

The Environment and Conservation Fund Committee - Terms of Reference, Standing Order and Guidelines to Declaration of Interests

Purpose

The purpose of this paper is to inform members of the terms of reference and standing orders of the Environment and Conservation Fund (ECF) Committee and guidelines on the declaration of interests.

Background

2. The ECF was established in 1994 under the ECF Ordinance (the Ordinance) (Cap. 450). SETW is the trustee of the ECF. The Ordinance provides for the establishment of the ECF Committee (the Committee) which shall consist of -

- (a) a Chairman, who shall be appointed by the Chief Executive for a term of two years, but who shall be eligible for reappointment;
- (b) not more than eight other members who shall be appointed by the Chief Executive for a term of two years, but who shall be eligible for reappointment;
- (c) Secretary for Environment, Transport and Works as ex officio member or his representative;
- (d) Permanent Secretary for Education and Manpower as ex officio member or his representative;
- (e) Director of Environmental Protection as ex officio member or his representative; and
- (f) Director of Agriculture, Fisheries and Conservation as ex officio member or his representative.

The quorum necessary for the transaction of business by the Committee at a meeting of the Committee shall be seven members. Section 4 of the Ordinance provides that the trustee of the fund shall hold and stand possessed of the fund upon trust to apply the same in such manner and to such extent as the Committee may advise for the purposes of funding educational, research and other projects and activities in relation to environmental and conservation matters.

3. Two sub-committees, namely the Research Projects Vetting

Sub-committee and the Waste Recovery Projects Vetting Sub-committee, have been established under the Committee to vet applications for research and technology demonstration projects, and community waste recovery projects respectively.

Terms of reference of ECF Committee

4. The terms of reference of the ECF Committee are as follows -
 - (a) to vet applications seeking funding support for over \$150,000¹ from local non-profit making organizations to undertake educational, research and other projects and activities in relation to environmental and conservation matters, as well as applications for over \$500,000² for community waste recovery projects and to advise on their relative priorities for funding support; and
 - (b) to advise the trustee on the exact amount of fund to be allocated for each project supported.

Standing Orders of ECF Committee

5. Under Section 7(5) of the Ordinance (Cap. 450), the Committee may make standing orders for the maintenance of good order at meetings. The following standing orders have been adopted by the Committee since 1994 -

(a) Meetings

The committee shall meet as frequently as necessary to discharge its duties prescribed under the Environment and Conservation Fund Ordinance (Cap. 450) and any other related business.

(b) Presiding at Meetings

- (i) The Chairman of the Committee shall preside at all meetings of the Committee.

¹ Revised from \$120,000 in March 1998.

² Adopted when it was set up in March 2002.

- (ii) In the absence of the Chairman from a meeting or part of a meeting, members present shall elect among themselves a member to preside.

(c) Quorum

The quorum necessary for the transaction of business at any meeting of the Committee shall be 7 members.

(d) Voting

- (i) All questions put to the Committee shall be decided by a majority of the votes of the members present and voting.
- (ii) The Chairman or a member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(e) Sub-committees

- (i) There shall be such number of sub-committees as the ECF Committee considers appropriate.
- (ii) The terms of reference of a sub-committee shall be determined by the ECF Committee.
- (iii) Membership of a sub-committee shall include those members who have signified interest and any other personalities who have been co-opted by the Committee.
- (iv) The Chairman of the sub-committee shall be decided by the Committee.

(f) Disclosure of Interests

- (i) If a member who is directly or indirectly related to a project or to the applicant/sponsoring/co-organizing organizations or who belong to the same institution (including from departments of a university/company/organization), he shall disclose it to the

Committee.

- (ii) A member who has disclosed a direct personal interest shall withdraw from participating in the discussion of the relevant application.

Guidelines on Declaration of Interests

6. Guidelines on declaration of interests by members of public councils, boards and committees are at Annex.

Advice Sought

7. Members are invited to note the terms of reference and the standing orders of the Committee and to observe the guidelines on declaration of interests.

Secretariat, ECFC

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Annex

**Declaration of Interests by
Members of Public Councils, Boards and Committees**

Guidelines for a One-tier Reporting System

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, university, 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) As a general rule, a member who has disclosed interest shall withdraw from participating in the discussion of the relevant application. 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.