

LANTAU DEVELOPMENT ADVISORY COMMITTEE

Terms of Reference, House Rules and System of Declaration of Interests

PURPOSE

This paper sets out the terms of reference and house rules including the system of declaration of interests of the Lantau Development Advisory Committee (LanDAC).

BACKGROUND

2. The Pearl River Delta (PRD) has seen rapid economic development in recent years. In the western PRD, places such as Zhuhai, Zhongshan, Foshan, Nansha and Shunde are endowed with rich resources and have enormous development potential. With the completion of the 55-kilometre Hong Kong- Zhuhai-Macao Bridge and the entire 9-kilometre Tuen Mun-Chek Lap Kok Link in 2016 and 2018 respectively, Lantau will become the confluence of Hong Kong, Macao and the western PRD.

3. To prepare the economic and social development strategy for Lantau, the Chief Executive announced in his 2014 Policy Address the establishment of the LanDAC to advise on the opportunities brought by major infrastructure projects in the area and the synergy between Hong Kong and the PRD, while striking a balance between development and conservation.

TERMS OF REFERENCE AND HOUSE RULES

4. The LanDAC was established in January 2014. Its terms of

reference and membership list are at **Annexes A and B** respectively. The Development Bureau will serve as the Secretariat of LanDAC.

— 5. The house rules of the LanDAC on, inter alia, transparency measures, system of declaration of interests and confidentiality requirements are at **Annex C**.

SYSTEM OF DECLARATION OF INTERESTS

6. Whilst the LanDAC is an advisory committee with no statutory, executive or fund disbursement power, it is essential that the LanDAC should, and be seen to, render objective and impartial advice in the overall public interest of Hong Kong in relation to the sustainable development of Lantau, which may involve enormous investment and interests. To maintain public confidence in the integrity of Members (including the Chairman), it is important that all members should disclose their interests on appointment to the committee, in addition to the report of conflicts of interests as and when they arise. By adopting this two-tier declaration system, Members can be protected from criticism or embarrassment arising from the existence of any undeclared interest which may have potential conflict with the work of LanDAC. On the other hand, the privacy of the Members on their personal information should be respected given their voluntary advisory roles only without statutory, executive or fund disbursement power. A proper balance should be struck between Members' privacy and public's right to information and monitoring of official businesses.

7. In view of the above, it is proposed that the LanDAC shall adopt a two-tier declaration system as follows-

(a) Tier one – Registration of Interests

Members (including the Chairman) of LanDAC are required to complete a "Registration of Interests" using a standard form to be provided by the Secretariat. The interest shall be confined to those at Lantau or adjacent islands/areas. The completed registration form will be kept by the Secretariat and will be

made available for inspection upon request by the public. If there are changes to the particulars of a Member's registrable interests during his/her term of service, he/she should report in writing such changes to the Secretariat within 14 days of any changes.

(b) Tier two – Declaration of Interests at Meetings

If a Member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the LanDAC, he/she must, as soon as practicable after he/she has become aware of it, disclose to the Chairman (or the LanDAC) prior to the discussion of the item. The Chairman 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. All cases of declaration of interests with names of the concerned Members shall be recorded in the confirmed minutes of the meetings concerned and uploaded onto the website of the Development Bureau for public inspection.

8. The general principles for declaration of interest and potential conflict of interest situation are given in Section 3(1) to 3(3) and Section 3(4) to 3(8) respectively of the house rules at Annex C. Guidelines governing registration of interests and declaration of interests at meetings are detailed in Section 3(9) to 3(10) and Section 3(11) to 3(16) respectively of the house rules at Annex C.

ADVICE SOUGHT

9. Members are invited to offer views on the house rules at Annex C.

**Development Bureau
March 2014**

Lantau Development Advisory Committee

Terms of Reference

To advise the Government, through the Secretary for Development, on-

- (1) the social and economic development opportunities on Lantau to capitalise on its advantages as the confluence of major transport infrastructure linking Hong Kong, Macao and the western Pearl River Delta, so as to meet the long-term development needs of Hong Kong; and
- (2) the policies, measures and specific proposals conducive to the sustainable development and conservation of Lantau.

Lantau Development Advisory Committee

The membership list of the Committee is as follows:

Chairman :

Secretary for Development

Non-official members :

Mr Chan Han-pan

Mr Chan Yung

Ms Chau Chuen-heung

Dr Marvin Cheung Kin-tung

Mr Chow Yuk-tong

Mr Ivan Chu Kwok-leung

Dr Joe Fang Zhou

Mr Allen Ha Wing-on

Professor Ho Kin-chung

Mr Billy Lam Chung-lun

Mr Franklin Lam Fan-keung

Dr Peter Lam Kin-ngok

Ms Lam Lit-kwan

Mr Andrew Lam Siu-lo

Mr Lau Ping-cheung

Dr James Wang Jixian

Mr Wu Chi-wai

Mr Yiu Si-wing

Mr Randy Yu Hon-kwan

Ex-officio members :

Permanent Secretary for Development (Planning and Lands) or representative

Permanent Secretary for Development (Works) or representative

Permanent Secretary for the Environment or representative

Permanent Secretary for Transport and Housing (Transport) or representative

Permanent Secretary for Transport and Housing (Housing) or representative

Permanent Secretary for Home Affairs or representative

Permanent Secretary for Commerce and Economic Development (Commerce, Industry and Tourism) or representative

Director of Civil Engineering and Development

Director of Planning

Secretary :

Principal Assistant Secretary (Works), Development Bureau

Lantau Development Advisory Committee (LanDAC)

House Rules

1. Frequency and Mode of Meetings

- (1) The LanDAC will meet about once every three months, or as needed.
- (2) Meetings of LanDAC do not require a quorum.
- (3) Meetings of LanDAC will be conducted closed door.
- (4) Meetings of LanDAC will be conducted in Cantonese. Simultaneous interpretation will be arranged as necessary.
- (5) Agendas and confirmed minutes of meetings prepared by the Secretariat of the LanDAC will be in both Chinese and English while the meeting materials prepared by Members may be in either language or both.

2. Transparency Measures

- (1) Relevant information on the composition, functions and transparency measures of the LanDAC are kept and updated at regular intervals.
- (2) The following information on Members of the LanDAC is available to the public upon request:
 - (a) attendance records;
 - (b) years of service on the LanDAC; and
 - (c) occupation/profession by broad categories.
- (3) Membership and Terms of Reference of the LanDAC are uploaded onto the website of the Development Bureau (http://www.devb.gov.hk/en/boards_and_committees/landac/ind)

ex.html).

- (4) House rules, agendas, confirmed minutes of meetings and selected discussion papers/reports are uploaded onto the website of the Development Bureau (http://www.devb.gov.hk/en/boards_and_committees/landac/index.html). In general, discussion papers/reports will be classified as (a) “Unclassified”, (b) “Restricted” before meeting, (c) “Restricted” before and after meeting and (d) “Confidential”. (a) and (b) will be uploaded onto the website of the Development Bureau after deliberation in meetings. (c) and (d) may be available to the public upon request in accordance with the “Code on Access to Information”. (d) will be tabled for discussion at meeting and re-collected by the Secretariat after the meeting.
- (5) Except for declaration of interests under Section 3 below, the names of speakers at the meetings apart from government officials will not be shown in the confirmed minutes of meetings unless otherwise specifically requested by the concerned speaking Member.
- (6) The LanDAC may discuss and agree on a line-to-take to respond to media enquiries after the respective meetings. The Chairman may also brief the press after a meeting. Individual Members if approached by the media may refer the enquiries to the Secretariat for follow up. Should they speak to the media, they may express their personal views but should not claim to represent the LanDAC or refer to the opinions of other Members.

3. System of Declaration of Interests

General Principles

- (1) Advisory and statutory bodies appointed by the Government play an important role in the formulation and implementation of public policy. Members of these bodies should, and be seen to, render objective and impartial advice in the overall

public interest of Hong Kong. To assure the public that these bodies are indeed rendering objective and impartial advice, it is the established policy of the Government to introduce a system of declaration of interests for each of these bodies.

- (2) When a Member (including the Chairman) of the LanDAC perceives a potential conflict of interest in a matter placed before the LanDAC, he/she should make full disclosure of his interest at the earliest opportunity. The basic principle to be observed is that Members' advice should be disinterested and impartial. 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.
- (3) 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 LanDAC is considering a matter in which he/she has knowledge or experience.

Potential Conflict of Interest Situations

The following are potential conflict of interest situations for which Members are required to declare interests-

- (4) Direct personal or pecuniary interests in a matter under consideration by the LanDAC, held either by a Member or by the spouse, a child under 18 or by any close relative of his/hers. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- (5) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is, to the knowledge of a Member, connected with, or the subject of, a matter under consideration by the LanDAC.

- (6) Some friendships which might be so close, and to the knowledge of a Member is connected with a matter under consideration by LanDAC, 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.
- (7) 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 LanDAC.
- (8) Any interest likely to lead an objective observer to believe that a Member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

Registration of Interests

- (9) Members (including the Chairman) of LanDAC are required to complete a "Registration of Interests". The completed registration form will be kept by the Secretariat and will be made available for inspection upon request by the public.
- (10) If there are changes to the particulars of a Member's registrable interests during his/her term of service, he/she should report in writing such changes to the Secretariat within 14 days of any changes.

Declaration of Interests at Meetings

The following are guidelines governing declaration of interests at meetings-

- (11) If a Member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the LanDAC, he/she must, as soon as practicable after he/she has

become aware of it, disclose to the Chairman (or the LanDAC) prior to the discussion of the item.

- (12) The Chairman 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.
- (13) If the Chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a Member nominated by the Chairman and agreed by the majority of the Members present at the meeting.
- (14) In the event of (13) above, the temporary Chairman shall decide whether the Chairman may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (15) When a known direct pecuniary interest exists, the Secretariat may withhold circulation of relevant papers to the Member concerned. Where a Member is in receipt of a paper for discussion which he/she knows presents a direct conflict of interest, he/she should immediately inform the Secretariat and return the paper.
- (16) All cases of declaration of interests with names of the concerned Members shall be recorded in the confirmed minutes of the meetings concerned.

4. Confidentiality Requirements

- (1) To facilitate the LanDAC's consideration of issues relating to its Terms of Reference, information, statistics, documents, power point presentations or the like containing sensitive or confidential information may be submitted to the LanDAC as necessary. Members are reminded not to disclose the content of such information or documents, or the deliberations at the LanDAC, to the public except for those that can be allowed for disclosure under Section 2(4) above.

- (2) Information, statistics, documents, power point presentations or the like containing sensitive or confidential information will be suitably marked “confidential” or the like.