

Performance Monitoring Guidelines for Members of the District Councils

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Introduction

1. Article 97 of the Basic Law stipulates that district organisations which are not organs of political power may be established in the Hong Kong Special Administrative Region (HKSAR), to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation. District Councils are organisations prescribed in Article 97 of the Basic Law.
2. Section 4A of the District Councils Ordinance (“the Ordinance”) (Cap. 547) sets out the functions of a District Council (“DC”) of a district as follows:
 - (a) to be consulted by the Government on the district affairs affecting the livelihood and living environment in the district and well-being of the people in the district;
 - (b) to collect the views of the people in the district in respect of an issue specified by the Chairman of the DC, and to submit to the Government a summary of the views collected and the suggested corresponding measures;
 - (c) to establish a regular communication mechanism with the people in the district, to meet with them and listen to their views regularly;
 - (d) to support, and assist in, the promotion of laws and Government policies in the district, and assist the Government in carrying out various consultation, publicity and liaison activities, such as district forum;
 - (e) to assist in the smooth delivery of cultural, recreational, environmental sanitary and other services relating to the interests of the people in the district under the coordination of the Government;
 - (f) to apply for funding for projects and activities relating to the functions of DCs such as —
 - (i) projects and activities for the purpose of promotion of sports, arts and culture;
 - (ii) local events and celebration events; and
 - (iii) greening and volunteer work;
 - (g) to provide services for people in the district, such as consultation and case referral services;

- (h) to cooperate with other consultation and service organisations in the district under the coordination of the Government to achieve the best results in serving the people in the district; and
 - (i) to undertake any other matters as commissioned by the Government from time to time.
- 3. Members of the DCs (“DC members”) shall duly discharge their duties during their terms of office¹. Their conduct should be in line with public expectations and be in keeping with the reputation of the DC and its members. The Government has established a performance monitoring mechanism for DC members so to enhance the accountability of DC members and increase transparency on their work.
- 4. Part VIA of the Ordinance (sections 72A to 72E) provides for matters such as the investigation, sanctions and appeal against sanctions regarding misconduct of members. Under which, section 72B(1) empowers the Secretary for Home and Youth Affairs (“SHYA”) to issue guidelines (“The Guidelines”) for the purposes of this Part of the Ordinance. The matters that the Guidelines may specify include but are not limited to the standard of performance required of a member, what constitutes as misconduct for DC members and the procedures regarding investigation, sanctions and appeal.
- 5. Pursuant to section 72B(1) of the Ordinance, SHYA has promulgated the Guidelines. The Guidelines are applicable to all DC members, including appointed members, ex-officio members, District Committees constituency members and District Council geographical constituencies members. The Guidelines are administrative in nature and may be amended or revoked as SHYA deems appropriate.

Part 1: Conduct Expected of a DC Member

- 6. Regarding the conduct of a DC member, the basic and specific requirements and standards set out in the Guidelines are not exhaustive. DC members shall uphold the principle of “in line with public expectations and in keeping with the reputation of the DC and its members” when making judgements, and adhere to the letter and spirit of the Guidelines. The Guidelines will be amended from time to time according to the actual circumstances. SHYA is also empowered to conduct investigations and impose sanctions in accordance with the mechanism set out in Part 3 of the Guidelines against misconduct that is not specified in the Guidelines but deemed to have contravened the relevant principle.

¹ Section 26A of the Ordinance provides for the disqualification from holding office as DC members.

I. Basic Requirements

7. DC members shall abide by the law and obey all the laws applied in Hong Kong. While there is not an exhaustive list of the laws to be obeyed, some provisions are set out below for reference:
- (1) Any illegal act will incur sanctions or penalties prescribed in the relevant legislations. In addition, section 26A(1)(d) of the Ordinance stipulates that a DC member is disqualified from office if the member is convicted, in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding three months without the option of a fine; of having engaged in corrupt or illegal conduct under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap.554); of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201)²; or of any offence prescribed by section 86A, section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
 - (2) Section 26A(2) of the Ordinance also stipulates that a DC member is disqualified from office if the member is in breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11) or fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China.
8. **A DC member shall at all times conduct oneself in a manner which is in keeping with the reputation of the DC and its members and in line with public expectations.** A DC member shall not at any time or in any respect do anything which may compromise or impair his integrity, impartiality, objectivity or his ability to perform his duties, or bring the DC into disrepute. A DC member shall conduct himself in such a way as not to place himself in a position which may be contrary to the general standard of conduct expected of a DC member. A DC member shall use appropriate language and not use offensive or insulting language, especially when addressing attendees, including DC members and public officers, at meetings. When deciding whether to engage in any activities, a DC member shall give due consideration as to whether the nature and contents of such activities might be regarded as not in keeping with the position or reputation of a DC member and thereby bringing the DC into disrepute.

² Under the Prevention of Bribery Ordinance (“POBO”) (Cap. 201), DCs are public bodies and DC members are public servants. Therefore, DC members are bound by the POBO (including but not limited to section 4 in relation to the acceptance of advantages by public servants).

9. A DC member shall **fulfil his responsibilities and act in accordance with the functions of a DC under section 4A of the Ordinance.**
10. A DC member shall **comply with the Guidelines** and the standing orders made by a DC Chairman under section 68(1) of the Ordinance for regulating the procedure of a DC and its committees.
11. A DC member shall **execute and implement the requirements of the Guidelines and the tasks and work indicators assigned** by the DC Chairman.

II. Specific Standards

Matters relating to Advantages, Entertainment or Confidential Information

12. A DC member shall **declare interests** in accordance with the following requirements:
 - (1) A member shall furnish the DC Secretary with particulars of his registrable interests³ within one month after the commencement of each term by using the form provided by the DC Secretary (Sample of the Registration Form is in Annex II).
 - (2) A new DC member shall furnish the DC Secretary with particulars of his registrable interests within one month after the date of his becoming a new member to fill a vacant seat by using the form provided by the DC Secretary (Sample of the Registration Form is in Annex II).
 - (3) A member shall furnish the DC Secretary with particulars of any change in such registrable interests within 14 clear working days of any such change by using the form provided by the DC Secretary (Sample of the Registration Form is in Annex II).
13. A DC member shall comply with the following requirements on **acceptance of advantages**:
 - (1) An advantage presented to a DC member by virtue of his official position or on an occasion attended in the member's official capacity is regarded as an advantage to the DC.
 - (2) A DC member shall as far as possible decline such gifts or souvenirs. Where this cannot be done owing to protocol reasons or the need to avoid causing offence or embarrassment, he should take them back to the DC

³ Details of registrable interests are set out in Annex I.

Secretariat and follow the guidelines set out below for the disposal of gifts/souvenirs received:

- (i) If the gift/souvenir is of perishable nature (e.g. food or drink), it may be donated to a charitable organisation or, when this is not practicable, shared among DC members, participants of the activity concerned or staff of the DC Secretariat.
 - (ii) If the gift/souvenir is a useful item, it shall be donated to a charitable organisation.
 - (iii) If the gift/souvenir is suitable for display (e.g. a painting or vase), it may be displayed at an appropriate location of the DC member's office, or given to the DC Secretary for display at an appropriate location of the DC conference room or office.
 - (iv) If the gift/souvenir is of a value higher than HK\$500, it shall be donated as a prize in functions organised by the DC.
 - (v) If the gift/souvenir is a personal item of a value not higher than HK\$1,000 (e.g. a plaque or pen inscribed with the name of the recipient), it may be retained by the DC member.
 - (vi) If the gift/souvenir is distributed to all participants in public activities (e.g. a ball pen, file folder or key ring), it may be retained by the DC member.
 - (vii) Any gift/souvenir of a value higher than HK\$1,000 shall be returned to the offeror.
- (3) If the acceptance of an advantage by a DC member in his private capacity could affect his objectivity, or induce him to act against the DC's interests, or lead to questions or complaints of bias or impropriety, the member shall decline the advantage. A DC member may consider accepting an advantage only if the acceptance will not affect the performance of his duties as a DC member; the member will not feel obliged to reciprocate the advantage from the offeror by returning a favour connected with any business dealings; and the member is able to openly discuss the acceptance without reservation.
- (4) A DC member shall not accept any luxurious, overly generous or frequent entertainment from any person or organisation in order to avoid embarrassment or loss of objectivity when he considers or gives his views on matters concerning that person or organisation. Under the Prevention

of Bribery Ordinance, entertainment means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with such provisions.

14. A DC member shall not misuse his capacity as such and shall comply with the following requirements:
 - (1) A DC member shall not misuse his capacity as such to gain benefit for himself, or render favour to any person or organisation; shall not use the confidential or privileged information obtained in his capacity as such to gain benefit for himself, or render favour to any person or organisation; shall acquire confidential or privileged information only in respect of matters of public interest and shall not acquire such information for private or personal interests; and shall not disclose such confidential or privileged information and therefore undermine the interests of the DC.
 - (2) DC member shall not attend a meeting of the DC or its committees for or on behalf of any party in a professional capacity, in a capacity for which he is to receive a fee or reward, or in the capacity of being employed by that party.
 - (3) A DC member shall adopt the principles of openness and fairness in the procurement of goods and services as well as in the recruitment of staff, and shall not use the various allowances for a member and/or his ward office(s) for purposes other than those connected with the business of the DC.

Attendance at DC Meetings

15. A DC member shall attend the meetings of the DC. The annual attendance rate of a member at meetings of the DC or its committees/working groups shall not be lower than 80%. A DC member is obliged to attend meetings punctually and avoid leaving while the meeting is being conducted. Details of members' attendance will be made available for public inspection. In calculating the attendance rates of DC members for monitoring their performance, where the DC member is absent with legitimate reason and approved by the DC, the meeting that the DC member is absent will not be counted.
16. If a DC member cannot attend a meeting of the DC because of official business, health or other reasons, he is required to submit an application to the DC Secretariat before the meeting. The DC shall first process applications for absence at the commencement of the meeting, and shall only give consent to applications filed on the grounds of sickness, attendance at another meeting or an

activity on behalf of the DC, or other legitimate reasons⁴ recognised by the DC. Pursuant to section 26A(5) of the Ordinance, a member is disqualified from holding office as a member for the remainder of his term of office if he does not attend meetings of the DC for four consecutive months (**disqualifying period**)⁵ without obtaining the consent of the DC during the period.

Work Reports

17. A DC member is required to submit a work report to the DC Chairman every year, elaborating on the major work done during the year. The work report shall be completed within two months after the end of the reporting period and be kept with the DC Secretariat for public inspection. The work report should cover the following:
- (1) tasks and work indicators assigned to the member and the work progress in the reporting period, so as to increase the transparency on his work;
 - (2) the number of public views or enquiries received (in any form such as interviews, telephone calls, e-mails and letters) and the follow-up status;
 - (3) the number and types of cases handled or referred;
 - (4) the district issues of his concern and actions taken (e.g. providing advice to the Government, conducting site visits and holding district forums);
 - (5) the community involvement activities he assisted in organising; and
 - (6) other information in relation to the advisory and service functions of the DC.

⁴ For example, maternity, paternity, fulfilling civic responsibilities required by the law, being seriously ill or injured, attending meetings/activities held by the Legislative Council or advisory bodies/organisations appointed by the country/the Government, etc.

⁵ The disqualifying period begins on the day following the date of the DC meeting from which the member is first absent without obtaining consent. If no meeting or only one meeting is held during the disqualifying period, that period will be extended to end immediately after the 3rd consecutive meeting from which the member is absent.

Other Work Indicators and Requirements

18. Unless with the permission of the DC Chairmen (to do otherwise), DC members shall:
- (1) participate in the Meet-the-Public Scheme (held weekly) and be on duty at the DC offices according to the rosters agreed by DC Chairmen. A DC member may swap his duty days with other DC members under the co-ordination of the DC Secretariat as necessary;
 - (2) participate actively in district activities, including participation in person in not less than six activities of any form organised or co-organised by the respective District Offices each year. DC members shall set out in their annual work reports the activities that they have attended;
 - (3) perform the tasks and meet the work objectives related to the functions of DCs as assigned by DC Chairmen, such as facilitating the arrangement of and attending district forums on specific issues, attending residents' meetings and collecting residents' views by other means, and report to DC Chairmen;
 - (4) establish at least one ward office (including joint office(s) with other DC members) within three months after assuming office. Unless agreed by DC Chairmen, the operating hours of the ward offices shall not be less than 40 hours per week, with at least four hours falling on weekday evenings, weekends and public holidays; and
 - (5) join at least three DC committees/working groups or at least half of the total number of such committees/working groups, whichever is less.
19. Regardless of whether a DC member is the subject of investigation of the Supervisory Committee mentioned in Part 3 below, he shall comply with the Committee's request for submission of written information and/or attendance at its meetings to provide information.

Part 2: Behaviour that may Constitute Misconduct

20. This part sets out the behaviour that may constitute misconduct. A DC member who commits any of the following misconduct which is substantiated through the applicable investigation procedure in Part 3 below may incur sanctions:
- (1) failing to perform the tasks assigned by the DC Chairman and achieve the work indicators set out in paragraph 18 of the Guidelines without

reasonable excuses (e.g. failing to set up ward office or meet the operating office hours required, failing to submit work reports to the DC Chairman in a timely manner, failing to meet performance targets in general and carrying out work against the functions of DCs);

- (2) absence from meetings twice or more per year without reasonable excuses (even if the criteria for disqualification of DC members under the Ordinance, i.e. absence from meetings for four consecutive months, is not met);
- (3) gross misconduct (e.g. engaging in misconduct or making improper remarks, breach of integrity, stirring up social conflicts or engaging in behaviour that falls short of the conduct expected of a DC member);
- (4) violating the laws applied in Hong Kong, and being convicted by a court and sentenced to imprisonment, including suspended sentence (even if the penalty does not meet the criteria for disqualification of DC members under the Ordinance) (Example (1): A DC member who gave false information in order to obtain money by deception is sentenced to imprisonment for less than three months, suspended for two years, and the payment of a fine; Example (2): A DC member convicted of unlawful assembly is sentenced to imprisonment for three months. The penalties in the two examples, while not meeting the disqualification criteria under the Ordinance, may constitute grounds for investigation and lead to sanctions);
- (5) abusing the resources of DCs or the identity of a DC member for personal gains, engaging in commercial activities or conducting publicity that is inconsistent with the functions of DCs (e.g. it is improper for a DC member to participate in a commercial activity which may give rise to a conflict of interest with his official duties, irrespective of whether an endorsement fee is received);
- (6) obstructing other DC members or public officers from attending or leaving meetings, government offices and other venues (e.g. surrounding other DC members or public officers, preventing them from attending or leaving meetings; entering District Offices without permission, disrupting order and causing chaos);
- (7) making insulting remarks towards or causing nuisance to attendees, including DC members and public officers, at meetings;
- (8) disrupting the order of meetings (e.g. throwing objects at meetings, disrupting the order of meetings and causing chaos; using loudspeakers or

shouting or projecting images without permission to disturb attendees and disrupt meetings);

- (9) using foul language at meetings and failing to rectify the behaviour despite caution or warnings;
- (10) disobeying the standing orders for meetings (e.g. speaking or interrupting without the Chairman's consent, digressing, repeating, filming or conducting live broadcasts at meetings without permission) and failing to rectify the behaviour despite advice or warnings; and
- (11) failing to make the necessary declaration of interests in accordance with the standing orders for meetings.

Part 3: Investigation Procedure and Sanctions

21. This part sets out the investigation and sanction mechanism for misconduct.

I. Supervisory Committee

- 22. In accordance with section 72C of the Ordinance, an investigation into the alleged misconduct of a DC member may be initiated in the following circumstances: (1) the DC Chairman has obtained the joint signatures of not less than three DC members of the district; or (2) a motion moved by a DC member at a DC meeting is passed by more than half of the members present at the meeting by voting. The investigation will be conducted by the Supervisory Committee ("the Committee") appointed by SHYA.
- 23. The Committee is not a standing committee. Upon the investigation being initiated per paragraph 22 above, SHYA shall appoint five impartial members to the Committee, consisting of one independent person (i.e. a person who is not a member of any DCs) and four DC members from any DCs other than the DC concerned.
- 24. The Committee is responsible for establishing whether the facts on which the allegation in the joint submission or motion is based are true, and providing its opinion on whether the established facts constitute grounds for imposing a sanction on the member concerned. The Committee will handle the case in a stringent, fair, just, impartial, independent and objective manner in accordance with the established mechanism and procedure.

II. Investigation Procedure

25. The Committee will notify the DC member concerned in writing of the pending investigation on his case. During the investigation, the Committee may invite the DC member concerned or any person it considers appropriate to provide information in writing and/or to attend the Committee's meeting(s) to provide information. The meeting(s) of the Committee (if any) shall be held closed-door and the DC member concerned may be accompanied by a maximum of three persons (who may include legal adviser(s)) ["the accompanying person(s)"] when attending the meeting(s) for giving assistance or advice. The accompanying person(s) attending the meeting(s) is/are not allowed to address the Committee. The DC member concerned must answer questions, give explanations or provide information personally. The Committee may also gather or cause to be gathered relevant information from any other sources it deems appropriate, and accept and take into account such information without being bound by any rules of evidence.
26. In considering whether to recommend a sanction or what sanction to recommend, the Committee may take into account, among other things, whether there is evidence showing the misconduct of the DC member concerned, the nature and severity of the misconduct, the frequency and duration of the misconduct, the impact of the misconduct, aggravating or mitigating factors, and the sanction imposed in similar precedents (if any).
27. If the Committee considers that the allegation in the joint submission or motion is true and prima facie constitutes grounds for imposing a sanction, notice will be given to the relevant DC member, setting out the information available to the Committee, the Committee's views on the case and the action deemed appropriate, including issuing a letter of persuasion or imposing any of the following sanctions:
 - (1) warning;
 - (2) fine; and
 - (3) suspension of the member's functions and duties as a member, and deprivation of the member's remuneration, including allowances and end-of-service gratuity, for the period of suspension on a pro-rata basis.
28. The notice will also invite the DC member to give explanations for the matters concerned. The DC member may provide a written representation to the Committee within seven working days after the date of receiving the notice. The DC member may also set out mitigating factors with supporting evidence in the written representation if the imposition of sanctions is eventually recommended by the Committee.
29. The Committee will complete an investigation report based on the evidence and information available and the written representation of the DC member (if any)

within the deadline specified in the notice. If the DC member fails to provide any representation before the expiry of the time limit specified in the notice, the Committee will complete the investigation report based on the evidence and information already available.

30. The Committee shall submit a written report to SHYA and recommend whether sanctions are required and the appropriate sanctions to be imposed upon completion of the investigation. The relevant parts of the draft report shall be forwarded to the DC member subject to the DC member signing a confidentiality undertaking referred to in paragraph 44 below. The DC member may make a written response to the Committee within seven working days after the date of receiving the relevant parts of the draft report. The Committee may finalise its report after considering the written response of the DC member (if any). Upon submitting the report to SHYA, the Committee will make available a copy of the report to the DC member.
31. If, in the course of considering or investigating a case, the Committee has come to the knowledge that the case is or the matters related to it are being investigated by a law enforcement agency or related to a case pending in a court of law, the Committee may suspend its consideration or investigation of the case until the conclusion of the investigation by the law enforcement agency or the legal proceedings.

III. **Sanctions**

32. In accordance with section 72D of the Ordinance, SHYA will make a decision after considering the investigation report submitted by the Committee, and may invite the DC member concerned to submit additional information in writing if necessary. Before making a decision, SHYA may, taking into account the investigation results stated in the report, written response and additional information submitted in writing by the DC member concerned (if any) and the recommendations of the Committee, determine whether sanctions should be imposed on the DC member. If affirmative, SHYA may, according to the severity of the case, issue a letter of persuasion to or impose sanctions on the DC member concerned.
33. SHYA will inform the DC member concerned of the decision made in writing and impose the relevant sanctions. The decision notice will set out: (i) the reasons for the decision made; (ii) (in case a sanction under section 72D(1)(c) of the Ordinance is imposed) the duration of sanction and conditions to be observed during the sanction period (e.g. limiting the operation of ward office(s)); and (iii) the fine imposed or the remuneration deducted on a pro-rata basis (including allowances and end-of-service gratuity) for the period of suspension (in case a sanction under section 72D(1)(b) or (c) of the Ordinance is imposed). The

decision made and the sanction imposed will be made available to the public on the websites of the DC concerned or by means of a press release.

34. **Persuasion** is the most lenient way of handling, which is generally applicable to individual minor misconduct. It will be issued in writing, providing a brief account of the incident, details of the misconduct committed, and suggestions about improvement. A **warning** is a more serious sanction, which is generally applicable to repeated minor misconduct or commitment of minor misconduct other than the one for which the DC member concerned first received a persuasion. A warning is similar to persuasion, but with sterner wording, emphasising the impact of the DC member's misconduct on the DC and the community, and pointing out that repeated misconduct may lead to heavier sanctions such as fine or suspension of duties.
35. Consideration will be given to imposing fine for more serious misconduct or repeated minor misconduct. If satisfied that the DC member concerned has committed misconduct, SHYA may order him to pay a **fine**. In determining the amount of the fine, SHYA will take into account all the merits of the case, including the severity of the misconduct committed and the situation involved. The fine will be deducted from the honourarium to which the DC member concerned is entitled, and capped at an amount equivalent to two weeks' remuneration of the DC member concerned, which will be calculated according to the following formula (on a 30-calendar-day basis):
- $$= \text{Prevailing monthly honourarium of the DC member concerned} \div 30 \times 14$$
- (Number rounded to the nearest hundred)
36. **Suspension of duties** is the most severe form of sanction. It is applicable to serious misconduct or repeated misconduct that is relatively serious. If a DC member is suspended from his duties, the duration of the suspension (including the day of suspension) -
- (a) is two weeks on the first occasion;
 - (b) is four weeks on the second occasion during the same term of the DC; and
 - (c) is twice that of the previous occasion on any subsequent occasion during the same term of the DC, provided that such duration shall not extend beyond the end date of the term concerned.
37. The DC member suspended from duties shall not be entitled to receive any remuneration or allowances (including end-of-service gratuity) for the period of suspension, but shall be entitled to be reimbursed the operating expenses incurred (e.g. office rentals and staff salary) during the period.

38. Pursuant to section 72D(3) of the Ordinance, if a person's functions and duties as a DC member are suspended, during the period of suspension, the person (i) must not act as a DC member; (ii) must not do anything for the purpose of carrying into effect the provisions of the Ordinance or any other enactment conferring functions on a DC; (iii) must not enjoy any corresponding entitlement; and (iv) is not to be regarded as a DC member for the purposes of section 86 of the Ordinance, i.e. the legal protection of a DC member for the purpose of carrying into effect the provisions of the Ordinance or any other enactment conferring functions on a DC will be suspended. In accordance with this section, during the period of suspension, the person must not act as a DC member in any activities, including but not limited to attending meetings of the DC and its committees or working groups; meeting the public; participating in consultation, publicity and liaison activities such as district events and district forums; applying for funds for programmes and activities; and providing district service for the local community.
39. Unless otherwise specified by SHYA, during the period that a DC member is suspended from his functions and duties, his ward office(s) can only operate on a limited basis to carry out activities such as notifying relevant parties and groups that the DC member is unable to attend any meetings or activities during the period of suspension, and allowing the local community to obtain information, forms or supplies designated to be distributed at DC members' ward offices. However, staff of the DC member's ward office(s) are not allowed to act on behalf of the DC member to perform duties such as issuing letters or referring complaints. Notices must be posted on the office doors of ward office(s) to notify the public of the period of suspension, and that the DC member cannot serve the public as a DC member during the period. If a DC member still acts as a DC member or contravenes the suspension from functions and duties during the period of suspension; or staff of the DC member's ward office still act on his behalf and in his name as a DC member during the period, the operating expenses incurred by his acting as a DC member/his staff's acting on his behalf and in his name as a DC member or contravening the suspension from functions and duties (e.g. staff salary of the ward office(s) concerned and related expenses on printing and publicity items) may not be reimbursed under the Guidelines on the Remuneration Package for Members of the District Councils of the HKSAR.

IV. Appeal Mechanism

40. If the DC member concerned is aggrieved by the decision of SHYA made under section 72D of the Ordinance, he may make an appeal to the Chief Secretary for Administration ("CS") in writing within 14 days after the issue date of the decision notice. **CS does not have the legal authority to deal with late notices of appeal.**

41. The appellant shall state in writing how he considered the decision and/or the relevant sanctions inappropriate, with justifications, and give explanations for the matters concerned.
42. When an appeal is received, CS will make a decision within three months as far as practicable. If a decision cannot be made within the time limit, a written notice will be issued to the DC member stating that the appeal is being considered and the decision will be delivered as soon as possible. In accordance with section 72E(3) of the Ordinance, the appeal does not suspend the decision unless CS decides otherwise. In accordance with section 72E(4) of the Ordinance, CS may affirm, vary or reverse the decision.
43. The appellant may withdraw his appeal by sending a written notice to CS. Once CS has received the written notice of withdrawal, the appellant's appeal is deemed dismissed.

V. Confidentiality Requirements

44. All members of the Committee and other persons concerned must each sign a confidentiality undertaking that they will not publish, without the prior written authorisation of SHYA, any matters relating to the Committee, including evidence taken before the Committee, documents produced to it, its deliberations and decisions, except for matters that have been communicated publicly by the Government.
45. Before the Committee forwards the relevant parts of its draft report to the DC member concerned in accordance with paragraph 30, the latter must sign a confidentiality undertaking that he will not publish, without the prior written authorisation of SHYA, any matters relating to the draft and finalised report, except for matters that have been communicated publicly by the Government. If the DC member concerned breaches the undertaking, SHYA may consider a public reprimand of him.

Ends

“Registrable interests” include:

- (a) remunerated proprietorships, partnerships or directorships of public or private companies, including all proprietorships, partnerships or directorships for which a fee, honorarium, allowance or other material benefit is payable;
- (b) remunerated work, including all employments, offices, trades or professions for which a fee, honorarium, allowance or other material benefit is payable;
- (c) the names of companies or other bodies registered in Hong Kong in which a member, either himself or herself or with or on behalf of his or her spouse or minor children, has 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 District Council (DC) member, 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 DC member, or by his or her spouse relating to or arising out of his or her DC membership 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 or property held in Hong Kong directly or indirectly;
- (g) the names of clients (to whom a DC member renders personal services arising out of or relating in any manner to his or her DC membership, and hence from whom the member receives a fee, honorarium, allowance or other material benefit); and
- (h) other declarable interests.

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

Registration Form on Personal Interests

(Applicable to District Council members and Co-opted members)

(Sample)

Please read the guidelines below before completing this registration form.

Guidelines on Registration of Personal Interests

- (1) Orders 14 to 18 of the District Council Standing Orders provide for the registration of personal interests of District Council (DC) members and co-opted members. DC members and co-opted members shall read the relevant provisions carefully.
- (2) Order 18 provides for the maintenance of a register of personal interests of DC members and co-opted members (the register) by the Secretary of the DC (DC Secretary).
- (3) The main purpose of the register is to allow DC members and co-opted members to register any pecuniary interests or other material benefits they receive which might reasonably be perceived by others to influence their actions, speeches or votes in the DC, or actions taken in their capacity as a DC member or co-opted member. DC members and co-opted members are required to bear this general purpose in mind when determining what interests should be properly declared.
- (4) DC members and co-opted members are not required to disclose the amount of any remuneration or benefit they may have, or the interests of spouses or children, except in certain circumstances relating to material benefits and shareholdings.
- (5) When reporting particulars of registrable interests under Order 16, DC members and co-opted members are required to complete and sign the registration form and then submit the entire set of the form to the DC Secretary. DC members and co-opted 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 17, DC members and co-opted members may simply complete and sign the relevant part(s) of the registration form and then submit it (them) to the DC Secretary, instead of submitting the entire set of the form.
- (6) Under Order 17, registration forms completed by DC members and co-opted members shall be available for public inspection. Any person may make copies of the forms at the secretariat of the DC upon payment of a fee. The registration form will also be uploaded to the website of the DC for public viewing.

- (7) DC members and co-opted members should comply with the requirements for registration of personal interests. Registering the interests as required should be regarded as a reasonable minimum requirement. Hence, it is up to DC members and co-opted members to disclose interests beyond those specified as they deem fit.
- (8) A DC member or co-opted member is obliged to provide the required information and be responsible for what is recorded about himself in the register, as each DC member or co-opted member is answerable to his fellow members and the public.
- (9) DC members and co-opted members are not required to register benefits known to be made available without discrimination to all DC members and co-opted members, such as the honorarium and operating expenses reimbursement.
- (10) The publication of the registration of the interests provided by DC members and co-opted members does not imply any approval or endorsement of the contents thereof by the Government of the Hong Kong Special Administrative Region (the Government), its officers or the DC; nor does the Government, its officers or the DC assume any responsibility for such contents.

For the provision of personal data in this registration form, the following points should be noted:

(a) **Purpose of Collection**

The personal data and other related information provided in this registration form is to allow DC members and co-opted members to register any pecuniary interests or other material benefits they receive, convincing the public that DC members and co-opted members are of good character and that their personal interests will not affect the discharge of DC functions and duties and their conduct as DC members and co-opted members.

(b) **Classes of Transferees**

The personal data you provided in this form is available for public inspection and may be disclosed to other parties for the purposes mentioned in paragraph (a).

(c) **Access to Personal Data**

Any persons have the right to request access to, and to request the correction of, the personal data which they have provided in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).

(d) **Enquiries**

Enquiries regarding the personal data collected by means of this registration form, including access to and the making of corrections, should be addressed to the secretariat of the DC concerned.

Name of District Council: _____

Name of DC member/
co-opted 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 DC member (* excluding various allowances/expenses reimbursement covering expenses incurred by his work as a DC member 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 _____

(Please ✓ where appropriate)

Proprietor

Partner

Director

Others (please specify)

- 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 DC member/
co-opted 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 DC member/
co-opted 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 DC)?

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 DC member (* excluding various allowances/expenses reimbursement covering expenses incurred by his work as a DC member and medical allowances); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) “Remunerated offices” include “remunerated” public offices.
 - (d) DC members and co-opted members 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 company

(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 DC member/
co-opted member: _____

Category 3 – Shareholdings

3(1). Do you have (either yourself or with or on behalf of your spouse or minor 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 DC member/co-opted member in the capacity as a nominee shareholder.
 - (c) It is the obligation of a DC member/co-opted member to register interests which to his knowledge fall under this category.
 - (d) Shareholdings held by the spouse of a DC member/co-opted member are not registrable unless such holdings are known to the DC member/co-opted member, and are held by the DC member/co-opted member “with or on behalf of” his spouse. This guideline is also applicable to shareholdings in respect of the minor children of a DC member/co-opted member.

Details

Name of 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: _____

Name of District Council: _____

Name of DC member/
co-opted member: _____

Category 4 – Financial Sponsorships

4. In your capacity as a DC member/co-opted member, have you or your spouse received any financial sponsorships from any person or organisation which in any way relate to you as a DC member/co-opted member (stating whether any such sponsorships include any payment or any material benefit or advantage to you or your spouse, whether direct or indirect)?

Yes

No (Please ✓ where appropriate)

- Notes:**
- (a) A DC member/co-opted member is expected to make the necessary enquiries of his 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 DC member (*excluding various allowances/expenses reimbursements covering expenses incurred by his work as a DC member 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 DC member/co-opted member belongs, it will suffice if a DC member/co-opted member registers only financial sponsorships directly received from his political organisation. Such registrable interests include cash subsidy of HK\$5,000 or above each month. DC members/co-opted 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 DC member/
co-opted member: _____

Category 5 – Overseas Visits

5. In your capacity as a DC member/co-opted member, have you or your spouse made any visits or travels outside Hong Kong relating to or arising out of your membership of the DC or its committees where the costs of any such visits or travels have not been wholly borne by yourself or public funds (stating whether any such sponsorships include any payment or any material benefit or advantage to you or your spouse, whether direct or indirect)?

Yes No (Please ✓ where appropriate)

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

- Notes:**
- (a) A DC member/co-opted member is expected to make the necessary enquiries of his 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, reasons 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 DC member/
co-opted 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 DC member/co-opted member. Details such as address are not required. Please write, for example, “own a commercial property in the Western Constituency of the Central and Western District”, “own a residential property in the Yau Tsim Mong South Constituency of the Yau Tsim Mong District” or “own an industrial property in the Tsing Yi Constituency of the Kwai Tsing District”.
 - (b) There is no need to register the only or principal residence in Hong Kong which a DC member/co-opted member owns and ordinarily lives in unless he also derives income from it.
 - (c) Land or property are registrable where a DC member/co-opted member has an autonomous right of disposition or has any pecuniary interests deriving from it. Registrable interests include land or property owned by the DC member/co-opted member in his 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 DC member/co-opted 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 DC member/co-opted member may dispose of the land or property through that person or derive any pecuniary interests from it. Land or property held by a DC member/co-opted member as trustee and in which the DC member/co-opted member has no autonomous right of disposition (e.g. the DC member/co-opted member as a nominee, trustee or custodian) needs not be registered.

Signature: _____ Date: _____

Name of District Council: _____

Name of DC member/
co-opted member: _____

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 DC/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 DC member/co-opted member personally or those, to his knowledge, rendered by an organisation of which the DC member/co-opted member is a partner, director, employee or office holder. A DC member/co-opted member shall make it clear to the clients that he must declare the names of the clients to the DC 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 DC member (*excluding various allowances/expenses reimbursements covering expenses incurred by his work as a DC member and medical allowance); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) Under this category of registrable interests, a DC member/co-opted member is obliged to register those interests to the best of his knowledge. However, it is not necessary for the DC member/co-opted member to find out the names of all the clients to whom his organisation renders remunerated services.
 - (d) In the registration of interests, where a company is named, a brief description of the nature of the company’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 DC member/co-opted member acts for a client in preparing tender documents for a project which is under deliberations by the DC or its committees.
 - (ii) A DC member/co-opted member 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 DC members/co-opted members. For example, the point of view may be related to an issue under debate by the DC or simply be a matter on which the organisation seeks to lobby DC members/co-opted members.

Details

Name of 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 DC member/
co-opted member: _____

Category 8 – Other declarable interests

8. If 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.

Other declarable interests include, but are not limited to, (i) membership (including president, chairperson, honorary president, honorary chairperson, etc.) of any organisations which may apply or have applied for funding from the DC; and (ii) any consultant, client or other important relationship(s) with the organisations which may apply or have applied for funding from the DC. (Optional for the DC Secretariat: Important relationship refers to the interest arising from such a relationship which in the eyes of the objective and reasonable general public may influence the judgement of the member concerned.)

Notes: (a) DC members/co-opted members are required to disclose pecuniary or other interests under Orders 19 and 22(1), which are reproduced below :

“In the event that...a DC member/co-opted member finds that he has any direct personal or pecuniary interests in a proposed discussion item on the meeting agenda, or finds that he has any pecuniary or other interests in matters on tender, quotation, etc. being dealt with in a discussion item or has any connection with the benefited party or potential benefited party, he should declare the interests in accordance with the requirements set out below in order that a decision on the appropriate course of action can be made.” (Standing Order 19).

“The DC member or co-opted member shall notify the Secretary before the meeting. The Secretary shall refer it to the chairman of the meeting, who shall then decide whether papers relevant to the item under consideration shall be sent to the DC member or co-opted member. Where a DC member or co-opted member, on receipt of a paper, finds that he has direct personal or pecuniary interests in the item under consideration, he shall immediately inform the Secretary and return the paper to the Secretary.” (Standing Order 22(1)).

Registration of interest is the additional requirement apart from the above Standing Orders and cannot replace the above requirements.

(b) DC members/co-opted members must also note the requirement under Order 22(2):

“The DC member/co-opted member shall declare his registrable interests to the committee/working group, as the case may be, prior to the discussion of the item.” (Standing Order 22(2))

Details

