

Construction Industry Council

Disclosure of Interests of Members

Purpose

The purpose of this paper is to make recommendations on the adoption of a disclosure of pecuniary interests system for the Construction Industry Council (CIC).

2. This paper applies to members of CIC and its Committees. Since co-opted members also play a major role in their Committees, they are required to abide by the same set of rules as CIC members.

Statutory Requirements

3. CIC is a statutory body to deliberate and generate consensus on strategic issues relating to the construction industry. It is therefore important that CIC should, and be seen to, deliver impartial advice free from any possible conflict of interests.

4. Section 6 of Schedule 3 of the CIC Ordinance (Cap. 587) on disclosure of interests of members states that –

“ If a member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the Council, the member –

(a) shall, as soon as practicable after the commencement of the meeting, disclose to the Council the fact and nature of his interest;

(b) shall withdraw from the meeting while the Council is considering the matter, if so required by the meeting; and

(c) shall not in any case vote on the matter. ”

Guidelines on Potential Conflict of Pecuniary Interest Situations

5. It would be impossible to define or describe all potential situations that call for disclosure of pecuniary interests. However, some general

guidelines would be able to assist members in determining if a disclosure should be made. Examples of pecuniary interests may include –

- (a) proprietorship, partnership or directorship in any public or private company;
- (b) shareholdings in any public or private company;
- (c) remunerated employment, office, trade, profession or vocation; and
- (d) interests in property.

Procedures for Handling Conflict of Pecuniary Interests

6. If a member has any possible conflict of pecuniary interest in a matter under consideration at a meeting of the CIC, he must, as soon as practicable after the commencement of the meeting, disclose to CIC the fact and nature of his interest. The meeting shall decide whether the member may be allowed to remain as an observer, or shall withdraw from the meeting.

7. All cases of disclosure of interest should be recorded in the minutes of meetings and recorded in a register.

Record of Members' Disclosure and Public Inspection

8. As stipulated in Section 7 of Schedule 3 of the CIC Ordinance on keeping of register by CIC –

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- (1) *The Council is to establish and maintain a register for the purpose of keeping a record of any disclosure made by a member.*
 - (2) *The Council may determine the form of the register, including the manner of making entries in it.*
 - (3) *After a disclosure is made by a member, the Council is to cause the name of that member and the particulars of the disclosure to be recorded in the register; if a further disclosure is made, the Council is to cause those particulars to be recorded in the register after such disclosure is made.*
 - (4) *For the purpose of enabling any member of the public to ascertain the particulars of the disclosure made by a member,*

the Council is to make available the register for inspection by the public at any reasonable time.

(5) In this section, “disclosure” (披露) means a disclosure of pecuniary interest required to be made under section 6. ”

9. CIC Secretariat will maintain a paper-based register to meet the statutory requirements.

**Construction Industry Council Secretariat
September 2007**