

Paper No. 9/2004  
For discussion  
on 9 September 2004

## **Harbour-front Enhancement Committee**

### **House Rules for the Harbour-front Enhancement Committee (“HEC”) and its Sub-committees**

#### **PURPOSE**

At the HEC meeting held on 8 July 2004, the Secretariat was tasked to prepare a set of house rules on the operation of the HEC and its Sub-committees for Members’ consideration. The draft house rules were duly prepared and circulated to Members for consideration and comments.

2. Annex A sets out in a tabular form the comments received and where appropriate amendments are proposed for Members’ consideration. Members may wish to note that the Business Environment Council has separately prepared, at Annex B, some suggested amendments for Members’ consideration.

3. Upon the request by some Members, we have prepared at Annex C a note on the guidelines for declaration of interests after making reference to the practice of the Town Planning Board and the recommendation by the Independent Commission Against Corruption.

#### **ADVICE SOUGHT**

4. Members are invited to consider and endorse for adoption the proposed amendments to the house rules and the guidelines on the declaration of interests by Members of the HEC and its Sub-committees.

Secretariat, Harbour-front Enhancement Committee  
August 2004

**House Rules for the Harbour-front Enhancement Committee (“HEC”) and its Sub-committees:  
Comments and Recommended Amendments**

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>  | <i>Remarks</i>    |
|---|--|---|-------------------|
| 1 | <p>Chairmanship</p> <p>If the Chairman cannot attend a meeting or part of a meeting, Members present shall elect among themselves a Member to preside at the meeting. <u>Such a Member should not be an alternate or co-opted member and should not be a regular member who has declared or has to declare conflict of interest in relation to any of the agenda item.</u></p> | <p>The temporarily elected Chairman should not be an alternate or co-opted member, and should not be a regular member who has declared or has to declare conflict of interest in relation to any of the agenda items.</p> | <p>Supported.</p> |
| 2 | <p><u>Membership</u></p> <p>(a) Each of the non-official member organizations of the HEC can designate one alternate Member. The alternate representation system does not apply to</p>   | <p>Nil.</p>   | <p>N/A.</p>       |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>   | <i>Comments received</i>   | <i>Remarks</i>   |
|---|---|--|--|
|   | non-official members who are appointed in their personal capacity.  |  |  |
| 2 | (b) The HEC shall not have co-opted members.  | The HEC should have co-opted members if the co-option is supported by the majority of HEC members and if co-opted members are going to contribute significantly to the debate. | No change to the original proposal is recommended as the Sub-committees are more suitable forums to include co-opted members to give advice on specific issues. Moreover, with 30 members, the HEC is already very large and the membership should not be unduly expanded. The size of the HEC should be kept at a manageable level. |
| 2 | (c) At the Sub-committee level, each non-official member organizations can designate one alternate Member. The alternate Member should be the same as in the HEC. The alternate representation system does not apply to | Nil.   | N/A.   |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>   | <i>Remarks</i>  |
|---|--|--|---|
|   | non-official members who are appointed in their personal capacity.   |  |   |
| 2 | <p>(d) Co-opted Members are allowed in the Sub-committees. <u>Upon agreement of the Sub-committees concerned, they shall be appointed by the Chairman of the HEC in their personal capacities.</u> The number of co-opted Members in the Sub-committee shall not exceed one-third of the Sub-committee membership. The co-opted Members shall have voting rights, but they shall not have any alternate.</p> | <p>A. Co-opted members should not have voting rights. Ultimately it will be the HEC members who will be held responsible for decisions made.</p> <p>B. It is not necessary to have a formal arrangement for co-option. Outsiders can always be invited to express their views without having to appoint them as co-opted members. Experts could also be invited to the discussion as observers as and when necessary.</p> <p>C. Co-opted membership could be open to</p> | <p>A. It is recommended that co-opted members should be appointed in their personal capacities and should have voting rights.</p> <p>B. It is necessary to keep the appointment system for co-opted members and to treat co-opted members differently from “observers” or experts who are invited to attend on an ad hoc basis. The co-opted members’ terms of appointment should be the same as those of the regular members.</p> <p>C. District Council members and any</p> |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i> | <i>Comments received</i>   | <i>Remarks</i>   |
|---|---|--|--|
|   |   | <p>individuals and could be appointed from or nominated by the relevant District Councils.</p> <p>D. Co-opted members should be appointed by Chairmen of the Sub-committees instead of the HEC Chairman.</p> <p>E. Once co-opted members have joined the Sub-committees, they will become full members with the same rights and obligations as the regular members including, when representing a member organization, the right to designate a representative and an alternate.</p> | <p>individual can be appointed as co-opted members in their personal capacities as long as the co-option is agreed by the Sub-committee concerned.</p> <p>D. Co-opted members should be appointed by the HEC Chairman.</p> <p>E. Co-opted members are appointed in their personal capacities and similar to the practice adopted for HEC members appointed in their personal capacities, no alternate should be appointed.</p> |
| 3 | <u>Quorum</u>   | Nil.   | N/A.   |

|   | <b><i>Original proposed house rules<br/>(with amendments underlined)</i></b>  | <b><i>Comments received</i></b>   | <b><i>Remarks</i></b>  |
|---|---|---|--|
|   | <p>The quorum for any HEC meeting shall be no less than half of the membership, one of whom must be the Chairman or the Member Presiding.</p> <p>For any meeting of the Sub-committees, the quorum shall be no less than half of the membership (co-opted members inclusive), one of whom must be the Chairman or the Member Presiding.</p> |   |  |
| 4 | <p><u>Voting</u></p> <p>(a) Any matters put to the HEC for voting shall be decided by a majority of the votes of the Members present and voting. The Chairman or the Member Presiding shall, if the votes be equally divided, have a casting vote in addition to his/her original vote.</p>   | <p>A. A dispute resolution mechanism based on the one being used in District Councils should be introduced to the HEC and its Sub-committees.</p> <p>B. Any member of the HEC or its Sub-committees may put forward a</p> | <p>A. No change is recommended as the voting mechanism can serve as a dispute resolution mechanism which also provides more flexibility to the operation of the HEC and its Sub-committees.</p> <p>B. Same as "A" above.</p> |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>   | <i>Comments received</i>   | <i>Remarks</i>   |
|---|---|--|--|
|   |   | motion for a vote at any time during or prior to a meeting.  |  |
| 4 | (b) All matters put to the Sub-committee for voting shall be decided by a majority of the votes of the Members present and voting. The Chairman or the Member Presiding shall, if the votes be equally divided, have a casting vote in addition to his/her original vote. | Official members, i.e. Government representatives, of the HEC should be seen as full members and should have voting rights.  | Supported.   |
| 5 | <u>Request for submission of views to the HEC</u><br><br>The HEC Secretariat shall give a regular progress report on all submissions and requests to the HEC. Only subject matters falling within the terms of reference of the HEC will be further                       | A. It may be necessary to put a cap on the number of presentation or discussion items proposed by members at any one meeting and priority should be given to requests that are linked to the main discussion themes of the meeting.<br><br>B. (i) A “no restriction” approach should | A. Supported.<br><br>B. No change to the original proposal |

| <i>Original proposed house rules<br/>(with amendments underlined)</i>   | <i>Comments received</i>  | <i>Remarks</i>   |
|---|---|--|
| <p>processed. The Secretariat will arrange for the circulation of all such submissions to the HEC members for perusal. The Chairman may, at the request of any Member, <u>decide whether to include such submissions onto the agenda.</u></p> <p>The secretariat(s) of the Sub-committees shall give a regular progress report on all submissions and requests to the Sub-committees. Only subject matters falling within the terms of reference of the HEC and the respective Sub-committee will be further processed. The secretariat(s) will arrange for the circulation of all such submissions to the Sub-committee members for perusal. The Chairman may, at the request of any Member,</p> | <p>be adopted such that everything submitted should be presented to the HEC as long as they meet the terms of reference and this should include submissions from private firms or with private interests. Submissions from private firms are acceptable but the submissions should not be promoted as “endorsed by the HEC” after the presentations.</p> <p>(ii) In developing the Harbour Plan and in making harbour-front enhancement recommendations, the HEC must take into account all developments and infrastructure, irrespective of ownership or state of play.</p> <p>(iii) The HEC may request submissions, presentations or seek clarification on any</p> | <p>is recommended. Considering the terms of reference of the HEC and in order to safeguard the integrity of the HEC as a neutral advisory body, the HEC should as a matter of principle not accept submissions from private commercial organizations thereby avoiding the HEC from being used as lobbying ground for private interest.</p> |



| <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>  | <i>Remarks</i>   |
|--|---|--|
| <p><u>decide whether to include</u> such submissions onto the agenda.</p> <p>The following categories of requests/submissions shall not be accepted for presentation or discussions at the HEC or any of its Sub-committees –</p> <p>(a) submissions involving private/commercial interests; or</p> <p>(b) projects which have completed the due process of project authorization and funding approval for construction works.</p> | <p>plan, project, land use or infrastructure considered relevant for the enhancement of a harbour-front and adjoining area.</p> <p>C. The time limit in 5(b) should be postponed to the point of commencement of works. Even projects with works already started should be allowed to be discussed regarding their progress.</p> <p>D. The Chairman should be empowered to exercise discretion on whether a submission should be allowed for discussion.</p> <p>E. The HEC Secretariat shall give a regular progress report on all submissions and requests received.</p> | <p>C. No change is recommended. Projects for which authorization and funding approval are sought are in very advanced stage of planning with committed commencement dates.</p> <p>D. Supported.</p> <p>E. No change is recommended as the HEC Secretariat will report regularly all submissions and requests received. The</p> |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>   | <i>Remarks</i>   |
|---|--|--|--|
|   |  | F. Any member of the HEC or its Sub-committees may, with the agreement of the majority of the membership, include a submission or group of submissions on the agenda of a meeting.   | <p>information will be accessible by members of the public as the HEC agenda and papers will be uploaded to the website.</p> <p>F. No change is recommended as this is already the current practice.</p> |
| 6 | <p><u>Declaration of interest</u></p> <p>(a) If a Member (including the Chairman or the Member Presiding) has any pecuniary interest in any matter under consideration by the HEC, a declaration has to be made and be recorded.</p> | A. Declaration of interests is always a difficult issue and it is not sure whether “pecuniary interest” is a sufficient description. The Town Planning Board’s (“TPB”) practice, believed to be a sensible and pragmatic approach to this issue, should be consulted. The Secretariat should prepare a note for discussion at the third HEC meeting. | A. A note is prepared at <u>Annex C</u> for Members’ consideration.  |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>   | <i>Remarks</i>   |
|---|--|--|--|
|   |  | <p>B. Depending on the degree of conflict of interest, the chairman could rule on one of 3 possible courses of actions and ask the member in question to: (a) withdraw from the meeting room; (b) remain in the meeting room and participate in the discussion but has to refrain from voting or deliberation; and (c) retain full rights of a regular member.</p> <p>C. If a member finds that a certain agenda item involves a conflict of interest, he/she should advise the Secretary at the earliest opportunity, and return the relevant papers and documents to the Secretary also at the earliest opportunity.</p> | <p>B. A note is prepared at <u>Annex C</u> for Members' consideration.</p> <p>C. There is no need for members who have declared an interest to return the relevant papers because the meetings are open and papers are uploaded to the HEC homepage.</p> |
| 6 | (b) The Chairman (or the Member Presiding) or the meeting shall decide | Nil.   | N/A.   |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>   | <i>Comments received</i>   | <i>Remarks</i>   |
|---|---|--|--|
|   | whether the Member should withdraw his/her participation in the discussion.   |  |  |
| 7 | <p><u>Frequency and mode of meetings</u></p> <p>(a) The HEC shall meet about once every two months. Other meetings may be arranged as necessary. All HEC meetings shall be open to the public and the press. Press briefing after the meetings by the Chairman or the Member Presiding may be held as necessary. The agenda, papers for discussion and minutes of meetings shall be uploaded onto the HEC website for public information.</p> | <p>The agenda, papers for discussion, submissions, presentations, enquiries, and draft and final minutes of meetings shall be uploaded to the HEC website for members and public information in a timely manner.</p> | <p>No change is recommended as –</p> <p>(i) the agenda, discussion papers, presentations and confirmed minutes of the HEC meeting will be uploaded to the HEC website under the present practice;</p> <p>(ii) submissions and enquiries will be presented to HEC in the form of regular progress reports and uploaded to the website; and</p> <p>(iii) it is not desirable to upload draft minutes of meetings because they are subject to</p> |

|   | <i>Original proposed house rules<br/>(with amendments underlined)</i>  | <i>Comments received</i>  | <i>Remarks</i>                             |
|---|--|---|--|
|   |  |   | further comments and revisions by Members. |
| 7 | (b) The Sub-committees shall meet once every two months, or as Members consider necessary. The Sub-committee meetings shall be open to the public and the press. Press briefing after the meetings by the Chairman or the Member Presiding may be held as necessary. Further press enquiries should be referred to the Sub-committee secretariats. The Sub-committees should make regular progress reports to the HEC on its major findings and recommendations. The HEC shall have the final decision on the major recommendations made by the Sub-committees. The agenda and minutes of the Sub-committee meetings | The agenda, papers for discussion, submissions, presentations, enquiries, and draft and final minutes of meetings shall be uploaded to the HEC website for members and public information in a timely manner. | As in 7(a) above.                          |

|  | <b><i>Original proposed house rules<br/>(with amendments underlined)</i></b>  | <b><i>Comments received</i></b> | <b><i>Remarks</i></b> |
|--|---|---------------------------------|-----------------------|
|  | <p>will be uploaded onto the HEC website.<br/> The Sub-committees shall have the right to decide whether all discussion papers have to be uploaded to the HEC website for public information.</p> |                                 |                       |

**Submission by the Business Environment Council**

**PROPOSED AMENDMENTS FOR THE HOUSE RULES**

**Re 2d - Co-opting members**

The following recommended change assumes that the Chairmen of HEC and its sub-committees, on the advise of its members, may invite guests to join specific meetings, make presentations or otherwise participate in discussions on specific topics. Such guests have no voting rights and we assume that there is no need to stipulate the proceedings regarding the invitation of guests. However, the house rules need to stipulate that when sub-committees decide on co-opting additional members in their personal capacity for their expertise or as a representative of an organization, the decision to do so is to be taken by the existing membership of that sub-committee. Once new members have joined, they are full members with the same rights and obligations as existing members including, if it is an organization member, to designate a representative and an alternate.

**Replace** “They shall be appointed by the Chairman of the HEC” **with** “With a majority vote a sub-committee may propose to co-opt a new member in their personal capacity or an organization member into that sub-committee. A co-opted member shall be appointed by the Chairman of the HEC.”

**Delete** “The co-opted members shall have voting rights, but they shall not have any alternate.”

**Re 4 – Voting and Moving Motions**

The following recommended change clarifies the decision making process and the procedure for deciding on recommendations and advisories.

**Add a new (first) clause:** “Any member may propose an item for the Agenda in a timely manner prior to a meeting. Any member of the HEC or its Sub-Committees may put forward a motion containing a procedure or recommendation related to the enhancement and management of the harbour-front and adjoining areas for a vote at any time during or prior to a meeting.”

**Re 5 – Requesting Submissions and Processing Submissions Received**

The following recommended change safeguards the HEC from unwarranted lobbying while at the same time opening the process for ANYONE to help enhance the harbour-front. The process will provide the HEC and the Government the benefit of support from the entire community in an open and transparent manner.

Further, the quality of the harbour-front today is defined by the many developments and infrastructure, completed, planned or in progress. In developing the Harbour Plan and in making harbour-front enhancement recommendations, the HEC must take into account all developments and infrastructure, irrespective of ownership or state of play. Clearly, for any recommendation to be meaningful, common sense dictates that the recommendation itself must take into account all relevant aspects including among others, the status of any projects and developments and infrastructure which make up the area, how far project authorization and due process has been completed for each, as well as the ownership of projects, developments or land.

**Replace clause 5 with:** “The HEC secretariat shall give a regular progress report on all submissions and requests received to the HEC. All submissions and requests will be uploaded on the HEC website in a timely manner and categorized in accordance with the recognized Harbour Plan Areas and the time of the submission. A summary of new submissions and requests will be circulated to HEC members for perusal prior to each HEC and Sub-Committee meeting. Any member of the HEC or its Sub-Committees may, with the agreement of the majority of the membership, include a submission or group of submissions on the Agenda of a meeting.

Subject to the agreed strategy, methodology and timing for enlisting public, Government, NGO and commercial participation in the development of specific Harbour-front Enhancement Strategies, Plans or Projects, the HEC may requests submissions, presentations or seek clarification on any plan, project, land use or infrastructure considered relevant for the enhancement of a Harbour-front and adjoining area.”

## Re 7 – Managing Media Enquiries and Press Briefings

The following recommended change specifies that deciding on and formulating messages to the media is a matter for the Chairman and the membership, with support by the Secretariat. Further, it is proposed that all materials, requests and submissions are uploaded on the web in a timely manner to ensure transparency to the public and to facilitate the work of members.

**Amend last two sentences 7a:** “Press briefings may be held as necessary after meetings by the Chairman or Member Presiding to report on the main conclusions of that meeting. A summary of new press enquiries received by the Secretariat will be circulated to the HEC members for perusal prior to the next meeting. The agenda, papers for discussion, submissions, presentations, enquiries, and draft and final minutes of meetings shall be uploaded onto the HEC website for members and public information in a timely manner.”

**Replace 7b:** “The Sub-committees shall meet once every two months, or as Members consider necessary. The Sub-committee meetings shall be open to the public and the press. The Sub-Committees will make regular progress reports to the HEC on its major findings and recommendations. The HEC shall have the final decision on the major recommendations made by the Sub-committees. Press briefings may be held as necessary after meetings by the Chairman or Member Presiding to report on the main conclusions of that meeting. A summary of new press enquiries received by the Secretariat will be circulated to the members of the Sub-committee for perusal prior to the next meeting. The agenda, papers for discussion, submissions, presentations, enquiries, draft and final minutes of meetings shall be uploaded onto the HEC website for members and public information in a timely manner.”

BEC

August 2004



## **Harbour-front Enhancement Committee**

### **Guidelines on Declaration of Interests**

According to the Independent Commission Against Corruption (“ICAC”), public councils, boards and committees with the following functions and characteristics should adopt a “two-tier” declaration system –

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

### **Declaration of interests in the TPB**

2. The Town Planning Board (“TPB”) adopts the “two-tier” system. Under the system, TPB Members have to, on a regular basis, register their pecuniary interests in writing in a form ([Appendix 1](#)) and update the changes. They should also declare, to the best of their knowledge, their and their spouses’ interests (pecuniary or otherwise) in any matters to be transacted by the TPB before or at the relevant TPB meetings. If the interests are direct and substantial, the member will have to withdraw from the meeting. If the interests are direct but not substantial or indirect/insubstantial, the member will be allowed to continue to participate in the discussion and determination of the matter.

3. The HEC is a non-statutory advisory body that does not fall under the category of paragraph 1 above. There is not a need for the HEC to adopt the “two-tier” system.

### **“One-tier” System**

4. The ICAC has published guidelines for a “one-tier” system (a copy is attached at Appendix 2). The system involves no registration in writing but declaration of interests at meetings. Under this simpler system, when a member (including the Chairman or the member presiding the meeting) has a potential conflict of interest, either directly personal, pecuniary or otherwise, in a matter to be discussed, he/she should make full disclosure of the interest. The principle to observe is that the advice provided by members should be disinterested and impartial. It is the responsibility of each member to judge and decide whether a particular situation warrants a declaration. A ruling from the Chairman (or the member presiding) should be sought in case of doubt.

5. Members may recall that the first HEC meeting of 6 May 2004 agreed that a simple system of declaration of pecuniary interests involving no written registration should be adopted (paragraph 28 of Paper No. 1/2004). Considering this and the nature of work of the HEC and its Sub-committees, the “one-tier” declaration system is considered more appropriate for the HEC and its Sub-committees.

6. Members are invited to adopt the “one-tier” system as set out at Appendix 1 to the HEC, its Sub-committees and all task groups or working groups formed under the Sub-committees.

Secretariat, Harbour-front Enhancement Committee  
August 2004

**Town Planning Board**  
**Register of Pecuniary Interests**

(Name: \_\_\_\_\_) requests that interests as set out in the attached form (total pages: \_\_\_\_\_) should be included in the Register of Members' Pecuniary Interests.

| Registrable Interests   | Interests to be declared by the following parties: |        |                   |
|---|--|--------|-------------------|
|   | Member   | Spouse | Children under 18 |
| <p><b>DIRECTORSHIPS AND PARTNERSHIPS IN COMPANIES</b></p> <p>Please list out at the rightward columns the remunerated directorships in any public or private company.</p> <p>Notes:</p> <p>(a) Remunerated directorships include all directorships for which a fee, honorarium allowance or other material benefit is payable.</p> <p>(b) You should give the name of the company, briefly state the nature of the business of the company in each case.</p> <p>(c) Remunerated directorships of both local and overseas companies are registrable.</p> <p>(d) Remunerated directorships through corporate directors are also registrable.</p> <p>(e) Where you or your spouse are a remunerated director of a company, all subsidiary or associated directorships which you or your spouse hold within the same group, whether remunerated or not, should also be registered.</p> <p>(f) There is no need to register the amount of remuneration received.</p> |  |        |                   |

Use additional form(s) if necessary

Member's Name:

| Registrable Interests   | Interests to be declared by the following parties: |        |                   |
|---|--|--------|-------------------|
|   | Member   | Spouse | Children under 18 |
| <p>REMUNERATED EMPLOYMENTS, OFFICES, TRADES, PROFESSIONS OR VOCATIONS</p> <p>Please list out at the rightward columns the remunerated employments offices, trades, profession, or vocation from which remuneration or pecuniary interest is obtained.</p> <p>Notes:</p> <p>(a) An employment, office, trade or profession is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.</p> <p>(b) "Remunerated offices" should include all "remunerated" public offices.</p> <p>(c) Indicated the name of the employment, office, trade, or profession. Where a firm is named, please briefly indicate the nature of the firm's business if practicable.</p> <p>(d) For paid posts as consultants or advisers, it should be indicate the nature of the consultancy in the register, e.g. "traffic consultant", "legal adviser", etc.</p> <p>(e) There is no need to register the amount of remuneration received.</p> |  |        |                   |

Use additional form(s) if necessary

Member's Name:

| Registrable Interests  | Interests to be declared by the following parties: |        |                   |  |
|--|--|--------|-------------------|--|
|  | Member   | Spouse | Children under 18 | Company to which the party/parties listed leftwards is one of the directors. |
| <p><b>HOLDINGS IN LAND AND PROPERTY</b></p> <p>Please list out at the rightward columns the land or property in Hong Kong and/or overseas.</p> <p>Notes:</p> <p>(a) The requirement is to register the general nature of the interest rather than a detailed list of the holdings. The exact address and name of the land or property need not be listed out.</p> <p>(b) There is no need to register the size or value of the land or property owned.</p> <p>Example:</p> <ol style="list-style-type: none"> <li>1. A flat at No. 111, Star Street, Wan Chai.</li> <li>2. 3 units in Block 123, Laguna City, Kwun Tong.</li> <li>3. A house at Peak Road, Peak.</li> <li>4. A piece of land at Nathan Road, Mong Kok.</li> <li>5. A piece of land in Richmond Hill, Vancouver, Canada.</li> </ol> |  |        |                   |  |

Use additional form(s) if necessary

Member's Name:

| Registrable Interests  | Interests to be declared by the following parties: |        |                   |
|--|--|--------|-------------------|
|  | Member   | Spouse | Children under 18 |
| <p><b>SUBSTANTIAL SHAREHOLDINGS</b></p> <p>Please list out at the rightward columns the shareholdings in any public or private company of a nominal value greater than 1% of the issued shared capital of the company.</p> <p>Notes:</p> <p>(a) "Shareholdings" is defined as personal shareholdings and do not include shareholdings held in the capacity of a nominee shareholder.</p> <p>(b) There is no need to register the size or value of the shareholdings.</p> |  |        |                   |

Use additional form(s) if necessary

**DECLARATION**

I have read the POINTS TO NOTE attached to this form. I declare that the personal data voluntarily provided in this form are accurate and up-to-date to the best of my knowledge. I agree and understand that such personal data can be used according to the use and disclosure of personal data stated in the Points to Note.

Signature : \_\_\_\_\_

Date: \_\_\_\_\_

**Guidelines for a “One-tier” System as recommended by ICAC**

**General Principles**

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 should make full disclosure of his 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.

It is impossible to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. On the other hand, it is not intended that a member should make a declaration of interest simply because the committee is considering a matter in which he has knowledge or experience.

**Potential Conflict of Interest Situations**

The following are potential conflict of interest situations :-

- (1) Pecuniary interests in a matter under consideration by the committee, held either by the member or by any close relative of his. Members are themselves the best judge of who, in the particular circumstances, is a “close relative”.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

### **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 the 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.