

# 立法會

## *Legislative Council*

LC Paper No. CMI/2/19-20

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### **Report of the Committee on Members' Interests of the Sixth Legislative Council to be tabled at the Council meeting of 15 July 2020**

#### **Purpose**

This report gives an account of the work of the Committee on Members' Interests ("CMI") of the Sixth Legislative Council ("LegCo") during its four-year term.

#### **Background and meetings held**

2. CMI is a standing committee of LegCo. Its terms of reference are set out in Rule 73(1) of the Rules of Procedure ("RoP"). The membership list is in the **Appendix**. During the term, CMI held a total of five closed meetings for handling complaints against Members.

#### **Registration of Members' Interests**

3. Under RoP 83, Members returned by a general election are required to register their "registrable interests", as defined in RoP 83(5)<sup>1</sup>, not later than the first Council meeting of each term, and register any subsequent change in

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<sup>1</sup> The eight categories of registrable interests set out in RoP 83(5) are:

- (a) remunerated directorships;
- (b) remunerated employment, offices, etc.;
- (c) clients (arising from or relating in any manner to the membership of the Council);
- (d) election donations and financial sponsorships;
- (e) overseas visits;
- (f) payments, benefits or advantages received from any government or organization of a place outside Hong Kong or from any person who does not qualify as a "Hong Kong permanent resident";
- (g) land and property; and
- (h) beneficial interests in shares of companies or other bodies.

Indeed, Members have been advised under the Guidelines on Registration of Interests that it would be up to Members, if they think it right and relevant, to disclose interests beyond those set out in RoP 83(5).

their registrable interests within 14 days of such change. In this regard, Members are required, under RoP 83(1), to furnish to the Clerk to LegCo particulars of their registrable interests in such form as approved by the President.

4. In the past, Members could only use a printed version of the Registration Form on Members' Interests for registering their interests. To save paper and facilitate electronic search of the interests registered by Members, an online System for Registration of Members' Interests ("the Online System") had been developed and was launched at the beginning of the Sixth LegCo. The Online System, with sufficient security safeguards and technical enhancements made from time to time in the light of operational experience, has been running smoothly since its implementation.

5. After implementation of the Online System, it has become more convenient for Members to register their interests as they may do so at anytime and anywhere. Moreover, where the interests to be registered by Members have contents similar to those in their previous registrations, such Members may easily complete registration by simply amending the contents of their previous registration records in the Online System.

6. Pursuant to RoP 83(4), the interests registered online by Members are entered in the Register of Members' Interests and made available for public inspection at the LegCo Library and on the LegCo website. To tie in with the implementation of the Online System, the Database on Members' Interests on the LegCo website was enhanced to enable electronic search of Members' registered interests by all LegCo website users.

## **Complaints handled**

### Complaints within the purview of CMI

7. As provided in RoP 73(1), complaints made in relation to the following are within the purview of CMI:

- (a) registration of Members' interests under RoP 83 (see paragraph 3 above);
- (b) declaration of Members' interests under RoP 83A<sup>2</sup>; and

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<sup>2</sup> RoP 83A provides that "[i]n the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest".

(c) conduct of Members referred to in RoP 83AA<sup>3</sup>.

#### Procedure for handling complaints

8. Since the First LegCo, CMI has put in place a procedure for handling complaints, known as the Procedure of the Committee on Members' Interests for Handling Complaints ("the Procedure"), so as to ensure fairness to both the Members under complaint and the complainants, as well as to guard against abuse of the complaint mechanism. CMI handles all complaints received in accordance with the Procedure<sup>4</sup>.

9. According to RoP 73(1), complaints are to be handled by CMI in two stages, namely the consideration stage and the investigation stage. CMI will investigate a complaint only if it thinks fit to do so after consideration. In line with this provision, the Procedure provides for a two-stage approach in handling complaints, namely the consideration stage and the investigation stage.

#### Investigation of a complaint

10. During the Sixth LegCo, CMI considered and investigated a complaint lodged against a Member<sup>5</sup>. In its report tabled at the Council meeting of 10 May 2017, CMI stated that the complaint was partly substantiated as the Member had failed to register his shareholding interests<sup>6</sup> in a company when he registered his registrable interests at the beginning of the Fifth and Sixth LegCo respectively. However, as there was no information showing that the breach was a deliberate act or involved any conflict of interests with his role as a LegCo Member, CMI decided to follow its past practices and not to recommend any sanction against the Member.

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<sup>3</sup> RoP 83AA provides that "[w]hen making a claim for reimbursement of operating expenses or applying for advance of operating funds in accordance with A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council, or acting for purposes related thereto, a Member shall –

(a) ensure that any information provided or any declaration or certification made is true, accurate and complete; and

(b) act according to any undertaking that he has given".

<sup>4</sup> The current version of the Procedure came into effect on 9 December 2014.

<sup>5</sup> Hon Andrew LEUNG Kwan-yuen.

<sup>6</sup> Under RoP 83(5)(h), a Member shall register the names of companies in which he or she has a beneficial interest in shares of a number greater than one-hundredth of the total number of issued shares.

## Handling of other complaints

11. CMI also handled five other complaints containing allegations against two Members. One of these complaints involved alleged breach of RoP 83AA by a Member. After consideration pursuant to the Procedure, CMI decided not to take further action on the complaint as the complainant had not provided relevant information to support the allegation. The remaining four complaints mainly alleged another Member for having breached RoP 83A and RoP 83, while some of the allegations in the complaints were outside the purview of CMI. For those allegations relating to RoP 83A and RoP 83, CMI, after consideration pursuant to the Procedure, decided not to proceed to the investigation stage as the complainants had not given sufficient details on the allegations to enable an investigation to be conducted.

12. Besides, CMI handled another 33 complaints lodged by members of the public about various issues which were outside the purview of CMI. Pursuant to the Procedure, the Members under complaint were provided with a copy of such complaints for information and the complainants were informed accordingly.

Legislative Council Secretariat  
Council Business Division 3  
8 July 2020

**Committee on Members' Interests  
of the Sixth Legislative Council**

**Chairman** Hon YIU Si-wing, BBS

**Deputy Chairman** Hon Claudia MO

**Members** Prof Hon Joseph LEE Kok-long, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon LAM Cheuk-ting  
(Total : 7 members)

**Clerk** Mr Arthur LEUNG

**Legal Adviser** Mr Stephen LAM (up to 5 August 2017)  
Ms Clara TAM (since 7 August 2017)