

## **PROVISIONAL LOCAL VESSEL ADVISORY COMMITTEE**

### **Declaration of Interests by Members of the PLVAC**

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#### **Purpose**

The purpose of this paper is to seek Members' advice and endorsement on adopting a system for the declaration of interests by Members of this committee.

#### **Background**

2. To maintain public confidence in the integrity of Members, as well as in the impartiality of their advice rendered to this Committee, it is important that all Members should make full disclosure of their interests, which may impinge upon or be affected by the work of this Committee (Annex I). A general declaration of interests by Members of this Committee shall be registered in writing and in addition, it may be made verbally or in writing as and when the need arises. By adopting this system, Members of the Committee can be protected from criticism or embarrassment arising from the existence of any personal interest.

#### **Declaration System**

3. A declaration system devised by the ICAC is proposed at Appendix for Member's consideration and discussion.

#### **Guidelines and Principles**

4. Although it is impossible to define all types of interests to be declared in view of the unique nature of the work of the Committee, the following are the general guidelines and principles of the system :-

- (a) Members shall, upon joining the Committee, register in writing such of their personal interests which may impinge upon or be affected by the work of the Committee to the Secretary. The registration shall be made on a standard form (Annex II), which is to be updated annually and kept as a confidential document by the Chairman or Secretary.
- (b) The types of interests required for registration shall include :-
  - i. proprietorship, partnerships or directorships of companies;
  - ii. remunerated employments, offices, trades, professions or vocations;
  - iii. shareholdings in companies (e.g. 1% or more of the company's issued share capital);

- iv. other interests (pecuniary and non-pecuniary); and
  - v. pecuniary interests of close relatives.
- (c) A register of Members' interest shall be kept by the Secretary which may be made available for inspection on specific request by a member of the public.
- (d) The information contained in the Register of Interests is **Restricted** (subject to (c) above) to the Chairman/Secretary of the Committee and will not be circulated amongst Members.
- (e) If a Member 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 it to the Chairman prior to the discussion of the item.
- (f) The Chairman shall decide whether a Member disclosing an interest may speak on the matter, remain in the meeting as an observer, or withdraw from the meeting.
- (g) When a known direct pecuniary interest exists, the Secretary may withhold circulation of relevant papers to the Member concerned. When 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.
- (h) All cases of declaration of interests shall be recorded in the minutes of the meeting.

### **Recommendation**

5. It is recommended that the proposed system, including the guidelines and principles, set out in this paper should be endorsed by this Committee at its next meeting on 31 October 1997. The system should be implemented on 2 January 1998 and all Members should return his/her duly completed Register of Interests to the Secretary within 2 months from the date of the implementation.

**Marine Department  
Hong Kong Special Administrative Region  
October 1997**

**Declaration of Interests by Members of  
Provisional Local Vessel Advisory Committee**

When a Member of this Committee has a potential conflict of interests in any matter connected with the work of the Committee (Annex I), 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 ease 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 which he has knowledge or experience. The following may assist Members to identify potential conflicts of interest :

- (a) Pecuniary interests in any matter under consideration by the Committee, held either by the Member or by any close relative of his/her, should be declared. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- (b) 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, any matter under consideration by the Committee, should be declared.
- (c) Similarly, some friendships might be so close to warrant declaration in order to avoid situations where an objective observer might believe a Member's advice to have been influenced by the closures of the association.

- (d) 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 any matter which is under consideration by the Committee, should make a declaration.
- (e) 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, should be declared.

Declarations of interest may be made verbally during a Committee meeting or in writing to the Chairman or Secretary before the meeting. However, should a Member form the view that a conflict of interest renders it impossible for him to proffer impartial advice, or that he has been given access to information which he ought not to have, he should notify the Secretary or Chairman immediately and/or return any Committee paper concerned. The Chairman will then decide on the matter.

In addition, Members shall, upon joining the Committee, register in writing their personal interests which may have potential conflict with the work of the Committee. The registration shall be made on a standard form (Annex II), which is to be updated annually and kept by the Chairman or Secretary.

**Terms of Reference of the Provisional Local Vessel Advisory Committee**

To keep under review the management, control, operations and standards of safety of local vessels, including marine associated activities affecting such vessels, and to advise the Director of Marine of any matters arising therefrom and on any matters referred to it by the Director of Marine.

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## Annex II

### Provisional Local Vessel Advisory Committee

#### Register of Interests

I \_\_\_\_\_ declare the following interests in connection with the work of the Provisional Local Vessel Advisory Committee.

A. Proprietorships, partnerships or directorships of companies

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

# RESTRICTED

C. Shareholdings in companies (e.g. 1% or more of the company's issued share capital)

D. Other interests (pecuniary and non-pecuniary)