATION OF INTEREST

48. (1) Except for the purpose of making registration of personal interests under Order 48(3), every member of the Council shall, within one month from the commencement of each term, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)
App IV
- (2) Except for the purpose of making registration of personal interests under Order 48 (3), every member of a committee under the Council shall, within one month from the date of his or her becoming member of the committee, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)
App IV
- (3) A new member of the Council or its committees shall, within one month from the date of his or her becoming a member of the Council/committee to fill a vacant seat, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)
App IV
- (4) A member of the Council or its committees shall furnish the Secretary of the Council with particulars of any change in his or her registrable interests within 14 clear working days of any such change by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)
App IV
- (5) “Registrable interests” mentioned in this Order shall include -
- (a) remunerated proprietorships, partnerships or directorships of companies, public or private, including all proprietorships, partnerships and directorships for which a fee, honorarium, allowance or other material benefit is payable;
 - (b) remunerated work, including employments, offices, trades or professions for which a salary, honorarium, allowance or other material benefit is payable;

- (c) the names of companies or other bodies registered in Hong Kong in which the member of the Council or its committees has, either himself or herself or with or on behalf of his or her spouse or infant children, a beneficial interest in shareholdings of a number greater than one-hundredth of the total number of issued shares;
 - (d) financial sponsorships received by a member in his or her capacity as a member of the Council or its committees, or by his or her spouse from any person or organisation (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect);
 - (e) visits or travels outside Hong Kong made by a member in his or her capacity as a member of the Council or its committees, or by his or her spouse relating to or arising out of his or her membership of the Council or its committees where the cost of any such visit or travel has not been wholly borne by the member or public funds (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect);
 - (f) land and property held in Hong Kong directly or indirectly;
 - (g) the names of clients (to whom a member of the Council or its committees renders personal services arising out of or relating to any manner to his or her membership of the Council or its committees, and hence from whom the member receives a fee, honorarium, allowance or other material benefit); and
 - (h) other declarable interests.
- (6) The Secretary of the Council shall cause those particulars of the registered personal interests of the members to be entered in a register, which shall be made available for inspection by any person during office hours. The Registration Form on Personal Interests of Members of the Council or Its Committees will also be uploaded to the homepage of the Council for public viewing.

App V

- (7) The Chairman of the Council should, when he or she finds a personal interest in an item proposed on to the meeting agenda, surrender his or her power on deciding the inclusion of the item in the agenda to the Vice Chairman of the Council; and when both the Chairman and Vice Chairman of the Council find a personal interest in an item proposed on to the meeting agenda, the inclusion of the item in the agenda should be decided at the commencement of the meeting by all members present at the meeting (excluding the Chairman and Vice Chairman of the Council who have disclosed interests and other members of the Council who have disclosed interests according to Order 48(9)). (Members of the Council and its committees may refer to the Guidelines for a Two-tier Reporting System formulated by the Home Affairs Bureau with the assistance of the Independent Commission Against Corruption at Appendix V.)
- (8) The chairman of a committee should, when he or she finds a personal interest in an item proposed on to the meeting agenda, at the commencement of the meeting let all members present at the meeting (excluding the chairman of the committee who has disclosed interests and other members of the committee who have disclosed interests according to Order 48(9)) decide whether the item should be included in the agenda.
- (9) If a member of the Council or its committees has any direct personal or pecuniary interest in any matter under consideration by the Council or its committees, he or she must, after he or she has become aware of it, disclose such to the Council or its committees prior to the discussion of the item.
- (10) Any member of the Council or its committees shall declare interests before dealing with matters on tender, quotation and the District Council Funds if he or she finds he or she has any pecuniary or other interests in such matters or has any links with the benefited party or potential benefited party.
- (11) The Chairman of the Council shall decide whether a member of the Council (other than the Chairman of the Council) disclosing an interest in a matter may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If the Chairman of the Council discloses an interest in a matter, the Vice Chairman of the Council shall decide whether the Chairman may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If both the Chairman and the Vice Chairman of the Council disclose an interest in the same matter, all members present at the meeting (excluding the Chairman and Vice Chairman of the Council who have disclosed interests and other members of the Council who have disclosed interests according to Order 48(9)) shall decide whether the Chairman and the Vice Chairman may speak or vote on the matter, may remain in the meeting as an observer, or should

withdraw from the meeting.

- (12) The chairman of a committee shall decide whether a member of the committee (other than the chairman of the committee) disclosing an interest in a matter may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If the chairman of a committee discloses an interest in a matter, all members of the committee present at the meeting (excluding the chairman of the committee who has disclosed interests and other members of the committee who have disclosed interests according to Order 48(9)) shall decide whether the chairman of the committee may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (13) If the Chairman of the Council declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by the Vice Chairman. If both the Chairman and the Vice Chairman declare an interest in the same matter under consideration, the chairmanship may be temporarily taken over by a temporary Chairman elected in accordance with Orders 6(3) and 6(4) above.
- (14) If the chairman of a committee declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a temporary chairman appointed in accordance with Order 35(3) above.
- (15) When the Secretary of the Council or its committees finds that a member of the Council or its committees has direct pecuniary interests in a matter under consideration, the Secretary shall refer this to the Chairman of the Council or the chairman of the relevant committee who shall then decide whether relevant papers shall be sent to the member concerned. Where a member of the Council or its committees is in receipt of a paper for discussion which he or she knows presents direct conflict of interest, he or she shall immediately inform the Secretary of the Council or the relevant committee and return the paper.
- (16) All cases of declaration of interests shall be recorded in the minutes of the meeting.
- (17) A member of the Council or its committees who fails to comply with the Standing Orders on declaration of interests may be admonished or reprimanded by the Council and such admonishment or reprimand shall be recorded in the minutes of the meeting.

**DISTRICT COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

**Registration Form on Personal Interests of
Members of a District Council or Its Committees**

Please read the guidelines below before completing this registration form.

Guidelines on Registration of Personal Interests

- (1) Order 48 of the District Council Standing Orders provides for the registration of personal interests of a member of the Council or its committees. Members of the Council or its committees shall carefully read the relevant provisions.
- (2) Order 48(6) provides for the maintenance of a register of members' personal interests (the register) by the Secretary of the Council.
- (3) The main purpose of the register is to provide information of any pecuniary interest or other material benefit which a member of the Council or its committees receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Council or its committees, or actions taken in his or her capacity as a member of the Council or its committees. Members of the Council or its committees are required to have this general purpose in mind when determining what interests should be properly declared.
- (4) Members of the Council or its committees are not required to disclose the amount of any remuneration or benefit they may have, nor the interests of spouses or children, except in certain circumstances relating to material benefits and shareholdings.
- (5) When reporting particulars of registrable interests under Orders 48(1), 48(2) or 48(3), members of the Council or its committees should complete and sign the registration form and then submit the entire set of the form to the Secretary of the Council. Members may provide information on extra sheets of paper if they find the space in this form insufficient. However when reporting particulars of any change in registrable interests in accordance with Order 48(4), members of the Council or its committees may simply complete and sign the relevant part(s) of the registration form and then submit it (them) to the Secretary, instead of submitting the entire set of the form.
- (6) Under Order 48(6), registration forms completed by members of the Council or its committees shall be available for public inspection. Any person may also make copies of the forms at the Secretariat of the Council upon payment of a fee. The registration form will also be uploaded to the homepage of the District Council for public viewing.

- (7) Members of the Council or its committees should comply with the requirements for registration of personal interests. Registering the interests as required should be regarded as representing a reasonable, minimum requirement and, as such, it is up to members of the Council or its committees, if they think it right and relevant, to disclose interests beyond those specified.
- (8) It is left to individual members of the Council or its committees to give the required information and be responsible for what is recorded about himself or herself in the register, as each member is answerable to his or her fellow members and the public.
- (9) A member of the Council or its committees is not required to register benefits such as the honorarium and operating expenses reimbursement known to be made available without discrimination to all members of the Council or its committees.

Name of District Council: _____

Name of Member: _____

Category 1 – Remunerated Proprietorships, Partnerships and Directorships

1(1). Do you have any remunerated proprietorships, partnerships and directorships of companies, public or private, including all proprietorships, partnerships and directorships for which a fee, honorarium, allowance or other material benefit is payable?

Yes No (Please ✓ where appropriate)

If yes, please list the name and nature of business of the company in each case in the table below.

- Notes:**
- (a) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium * of a member of the Council (* excluding various allowances/expenses reimbursement covering expenses incurred by his or her work as a member of the Council and medical allowances); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (b) Remunerated proprietorships, partnerships and directorships of both local and overseas companies are registrable.
 - (c) Remunerated proprietorships, partnerships and directorships through corporate proprietors, partners and directors are also registrable.
 - (d) Where you are a remunerated proprietor, partner or director of a company, all subsidiary or associated proprietorships, partnerships and directorships which you hold within the same group, whether remunerated or not, should also be registered.
 - (e) Holding company has the same meaning as in section 13 of the Companies Ordinance (Cap. 622) which specifies that –
 - “ (1) For the purposes of this Ordinance, a body corporate is a holding company of another body corporate if—
 - (a) it controls the composition of that other body corporate's board of directors;
 - (b) it controls more than half of the voting rights in that other body corporate; or
 - (c) it holds more than half of that other body corporate's issued share capital.
 - (2) For the purposes of this Ordinance, a body corporate is also a holding company of another body corporate if it is a holding company of a body corporate that is that other body corporate's holding company.”
- By virtue of section 13(2) reproduced above, company A is a holding company of company C if company A is the holding company of company B which in turn is the holding company of company C. In other words, both companies A and B are holding companies of company C. The names of all holding companies of a company of which a member is a remunerated director should be registered.

Details

Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	

(If you have more remunerated proprietorship, partnership and directorships to register, please use the additional sheet provided after this page.)

Signature: _____ Date: _____

Category 1 – Remunerated proprietorships, partnerships and directorships

1(1) (cont'd)

Name of District Council: _____ Name of Member: _____

Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 2 – Remunerated Employment, Offices, etc.

2(1). Are you receiving any remuneration from any remunerated work, including employments, offices, trades or professions for which a fee, honorarium, allowance or other material benefit is payable (apart from membership of the District Council)?

Yes No (Please ✓ where appropriate)

If yes, please list the details of the employment, office, trade or profession in each case in the table below.

- Notes:**
- (a) An employment, office, trade or profession is “remunerated” where a fee, honorarium, allowance or other material benefit is payable.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium * of a member of the Council (* excluding various allowances/expenses reimbursement covering expenses incurred by his or her work as a member of the Council and medical allowances); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) “Remunerated offices” include “remunerated” public offices.
 - (d) Members of the Council or its committees who have paid posts as consultants or advisers should indicate the nature of the consultancy in the registration form, for example, “management consultant”, “legal adviser”, etc.

Details

Name of the remunerated employment, office, trade or profession	Nature of business of the firm

(If you have more remunerated employment, office, trade or profession to register, please use the additional sheet provided after this page.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 3 – Shareholdings

3(1). Do you have (either yourself or with or on behalf of your spouse or infant children) beneficial interests in shares in any company registered in Hong Kong or other 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 the details in each case in the table below.

- Notes:**
- (a) There is no need to register the size, or value of the shareholdings.
 - (b) “Shareholdings” is defined as personal shareholdings and does not include shareholdings held by a member of the Council or its committees in the capacity as a nominee shareholder.
 - (c) It is the obligation of a member of the Council or its committees to register interests which to his or her knowledge fall under this category.
 - (d) Shareholdings held by the spouse of a member of the Council or its committees are not registrable unless such holdings are known to the member, and are held by the member “with or on behalf of” his spouse. This guideline is also applicable to shareholdings in respect of a member’s infant children.

Details

Name of the company	Nature of business of the company

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

Signature: _____ Date: _____

Category 3 – Shareholdings
3(1) (cont'd)

Name of District Council: _____ Name of Member: _____

Name of the company	Nature of business of the company

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

3(2). If you have ceased, during the term, to own or hold any shares of a company or body which has been registered, please list the details in the table below.
Name of the company

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Category 4 – Financial Sponsorships

4. In your capacity as a member of the Council or its committees, have you or your spouse received any financial sponsorships from any person or organisation which in any way relates to your membership of the Council or its committees (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect)?

Yes No (Please ✓ where appropriate)

- Notes:**
- (a) A member of the Council or its committees is expected to make the necessary enquiries of his or her spouse in order to make a full and timely return on the registration of interests relating to financial sponsorships.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium* of a member of the Council (*excluding various allowances/expenses reimbursements covering expenses incurred by his or her work as a member of the Council and medical allowance); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) Any material benefit or advantage received *gratis* or at a price below that generally available to members of the public.
 - (d) Where a company is named as sponsor, please indicate briefly the nature of its business.
 - (e) Regarding the financial sponsorships received from a political organisation^(*) to which a member belongs, it will suffice if a member registers only financial sponsorships directly received from his or her political organisation. Such registrable interests include cash subsidy of HK\$5,000 or above each month. Members having regard to their own knowledge of the circumstances shall consider whether acceptance of a particular financial sponsorship contravenes the provisions of the Prevention of Bribery Ordinance (Cap. 201).

* The definition of “political body” is the same as that in the Societies Ordinance (Cap. 151). The relevant definition in the Societies Ordinance is reproduced as follows:

“Political body” means:

- (i) a political party or an organisation that purports to be a political party; or
- (ii) an organisation whose principal function or main object is to promote or prepare a candidate for an election.

If yes, please give details.

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 5 – Overseas Visits

5. In your capacity as a member of the Council or its committees, have you or your spouse made any overseas visits or travels outside Hong Kong relating to or in any way arising out of your membership of the Council or its committees where the cost of the visit or travel has not been wholly borne by yourself or by public funds of Hong Kong (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect)?

Yes **No** (Please ✓ where appropriate)

If yes, please list the details in the table below.

- Notes:**
- (a) A member of the Council or its committees is expected to make the necessary enquiries of his or her spouse in order to make return on the registration of interests relating to overseas visits.
 - (b) When registering visits or travels outside Hong Kong under this category, please provide relevant information of visits or travels about dates, countries or regions, purposes, names of the sponsors, reason for participation and nature of the interest received (please specify whether the interest relates to the provision of passage, accommodation and/or subsistence allowance). An interest under this category shall be registered within 14 clear working days of the conclusion of the visit or travel.

Details

Name(s) of the sponsor(s)	
Date(s) of the visit	
Country(countries) or place(s) to visit	
Purpose of the visit	
Reasons for participation in the visit	
Nature of interest received (Please specify whether the interest relates to the provision of passage, accommodation, and/or subsistence allowance)	

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 6 – Land and Property

6. Do you directly or indirectly hold any land or property in Hong Kong?

Yes **No** *(Please ✓ where appropriate)*

- Notes:**
- (a) It is suffice to register the general nature of the land or property owned by a member of the Council or its committees. Details such as address are not required. Please write, for example, “own a commercial property in the Western Constituency of Central and Western District”, “own a residential property in the Mong Kok Constituency of Yau Tsim Mong District” or “own an industrial property in the Kwai Fong Constituency of Kwai Tsing District”.
 - (b) There is no need to register the only or principal residence in Hong Kong which a member of the Council or its committees owns and ordinarily lives in unless he or she also derives income from it.
 - (c) Land or property are registrable where a member of the Council or its committees has an autonomous right of disposition or has any pecuniary interest deriving from it. Registrable interests include land or property owned by the member in his or her own name, or held indirectly such as through a company or through another person. In the case of holding through a company, the interest is registrable where the member has control of the company or owns more than 50% of the shareholdings in it. In the case of holding through another person, the interest is registrable where the member may dispose of the land or property through that person or derive any pecuniary interest from it. Land or property held by a member as trustee and in which the member has no autonomous right of disposition (e.g. as a nominee, trustee or custodian) need not be registered.

Signature: _____ Date: _____

Category 7 – Clients

7(1). Have you rendered any personal services which arise out of or are related in any manner to your membership of the Council or its committees to any clients, and hence from whom you receive a fee, honorarium, allowance or other material benefit?

Yes No (Please ✓ where appropriate)

If yes, please list the details in each case in the table below.

- Notes:**
- (a) Services in this context include those services rendered by a member of the Council or its committees personally or those, to the member’s knowledge, rendered by an organisation of which the member is a partner, director, employee or office holder. A member shall make it clear to the clients that he or she must declare the names of the clients to the Council as stipulated in the District Council Standing Orders.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium* of a member of the Council (*excluding various allowances/expenses reimbursements covering expenses incurred by his or her work as a member of the Council and medical allowance); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) Under this category of registrable interests, a member of the Council or its committees is obliged to register those interests to the best of his or her knowledge. However, it is not necessary for the member to find out the names of all the clients to whom the member's organisation renders remunerated services.
 - (d) In the registration of interests, where a firm is named, a brief description of the nature of the firm’s business should be given.
 - (e) On the registration of clients, the following are examples of registrable interests under this category which are provided merely for the purpose of illustration. Registrable interests are not confined to the professions cited in the following examples:
 - (i) An accountant firm of a member of a District Council or its committees acts for a client in preparing tender documents for a project which is under deliberations by the Council or its committees.
 - (ii) A member of a District Council or its committees is paid (e.g. by an organisation such as a public relations firm or an environmental group) to ensure that a particular point of view or issue is drawn to the attention of the members of the Council or its committees. The point of view could, for example, be related to an issue under debate by the Council, or it might simply be a matter on which the organisation seeks to lobby members of the Council or its committees.

Details

Name of the client	Nature of business of the client

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

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Name of the client	Nature of business of the client

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

7(2). If you have ceased, during the term, any employment under this category which has been registered, please list the details in the table below.

Details

Name of the client

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 8 – Miscellaneous

8. If, bearing in mind the purpose set out in the Guidelines on Registration of Interests and the principles mentioned in the Guidelines for a Two-tier Reporting System (Appendix V), you have any relevant interests which you consider should be disclosed but which do not fall within the seven categories set out above, please give details below.

Signature: _____ Date: _____

**Declaration of Interests by
Members of Public Councils, Boards and Committees**

Guidelines for a Two-tier Reporting System

General Principles

Some public councils, boards and committees are autonomous and have extensive powers over policy and financial matters. To maintain public confidence in the integrity of their members (including the chairman), as well as in the impartiality of their advice tendered to the committee, it is important that all members of such committees should disclose their general pecuniary interests on appointment to the committee, in addition to the report of conflicts of interests as and when they arise. To achieve greater transparency, such declarations should be made available for public inspection. By adopting this two-tier reporting system, members of these committees can be protected from criticism or embarrassment arising from the existence of any undeclared general financial interest which may have potential conflict with the work of the committee. The two-tier reporting system consists of the following -

(A) Register of Members' Interests

- (i) The chairman and members shall register in writing their personal interest, direct or indirect, pecuniary or otherwise, when they first join the committee, and annually thereafter, to the secretary of the committee. The registration shall be made on a standard form.
- (ii) The types of interests required for registration shall include -
 - (a) proprietorships, partnerships or directorships of companies;
 - (b) remunerated employments, offices, trades, professions or vocations; and
 - (c) shareholdings in a publicly listed or private company (e.g. 1% or more of the company's issued share capital); and/or
 - (d) other declarable interests, taking into consideration the nature of work of individual committees.
- (iii) A register of members' interests shall be kept by the secretary which should be made available for inspection on request by any member of the public.

(B) Declaration of Interests at Meetings

- (i) If a member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the committee, he or she must, as soon as practicable after he or she has become aware of it, disclose to the chairman (or the committee) prior to the discussion of the item.

- (ii) The chairman (or committee) shall decide whether a member disclosing an interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (iii) If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a vice-chairman.
- (iv) When a known direct pecuniary interest exists, the secretary may withhold circulation of relevant papers to the member concerned. Where a member is in receipt of a paper for discussion which he or she knows presents a direct conflict of interest, he or she should immediately inform the secretary and return the paper.
- (v) All cases of declaration of interests shall be recorded in the minutes of the meeting.

Potential Conflict of Interest Situations

2. When a member (including the Chairman) of a public council, board or committee has a potential conflict of interest in a matter placed before the committee, he or she should make full disclosure of his or her interest. The basic principle to be observed is that members' advice should be disinterested and impartial and it is the responsibility of each member to judge and decide if the situation warrants a declaration, and to seek a ruling from the Chairman in case of doubt. The following are potential conflict of interest situations -

- (i) Pecuniary interests in a matter under consideration by the committee, held either by the member or by any his or her close relative. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- (ii) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the committee.
- (iii) Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a member's advice to have been influenced by the closeness of the association.
- (iv) A member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter under consideration by the committee.

- (v) Any interest likely to lead an objective observer to believe that the member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

Criteria for Adopting the Two-tier Reporting System

3. Public councils, boards and committees which have the following functions and characteristics should adopt the two-tier reporting system:

- (i) high degree of management and financial autonomy;
- (ii) extensive executive powers in matters of public interests;
- (iii) instrumental in shaping major Government policies;
- (iv) award of major Government contracts;
- (v) access to market sensitive information (e.g. land development fees, charges and other forms of revenue, and licensing procedures);
- (vi) control and disbursement of substantial public funds.

IX Conflict of Interest

9.1 DC members (including co-opted members) should make a declaration on any conflict of interest which may be actual, potential or perceived. For example, they should declare an interest under the following circumstances -

- (a) they have pecuniary or other interest in matters relating to the endorsement of the project proposal and selection of quotations or have any connection with a party who has applied for/been granted DC funds for implementing a CI project; and
- (b) they have introduced or nominated a supplier/contractor for a quotation exercise.

Other procedures set out in the DC's Standing Orders governing declarations of interest should also be observed.

9.2 DC members (including co-opted members) should refrain from having business dealings with any party associated with projects financed by DC funds, which may bring the DC into disrepute. If for any reason it is not possible to avoid such dealings (e.g. a DC member's company is the sole supplier), the DC member concerned should declare the transaction to the DC and withdraw from the relevant DC proceedings as appropriate.

9.3 DC members (including co-opted members) should, as far as practicable, make a declaration of interest before the matter is discussed. If at any other time a DC member (including co-opted members) finds that he has an interest to declare, he should do so immediately and, where appropriate, complete a declaration form at Annex H. Depending on the circumstances, the declaration may be discussed in the DC. In any case, the declaration form should be attached to the project completion report for submission to the DC.

9.4 All declarations of interest should be recorded in the minutes of the meeting, stating the nature of interest declared, the decision of the meeting and the rationale behind the decision as appropriate.

To : Secretary, _____ District Council

Declaration of Interest for Project Financed by District Council Funds

I, _____, have the following interest to declare
in connection with _____ to be held on _____ -
(Name of Project) (Date)

(a) I am associated with _____ which
made a tender/quotation submission for the implementation of the project.
(Please elaborate) _____¹

(b) I am associated with the organisation applying for District Council (DC) funds in
the capacity as _____²

(c) Other declarable interests³

Signature : _____

Name : _____

Date : _____

Telephone No. : _____

-
1. The declarant should provide details, e.g. he/she is the owner of the bidding firm or has nominated a tenderer or bidder for selection.
 2. A declaration should be made if, for example, the person is on the executive committee or an ordinary member of the organisation which applies for DC funds and the relationship should be clearly described in the declaration form.
 3. The DC may specify other interests to be declared.

Purposes of Collection

1. The personal data provided by means of this form will be used by Home Affairs Department for the purposes of handling matters relating to the use of District Council Funds as well as promoting community involvement activities and public participation in community affairs.

Classes of Transferees

2. The personal data provided by means of this form may be disclosed to other Government departments, bureaux and relevant persons and bodies for the purposes mentioned in paragraph 1 above.

Access to personal data

3. The responsible officer(s) of the organisation has/have a right of access and correction with respect to personal data as provided for under the Personal Data (Privacy) Ordinance (Cap. 486). The right of access includes the right to obtain a copy of the data subjects' personal data provided by this form.

Enquiries

4. Enquiries concerning the personal data collected by means of this form, including access to and correction of the personal data, should be addressed to -

(Designation of subject officer)

District Office

(Telephone No.)

SDC Paper No. 28/2016
(for discussion on 17.3.2016)

Southern District Council

**Review on SDC Standing Orders, Arrangement for Appointment of
Co-opted Members and Mechanism of Declaration of Interests in
Vetting Fund Applications**

Purpose

This paper aims to seek Members' endorsement of the proposed Southern District Council Standing Orders (the Standing Orders) and Mechanism of Declaration of Interests in Vetting Fund Applications (the Mechanism of Declaration) at **Annexes 3 and 4** respectively, and Members' consent to the arrangement for appointment of co-opted members as given in the ensuing paragraph 5.

Background

2. Section 68 of the District Councils Ordinance (Cap. 547) stipulates that a District Council (DC) may make standing orders for regulating its meeting procedure and that of its committees. The Home Affairs Department has prepared a set of Model Text of DC Standing Order (the Model Text) for the new term DCs, which serves as a basis for the respective DCs to make adaptation according to their own needs. The Model Text has been drawn up to put forth proposed amendments covering the four main categories as follows:

- (a) Minutes of Working Group Meetings;
- (b) Registration of Personal Interests of Members of a District Council or Its Committees;
- (c) Code of Conduct for Members of the Council or Its Committees; and
- (d) Procedure for Election of District Council Chairman and Vice Chairman.

3. At the 1st meeting of the fifth term SDC held on 5 January 2016, endorsement was granted to incorporate the proposed amendments first into the version of Standing Orders (Annex 3 of SDC Paper No. 1/2016) adopted by the last term SDC on 14 November 2013 for provisional use in the current term SDC.

Subsequently, a workshop was organised in order to have a detailed discussion of the provisions in the Standing Orders as well as the arrangement for appointment of co-opted members.

Proposal

Review on Standing Orders

4. A workshop was held by SDC on 3 February 2016 and Members were invited to submit any proposed amendments prior to the meeting. There were in total 14 Members at the workshop, whose names are shown on the list at **Annex 1**. Having discussed the amendments in detail, Members of the workshop agreed to recommend some amendments (**Annex 2**) to the SDC for consideration. Furthermore, some minor amendments have been made to the English version of the Model Text. A draft of the revised Standing Orders is provided at **Annex 3**.

Arrangement for Appointment of Co-opted Members

5. Members discussed the arrangement for appointment of co-opted members in the workshop and consented to adding co-opted seats to the Community Affairs and Tourism Development Committee (CATC), District Development and Housing Committee (DDHC), Traffic and Transport Committee (TTC), and Focus Group on Southern District Signature Projects (SDSP). Taking into account the terms of reference (ToR) and operational needs of various committees, Members agreed that a maximum of five co-opted members should be appointed to CATC, whereas a maximum of four be appointed to the other three committees. Meanwhile, the Standing Orders provisions on the appointment of co-opted members as well as the criteria for nomination and selection of co-opted members to a committee should remain unchanged.

Review on Mechanism of Declaration

6. The prevailing Mechanism of Declaration was reviewed at the workshop and Members have agreed on the following amendments:

Relevant Provision / Remark and Original Text	Proposed Amendments
Remark (v)	Addition of remark (v): If a SDC Member is also appointed to any of the committees set up by Southern District Office, he/she should declare his/her interest in accordance with the tier 1 arrangements in vetting the applications for projects organised / co-organised / assisted by those committees, and he/she can still take part in the discussion and decision-making after making the declaration.
Remark (vi) In case funding approval is sought by circulation of papers, members of respective meetings with declarable interests under the category of declaration of interests requiring abstention from decision-making (that is, tiers 2 and 3 under the prevailing three-tier system) should abstain from voting.	Revision on remark (vi): In case funding approval is sought by circulation of papers, members of respective meetings with declarable interests under the category of declaration of interests requiring abstention from decision-making (that is, tiers 2 and 3 under the prevailing three-tier system) should abstain from voting the circulation papers.

The revised Mechanism of Declaration is provided at **Annex 4**.

Advice Sought

7. Members are invited to give their views on the revised amendments to Standing Orders and consider endorsing the draft Standing Orders and Mechanism of Declaration at **Annexes 3 and 4** as well as giving consent to the arrangement for appointment of co-opted members mentioned in paragraph 5 above.

Secretariat, Southern District Council
March 2016

**Mechanism of Declaration of Interests
in Vetting Fund Applications**

The following three-tier system has been adopted for declaration of interests:

- (a) Tier 1: a member associated with the applicant organisation / co-organiser / assisting organiser in **a nominal capacity** such as honorary chairperson, honorary president, advisors, and so on should declare interest prior to the discussion but can still take part in the discussion and decision-making;
- (b) Tier 2: a member associated with the applicant organisation / co-organiser / assisting organiser in **an executive capacity** such as executive chairperson, vice-chairperson, executive member, secretary, treasurer, and so on should declare interest to the meeting and keep their silence during the discussion of the application concerned, and should abstain from decision-making or voting for the application concerned. The chairperson may require the declarant to submit supplementary information as appropriate; and
- (c) Tier 3: a member who is **an executor** of the project concerned in the capacity as designated officer-in-charge or authorised person of the project and the like should declare interest to the meeting and withdraw from the meeting during the discussion of the application concerned.

Beside, SDC members should take note of the following six points in making declaration of interests:

- (i) Since definition of post titles varies in different organisations, members should, at their own discretion, decide the tier to which they belong and make declaration as appropriate. In case members have doubts about a declaration or a member's relationship with the applicant organisation / co-organiser / assisting organiser, the matter should be raised and resolved by members at the meeting.
- (ii) A member should abstain from the meeting after declaring his/her association with the service provider in the project concerned.

- (iii) For projects led by SDC or its Committees/Working Groups (C/WGs), members need not declare their interest in the capacity as a member of SDC or C/WGs under SDC. Nevertheless, for a member having other interest in the project concerned such as association with the service provider, he/she should declare his/her interest, and then keep his/her silence or abstain from the meeting, whichever is appropriate.
- (iv) As SDC Members are ex-officio members of the four Southern District Area Committees (ACs), Community Affairs and Tourism Development Committee (CATC) endorsed that in vetting the applications for projects organised / co-organised / assisted by the ACs, SDC Members should declare their interest in accordance with the tier 1 arrangements, and they can still take part in the discussion and decision-making after making the declaration.
- (v) If a SDC Member is also appointed to any of the committees set up by Southern District Office, he/she should declare his/her interest in accordance with the tier 1 arrangements in vetting the applications for projects organised / co-organised / assisted by those committees, and he/she can still take part in the discussion and decision-making after making the declaration.
- (vi) In case funding approval is sought by circulation of papers, members of respective meetings with declarable interests under the category of declaration of interests requiring abstention from decision-making (that is, tiers 2 and 3 under the prevailing three-tier system) should abstain from voting the circulation papers.

2016年2月17日
討論文件

北區區議會
文件第 33/2016 號

《北區區議會議員和增選委員在審批撥款申請時 作利益申報的處理安排》

目的

請議員考慮並通過《北區區議會議員和增選委員在審批撥款申請時作利益申報的處理安排》(下稱「《利益申報安排》」)的建議修訂。

背景

2. 北區區議會在 2016 年 1 月 7 日舉行的會議上曾討論《利益申報安排》。除了有關第三級的處理利益申報安排有建議新增規定外，北區區議會已通過《利益申報安排》。

建議

3. 因應區議會在上述會議上就《利益申報安排》中有關第三級處理利益申報安排的議決，秘書處建議新增規定的條文如下：

在會議上審批撥款申請

- 如議員／增選委員與該項獲得區議會撥款資助推行活動的人士／機構有商業往來，或議員／增選委員已知與該項撥款申請的供應商／承辦商有聯繫，須申報利益並於討論該項撥款申請時避席，即等同上文的第三級處理利益申報安排。

經修訂的《利益申報安排》全文詳見附件一；供議員／增選委員填寫的「北區區議會撥款資助活動的利益申報表」相應修訂詳見附件二。附件內以灰階印刷顯示的部分為建議修訂內容。

徵詢意見

4. 請議員考慮通過上文第 3 段就《利益申報安排》作出的建議修訂。

北區區議會秘書處
2016 年 1 月

***Note by Clerk, PAC: Chinese version only.**

《北區區議會議員和增選委員在審批撥款申請時
作利益申報的處理安排》

在會議上審批撥款申請

- 按議員／增選委員在活動主辦／合辦／協辦團體擔任的職位，處理利益申報的安排可分為三級：
 - 第一級：如議員／增選委員身兼有關活動主辦／合辦／協辦團體不具實務的職銜，例如名譽主席、名譽會長及顧問等，只須在討論前申報利益，但仍可參與有關的討論、決議及投票；
 - 第二級：如議員／增選委員身兼有關活動主辦／合辦／協辦團體具實務的職位，例如主席、副主席、委員、秘書及司庫等，須申報利益並於有關討論中保持緘默，而且不可參與該項撥款申請的決議或投票。如有需要，會議主席可因應情況請有關議員／增選委員提供補充資料；以及
 - 第三級：如議員／增選委員為有關活動的執行人，例如負責人或獲授權人等，須申報利益並於討論該項撥款申請時避席。
- 如議員／增選委員與該項獲得區議會撥款資助推行活動的人士／機構有商業往來，或議員／增選委員已知與該項撥款申請的供應商／承辦商有聯繫，須申報利益並於討論該項撥款申請時避席，即等同上文的第三級處理利益申報安排。
- 如議員／增選委員與活動有其他利益關係，須作出利益申報。會議主席按情況決定處理安排，例如在有關討論中保持緘默，或被要求避席。

- 審批由區議會或其轄下委員會／工作小組及由北區民政事務處轄下委員會／工作小組主導的活動的撥款申請時，議員／委員／工作小組成員無須就這些身份申報利益。

以傳閱文件方式審批撥款申請

- 議員／增選委員須以書面作出利益申報；
- 除非所申報利益僅屬第一級，否則議員／增選委員就該項撥款申請的投票將不會被計算。

***Note by Clerk, PAC: Chinese version only.**

致：北區區議會秘書

北區區議會撥款資助活動的利益申報表(供議員／增選委員填寫)

本人_____現就_____

(日期)

舉行的_____，申報以下利益：
(活動名稱)

(a) 本人在上述活動的主辦／合辦／協辦*團體_____

(機構名稱)

擔任具實務／不具實務*的職位_____¹
(職位名稱)

(b) 本人在上述活動的主辦團體_____擔任具實務的職位

(機構名稱)

_____¹，並為主辦團體的獲授權人／活動的指定負責人*。
(職位名稱)

(c) 本人與_____有聯繫，其已為推行上述活

(機構名稱)

動遞交標書／報價*。(請說明詳情)_____²

(d) 其他須申報的利益³(例如與上述活動的人士／機構有商業往來)

* 請刪去不適用者

簽 署：_____
姓 名：_____
日 期：_____
電話號碼：_____

¹ 申報人須作出申報，例如申報人是申請區議會撥款的主辦／合辦／協辦團體的執行委員會成員或普通成員，則申報人須在申報表清楚說明申報人與該機構的關係。

² 申報人應提供有關詳情，例如申報人是投標公司的東主，或申報人提名了某個投標者或競投者參與遴選。

³ 區議會可指明其他須申報的利益。

個人資料收集目的

1. 在本表格內提供的個人資料，民政事務總署會用於推廣社區參與活動以及鼓勵市民參與社區事務。

資料轉移對象類別

2. 在本表格內提供的個人資料，可為上文第 1 段所述的目的，向政府其他部門、局以及其他有關人士和團體披露。

查閱個人資料

3. 貴機構的負責人員有權根據《個人資料(私隱)條例》(第 486 章)查閱和更正已提供的個人資料。查閱權包括取得本表格內資料當事人個人資料的副本。

查詢

4. 如對使用本表格收集的個人資料有任何查詢(包括查閱和更正資料)，請與下述人員聯絡：

一級行政主任(區議會)

北區民政事務處

電話：2675 1574

***Note by Clerk, PAC: Chinese version only.**