

2009年1月2日議員個人利益監察委員會會議紀要的節錄

X X X X X X

I. 關乎議員所作行為的道德標準事宜的勸喻性質的指引擬稿，以及議員個人利益監察委員會接獲投訴時的處理程序擬稿的簡介

(立法會CMI/11/08-09至CMI/13/08-09號文件)

《勸喻性質的指引》的標題

4. 劉慧卿議員表示，她曾與部分議員討論《勸喻性質的指引》擬稿。這些議員關注到，《勸喻性質的指引》的標題採用"道德標準"一詞(即"ethics"一詞的中文對應詞)可能有誤導成分，因為該指引只涵蓋關乎"操守準則"而非"道德標準"的事宜。他們建議監察委員會考慮改用"操守"一詞。

5. 秘書表示，《勸喻性質的指引》的標題是按據以發出的《議事規則》第73(1)(d)條制訂的，而該項條文亦有採用"道德標準"中文一詞。秘書進而表示，在前立法局於1996年4月初次制訂《會議常規》的中文本時，與《議事規則》第73(1)(d)條所用的字眼一致的《會議常規》第60B(1)(d)條已採用此詞。委員可考慮先行修訂《議事規則》第73(1)(d)條，再修訂《勸喻性質的指引》的標題。

6. 黃成智議員及石禮謙議員屬意以"操守"一詞取代"道德"一詞。黃議員認為，把"ethics"譯作"道德標準"是舊譯法，較新的譯法是"操守"。

7. 劉慧卿議員補充，建議修訂《勸喻性質的指引》的中文標題不應被詮釋為監察委員會不再關注議員的不道德行為。她指出，《勸喻性質的指引》第1段訂明，議員應確保其行為一定不會令立法會的信譽受損。

8. 高級助理法律顧問1表示，在香港法例中，"ethics"的中文譯法通常是"道德"，例如根據《醫生註冊條例》(第161章)成立的"Ethics Committee"，其中文名稱為"道德事務委員會"。高級助理法律顧問1進而表示，字詞的譯法視乎文意而定，而就《勸喻性質的指引》的文意而言，使用"操守"作為"ethics"一詞的中文對應詞並無不妥。高級助理法律顧問1補充，鑒於議員提出上述意見，他會在會後與秘書討論是否有更合適的中文譯法。

高級助理  
法律顧問1、  
秘書

9. 委員同意，秘書處應建議一個更準確的用語，以取代"道德標準"一詞，供委員考慮。秘書處隨後應就《議事規則》第73(1)(d)條的修訂建議，向議事規則委員會提交文件。待立法會藉決議修訂該項規則後，《勸喻性質的指引》的標題將作出相應的修訂。

**X X X X X X**

立法會秘書處  
議會事務部3  
2009年4月2日

**Extract of the minutes of the Committee on Members' Interests meeting  
on 2 January 2009**

X X X X X X

**I. Briefing on the draft advisory guidelines on matters of ethics in relation to the conduct of Members and the draft procedure of the Committee on Members' Interests for handling complaints received (LC Paper Nos. CMI/11/08-09 to CMI/13/08-09)**

*Title of the Advisory Guidelines*

4. Ms Emily LAU said that she had discussed the draft Advisory Guidelines with some Members, who expressed the concern that the term "道德標準", i.e. the Chinese version of the term "ethics", in the title of the Advisory Guidelines might be misleading as the Advisory Guidelines only covered matters relating to "standards of conduct" and not "moral standards". They had suggested CMI to consider using the term "操守" as an alternative.

5. The Clerk said that the title of the Advisory Guidelines was based on the rule under which it was to be issued, i.e. Rule 73(1)(d) of the Rules of Procedure ("RoP"), which also used the Chinese term "道德標準". The Clerk further said that when the Chinese version of the Standing Orders ("SO") of the former LegCo was first available in April 1996, the term was already used in SO 60B(1)(d), which had the same wording as RoP 73(1)(d). Members might wish to consider amending RoP 73(1)(d) first before amending the title of the Advisory Guidelines.

6. Mr WONG Sing-chi and Mr Abraham SHEK preferred the use of the term "操守" to replace the term "道德". Mr WONG considered that it was an old usage to translate the term "ethics" as "道德標準" and a more modern translation was "操守".

7. Ms Emily LAU added that the proposed revision to the Chinese title of the Advisory Guidelines should not be construed as CMI no longer being concerned about Members' unethical conduct. She pointed out that paragraph 1 of the Advisory Guidelines provided that a Member should ensure that his conduct must not be such as to bring discredit upon LegCo.

8. Senior Assistant Legal Adviser 1 ("SALA1") said that in the Laws of Hong Kong, the usual Chinese rendition of the term "ethics" was "道德", e.g. the "Ethics Committee" established under the Medical Registration Ordinance (Cap. 161) was known as "道德事務委員會" in Chinese. SALA1 further said that rendition of a term depended on the context and in the context of the Advisory Guidelines, the use of "操守" as the Chinese version of the term "ethics" would not be inappropriate. SALA1 added that in view of Members' views, he would discuss with the Clerk after the meeting to see if a more appropriate Chinese rendition could be found.

SALA1,  
the Clerk

9. Members agreed that the Secretariat should recommend a more accurate term to replace the term "道德標準" for members' consideration. A paper should then be forwarded to the Committee on Rules of Procedure on the proposed amendment to RoP 73(1)(d). After the rule was amended by resolution of the Council, the title of the Advisory Guidelines would then be revised accordingly.

X X X X X X

Council Business Division 3  
Legislative Council Secretariat  
2 April 2009