**SCMP Article**

**How far should the rules go on disclosure?**

I recently wrote about my experiences resulting from the news about the Panama Papers – the documents leaked from a Panamanian law firm that sets up offshore companies. The Hong Kong press had searched the leaked documents for local people holding public office. I have businesses interests involving offshore companies, and I am a (non-official) member of the Executive Council – so they found me.

They were looking for evidence of tax evasion or other scandals. The truth was far more boring, and legal. Indeed, the reporters did not need the leaked documents to find some of the information, which appears in the Companies Registry or is listed for anyone to see in my declaration of interests on the Exco website.

The media found an angle. When asked, I said I would probably resign from public office if the rules required people to disclose interests held by extended family (current Exco rules require disclosure of joint ownership of companies with one’s spouse or children). I do not think my family members have anything to hide. It is just that, in practice, compliance would be difficult. No one could be totally sure that all their family members would be totally open about all their possible interests.

I do not know of any rules on declaration of interest anywhere where people must disclose matters that only someone else can know for certain.

However, this got me thinking about the whole issue of declaring interests. In a society like Hong Kong, the community rightly has high expectations of holders of public office. Given worries about collusion, anyone in public office has a duty to be transparent about their business ties.

This extends to life after public service. Our first chief executive, Tung Chee-hwa, deliberately did not return to his family business after he left office. He wanted to be sure no one suspected him of benefiting from his own earlier policy decisions.

However, where do we draw the line?

At some stage – as with declaration of broader family members’ interests – full disclosure becomes impractical. But what about deeper or broader personal details, even maybe sensitive information?

The presumed US Republican presidential candidate, Donald Trump, recently created a stir over revealing his past tax returns. There is no legal requirement in the US that presidential candidates do this, but by tradition they do. Trump at first said he would not do it, because there would be nothing for people to learn. Of course, this created suspicions. The last I heard, he said he would release them.

How would a requirement to release information on wealth and income affect the situation in Hong Kong? That is an interesting question. Perhaps rich people would avoid politics in case opponents accused them of being out-of-touch billionaires. Or (as perhaps in Trump’s case), they would be afraid of losing face if they were shown to be less wealthy than everyone thought!

Even health is potentially a matter of public interest. In the US nowadays, politicians and candidates for high office are expected to be open about their medical history. The Hong Kong media – especially the gossip magazines – are always fascinated by public figures’ health and indeed other personal and family issues.

This could get extremely intrusive. For example, what chance would a candidate have if he or she admitted to having had a mental illness? It would probably finish your prospects in Hong Kong, given the stigma and poor understanding surrounding conditions like depression.

Clearly, the more disclosure we require, the less people are likely to think about devoting time and effort to public life. If they have something to hide, that is a good thing. If the requirements are unreasonable – as requiring the release of some personal medical records might be – it could drive quality people away.

Hong Kong’s pool of available political talent is small enough as it is. Many energetic and talented people prefer not to get involved in our current political structure and culture. We should at least make sure that our rules on disclosure do not make politics even less attractive to good people.