

Declaration of Interests by Members of the Family Council

Purpose

This paper informs Members of the declaration of interests requirement, and invites Members to complete the form on declaration of interests.

Background

2. To maintain public confidence in the integrity of members, as well as in the impartiality of their advice tendered to public sector advisory and statutory bodies, the Government has issued a set of guidelines on the declaration of interests by members. There are two alternative systems for declaration of interests. Under the one-tier reporting system, a member needs to declare interests he has any direct personal or pecuniary interest in any matter under consideration. Under the two-tier reporting system, members shall register their personal interests when they first join the committee, and annually thereafter, as well as declare interests at meetings.

3. The Family Council is the highest level Government advisory body on family matters. Aside from assisting the Government and policy and strategy formulation, it will also plan and implement programmes and activities. A two-tier reporting system is considered more appropriate and will therefore be adopted for Members of the Family Council. A set of the relevant guidelines are set out in **Annex I**.

(A) Register of Members' Interests

4. Non-official members are requested to register their interests by completing the declaration form at **Annex II** by 31 December 2007. Members will also be requested to register their interests annually. A register of Members' interests shall be kept by the Secretary of the Council and will be made available for inspection on request by any member of the public. Types of interests required for registration are set out in Section (A) of the guidelines at Annex I.

5. As Official members (including the Chairman) have already separately registered their interests under the Government system due to their capacity as Principal Officials, they are not required to do this first-time registration by completing Annex II.

(B) Declaration of Interests at Meeting

6. If a Member (whether official or not, and including the chairman) has any direct personal or pecuniary interest in any matter under consideration by the Council, he must, as soon as practicable after he has become aware of it, disclose to the Chairman (or the Council) prior to the discussion of the item. Relevant procedures are set out in section (B) of the guidelines at Annex I.

Advice Sought

7. Members are invited to note the guidelines at Annex I and non-official members are invited to complete the declaration at Annex II by 31 December 2007.

**Secretariat, Family Council
December 2007**

Declaration of Interests by
Members of Public Sector Advisory and Statutory Bodies

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 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*

- (1) The chairman and members shall register in writing their personal interests, 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.
- (2) The types of interests required for registration shall include :
 - (i) proprietorships, partnerships or directorships of companies;
 - (ii) remunerated employments, offices, trades, professions or vocations; and
 - (iii) shareholdings in a publicly listed or private company (e.g. 1% or more of the company's issued share capital); and/or
 - (iv) other declarable interests, taking into consideration the nature of work of individual committees.
- (3) 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

The following are guidelines governing declaration of interests at meetings :

- (1) If a member (including the chairman) has any direct personal or pecuniary interest in any matter under consideration by the committee, he must, as soon as practicable after he has become aware of it, disclose to the chairman (or the committee) prior to the discussion of the item.
- (2) 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.
- (3) If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a vice-chairman.
- (4) 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 knows presents a direct conflict of interest, he should immediately inform the secretary and return the paper.
- (5) All cases of declaration of interests shall be recorded in the minutes of the meeting.

Criteria for Adopting the Two-tier Reporting System

Public sector advisory and statutory bodies which have the following functions and characteristics should adopt the two-tier reporting system :

- (1) high degree of management and financial autonomy;
- (2) extensive executive powers in matters of public interest;
- (3) instrumental in shaping major Government policies;
- (4) award of major Government contracts;
- (5) access to market sensitive information (e.g. land development fees, charges and other forms of revenue, and licensing procedures);
- (6) control and disbursement of substantial public funds.

公務委員會及管理局成員的利益申報事宜
兩層申報利益制度指引

一般原則

有些公務委員會及管理局擁有自主權，並在政策及財政事宜方面具有廣泛的權力。為使公眾相信委員會成員（包括主席）有良好品德，並會向委員會提供不偏不倚的意見，所有該等委員會及管理局的成員應在獲委任時披露其一般金錢利益，以及在遇有利益衝突時予以申報。為了增加透明度，應將該等聲明公開讓市民查閱。採用這兩層制度，委員會的成員便可獲保障，不會因擁有任何可能與所屬委員會的工作有衝突但未申報的一般經濟利益，而受到批評或產生尷尬情況。兩層申報利益制度包括下列各項:-

(甲) 成員利益登記冊

- (1) 主席及成員須於新加入委員會時及以後每年一次，以書面向委會秘書登記其個人利益，無論是直接或間接、金錢或其他性質的利益均須登記。登記時須填寫標準表格。
- (2) 須予登記的利益包括下列幾類：
 - (i) 公司東主、合夥人或董事；
 - (ii) 受薪的工作、職位、行業、專業或職業；以及
 - (iii) 所持的公共上市公司或私人公司股份（如佔公司已發行股本的 1%或以上）；及或
 - (iv) 與個別委員會工作性質有關之其他可申報利益。
- (3) 秘書須存備一份委員會成員利益登記冊，供市民查閱。

(乙) 在會議上申報利益

- (1) 如委員會某成員（包括主席）在委員會正予考慮的任何事項中有任何直接個人或金錢利益，該成員在發覺此事後，必須在討論該事項之前，盡早向主席（或委員會）披露。
- (2) 主席（或委員會）須決定曾就某事項披露其利益的主席或成員，可否就有關事項發言或參與表決、可否留在席上旁聽，或應否暫時避席。
- (3) 如主席就某項正予考慮的事項申報利益，其主席之職務可暫由副主席代替執行。
- (4) 在得知某成員在委員會的討論事項中有直接金錢利益時，秘書可停止將有關文件分發給該成員。如有成員收到一份討論文件，而他知道該文件涉及與他有直接利益衝突的事項，則必須立刻通知秘書，並將文件退回。
- (5) 所有關於利益申報的個案必須記錄在會議紀錄。

採用兩層申報利益制度準則

有下列功能及特色的公務委員會及管理局應採用兩層申報利益制度 :-

- (1) 在管理及財政上享有高度自治權；
- (2) 在公眾利益事宜上擁有廣泛行政權力者；
- (3) 有助制訂主要政府政策者；
- (4) 承辦主要政府工程者；
- (5) 可獲取市場敏感資料者（如土地發展費用、收費和其他形式的收入，及發牌程序）；
- (6) 可控制及分配龐大公帑者。

Annex II

**Register of Interests relating to
the Appointment to the Family Council**

(Name _____) requests that interests as listed below should be included in the Register of Members' Interests.

- A. Proprietorships, membership, partnerships or directorships of companies, public or private

- B. Remunerated employments, offices, trades, professions or vocations

- C. Shareholdings in companies, public or private (1% or more of the company's issued share capital)

- D. Other declarable interests (to be specified)

Signed : _____

Date : _____

Note: The information provided in this form may be disclosed to the public in connection with your appointment as a member of the

Family Council.

與獲委任於家庭議會有關的利益登記冊

請把（姓名 _____）下列利益載入委員利益登記冊內。

- A. 公司東主、公共或私人公司的合夥人或董事
- B. 受薪工作、職位、行業、專業或職業
- C. 公共或私人公司的持股量（如佔公司已發行股本的 1%或以上）
- D. 其他可申報的利益（請說明）

簽署_____

日期_____

備註：本登記冊內的資料，有可能因閣下被委任為家庭議會的委員的關係，而須向公眾披露。