

Constitution and Administration

The year 2012 marked the 15th anniversary of the establishment of the Hong Kong Special Administrative Region. It also saw the elections of a new Chief Executive and the fifth term Legislative Council, reflecting the principles of 'one country, two systems' and 'Hong Kong people administering Hong Kong' enshrined in the Basic Law.

On 1 July 1997, Hong Kong became a Special Administrative Region of the People's Republic of China (PRC) and the Basic Law of the Hong Kong Special Administrative Region (HKSAR) came into effect. The Basic Law prescribes the systems to be practised in the HKSAR. The year 2012 marked the 15th anniversary of the establishment of the HKSAR. The HKSAR continues to enjoy a high degree of autonomy in accordance with the principle of 'one country, two systems' and the Basic Law. The HKSAR exercises executive, legislative and independent judicial power, including that of final adjudication.

The HKSAR's executive authorities and legislature are composed of permanent residents of Hong Kong. The HKSAR remains a free port, a separate customs territory and an international financial centre and may, on its own, using the name 'Hong Kong, China', maintain and develop relations, and conclude and implement agreements with foreign states and regions, and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.

Chief Executive

The Chief Executive is the head of the HKSAR and leads its government. He is responsible for implementing the Basic Law, signing bills and budgets passed by the Legislative Council, promulgating laws, making decisions on government policies and issuing executive orders. He is assisted by the Executive Council in policy-making.

Executive Council

Article 56 of the Basic Law requires the Chief Executive to consult the Executive Council before making important policy decisions (except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies), introducing bills to the Legislative

Council, making subordinate legislation, or dissolving the Legislative Council. The Chief Executive in Council also determines appeals, petitions and objections under those ordinances which confer a statutory right of appeal. If the Chief Executive does not accept a majority opinion of the Executive Council, he shall put the specific reasons on record.

As at 31 December, the Executive Council had 31 members, comprising 15 Principal Officials and 16 Non-Officials. As provided for in Article 55 of the Basic Law, the Chief Executive appoints members of the Executive Council from among the principal officials of the executive authorities, members of the Legislative Council and public figures. They must be Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country. The Chief Executive decides on the appointment or removal of Executive Council members, whose term of office shall not extend beyond the expiry of the term of office of the Chief Executive who appoints them.

The Chief Executive presides at Executive Council meetings, which are normally held once a week. Its proceedings are confidential, although many of its decisions are made public. The Executive Council held 45 meetings during 2012.

Legislative Council

Powers and Functions

Under Article 73 of the Basic Law, the Legislative Council of the HKSAR shall exercise the following powers and functions:

- To enact, amend or repeal laws in accordance with the provisions of the Basic Law and legal procedures;
- To examine and approve budgets introduced by the Government;
- To approve taxation and public expenditure;
- To receive and debate the policy addresses of the Chief Executive;
- To raise questions on the work of the Government;
- To debate any issue concerning public interests;
- To endorse the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court;
- To receive and handle complaints from Hong Kong residents;
- If a motion initiated jointly by one-fourth of all the members of the Legislative Council charges the Chief Executive with serious breach of law or dereliction of duty and if he or she refuses to resign, the Legislative Council may, after passing a motion for investigation, give a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee. The committee shall be responsible for carrying

out the investigation and reporting its findings to the Legislative Council. If the committee considers the evidence sufficient to substantiate such charges, the Legislative Council may pass a motion of impeachment by a two-thirds majority of all its members and report it to the Central People's Government for decision; and

- To summon, as required when exercising the above-mentioned powers and functions, persons concerned to testify or give evidence.

Composition

Under the Basic Law, the Legislative Council of the HKSAR is constituted by election. The specific method of forming the Legislative Council is prescribed in Annex II of the Basic Law. The composition of the Legislative Council in the fourth term (from 1 October 2008 to 30 September 2012) was 60 members, comprising 30 members returned by geographical constituencies through direct elections and 30 members returned by functional constituencies representing various sectors of the community. The composition of the Legislative Council in the fifth term (from 1 October 2012 to 30 September 2016) has been increased to 70 members, comprising 35 members returned by geographical constituencies through direct elections and 35 members returned by functional constituencies representing various sectors of the community. The election for the Fifth Legislative Council was held on 9 September 2012. The President of the Legislative Council is elected by and from among members of the Legislative Council.

Meetings of the Legislative Council

The Legislative Council normally meets on Wednesdays. The business of the Legislative Council at its regular meetings includes introducing and considering bills and proposed resolutions; the tabling of subsidiary legislation, papers and reports for the council's consideration; asking of questions for replies from the Government; and debating motions concerning matters of public interest. All meetings of the council are open to the public. Members may address the council in Cantonese, English or Putonghua, with simultaneous interpretation provided. The proceedings are recorded verbatim in the Official Record of Proceedings of the Legislative Council.

During the 2011-2012 legislative session (from October 2011 to July 2012), the Legislative Council held 38 meetings, five of which were the Chief Executive's Question and Answer Sessions. During the 2011-2012 session, members asked 181 oral questions on the work of the Government with 841 supplementary questions, and another 479 written questions. The council also passed 33 bills. All 19 motions moved by the Government under the positive vetting procedure to seek the council's approval to either make or amend subsidiary legislation were passed. On subsidiary legislation subject to the negative vetting procedure, the council completed the scrutiny of 10 items which had been tabled in council in the 2010-2011 session, with one of them amended by resolution of the council. Of the 131 items tabled in the 2011-2012 session, the council completed the scrutiny of 126 items, with two of them amended by resolutions of the council. The scrutiny of the remaining five items continued into the 2012-2013 session.

Finance Committee

The Finance Committee consists of all members of the Legislative Council except the President. The committee's Chairman and Deputy Chairman are elected from among its members. The committee normally meets in public on Friday afternoons to scrutinise and approve public expenditure proposals put forward by the Government. Its work includes the scrutiny of the annual Estimates presented by the Financial Secretary to the Legislative Council during the proceedings related to the Appropriation Bill, which sets out the Government's annual expenditure proposals for the following financial year. During the 2011-2012 session, the Finance Committee held 49 meetings (including seven special meetings to examine the Estimates of Expenditure 2012-2013) and examined 73 items, including 15 items which had been considered and supported by its two subcommittees.

The Finance Committee held 20 meetings between 15 June and 6 July to consider proposals relating to the reorganisation of the Government Secretariat but no decision was reached before the Legislative Council prorogued.

There are two subcommittees under the Finance Committee: the Establishment Subcommittee and the Public Works Subcommittee, which also conduct meetings in public. Membership of both is open to all members of the Finance Committee.

The Establishment Subcommittee examines and makes recommendations to the Finance Committee on the Government's proposals for the creation, redeployment and deletion of directorate posts, and for changes to the structure of grades and ranks in the civil service. During the 2011-2012 session, the subcommittee held 10 meetings and examined 24 staffing proposals from the Government.

The Public Works Subcommittee examines and makes recommendations to the Finance Committee on the Government's expenditure proposals under the Capital Works Reserve Fund for projects in the Public Works Programme and building projects carried out by or on behalf of subvented organisations. During the 2011-2012 session, the subcommittee held 10 meetings and examined 58 public works proposals by the Government.

House Committee

The House Committee consists of all members except the President and normally meets on Friday afternoons. It is responsible for dealing with matters related to the work of the Legislative Council and making preparation for council meetings. It decides whether bills committees or subcommittees should be formed to scrutinise bills, subsidiary legislation and other instruments made under an ordinance. During the 2011-2012 session, the House Committee held 34 meetings, including two special meetings with the Chief Secretary for Administration to discuss issues of public concern.

Public Accounts Committee

The Public Accounts Committee considers the Director of Audit's reports on the Government's accounts and the results of the director's value-for-money audits of government departments and other organisations that are within the purview of public audit. It may invite government officials, public organisations or any other persons to attend public hearings to give

explanations, evidence or information in the performance of the committee's duties. The seven members of the committee are appointed by the President of the Legislative Council in accordance with the election procedure determined by the House Committee.

During the 2011-2012 session, the committee held five public hearings and 18 internal meetings and examined the Director of Audit's Report on the Accounts of the Government for the year ended 31 March 2011 and the reports on the results of Value-for-Money Audits (reports numbers 57 and 58). The committee's conclusions and recommendations are contained in the committee's reports numbers 57 and 58, which were tabled in the Legislative Council on 15 February 2012 and 4 July 2012 respectively. The Government Minutes in response to the two reports were tabled in the council on 16 May 2012 and 24 October 2012 respectively.

Committee on Rules of Procedure

The Committee on Rules of Procedure is responsible for reviewing the Rules of Procedure of the Legislative Council and its committee system, and for proposing to the council any amendments or changes considered necessary. The committee consists of 12 members who are appointed by the President of the Legislative Council in accordance with an election procedure determined by the House Committee.

During the 2011-2012 session, the committee held six meetings and studied a number of issues related to the procedural arrangements for council meetings and council committee procedures.

Committee on Members' Interests

The Committee on Members' Interests consists of seven members who are appointed by the President of the Legislative Council in accordance with the election procedure determined by the House Committee. It considers complaints made in relation to members' registration and declaration of interests and in relation to members' claims for the reimbursement of operating expenses or applications for advances of operating funds. It also examines arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, considers matters of ethics in relation to members' conduct, and provides advice and issues guidelines on such matters.

During the 2011-2012 session, the committee held two closed meetings to consider complaints against seven members and four open meetings to consider various issues. These included a review of the existing mechanisms for handling complaints against members and the committee's complaints handling procedure. The committee also proposed changes to the members' interests registration requirements and the Registration Form on Members' Interests and, with the support of the Committee on Rules of Procedure and the House Committee, the Chairman of the committee moved a motion to amend the relevant rules for implementation of the changes. Though put on the Legislative Council's agenda for the meeting of 11 July 2012, no decision was reached before the prorogation of the Fourth Legislative Council. The matter will be reported to the Committee on Members' Interests of the Fifth Legislative Council for its consideration. The committee also consulted all members on a proposal to appoint an independent commissioner to handle complaints against members. The proposal and the

outcome of the consultation will be reported to the Committee on Members' Interests of the Fifth Legislative Council for its consideration.

Bills Committees

Any member, other than the President, may join a bills committee formed by the House Committee to consider the general merits and principles of a bill allocated for scrutiny. A bills committee may also consider the detailed provisions of, and amendments to, the bill. It usually tables a report in council and is dissolved on the passage of the bill or when the House Committee so decides.

During the 2011-2012 session, the House Committee set up 12 bills committees to scrutinise 12 bills introduced into the council. Thirty bills committees, including 18 which were set up in previous sessions, were in operation during the 2011-2012 session.

Subcommittees on Subsidiary Legislation

During the 2011-2012 session, the House Committee formed 20 subcommittees to consider 37 items of subsidiary legislation and two proposed resolutions presented by the Government for the council's approval.

Other Subcommittees

The House Committee may also appoint subcommittees to assist its consideration of policy issues and any other matters relating to the council's business. In April 2012, the House Committee formed a subcommittee to consider proposed senior judicial appointments. In addition, four subcommittees on policy issues or other council business appointed under the House Committee in previous sessions continued to operate during the 2011-2012 session.

Panels

The Legislative Council has established 18 panels to monitor and examine the Government's policies and issues of public concern that relate to their respective policy areas. These panels also give views on major legislative or financial proposals before their introduction into the Legislative Council or the Finance Committee and examine relevant policy matters. Panels may appoint subcommittees or joint subcommittees to study specific issues and to report to the panels. Nine such subcommittees set up during the Fourth Legislative Council continued to operate in the 2011-2012 session.

Select Committees

The Legislative Council may appoint select committees to enable members to consider matters or bills. Select committees report to the council after they have completed the consideration of such matters or bills. On 29 February 2012, the council passed a resolution to appoint a select committee to study Mr Leung Chun-ying's involvement as a member of the jury in the West Kowloon Reclamation Concept Plan Competition and related issues. Between 17 March and 21 April 2012, the Select Committee held six public hearings to receive evidence from 17 witnesses. The Select Committee submitted its report to the council on 27 June 2012.

Investigation Committee Established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to Censure Honourable Kam Nai-wai

This investigation committee was established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon Kam Nai-wai moved under Rule 49B(1A) (Disqualification of Member from Office) at the council meeting of 9 December 2009 to determine whether the misbehaviour described in the motion was established and give its views on whether the facts established constituted grounds for censure. The committee comprises a Chairman, Deputy Chairman and five members, all of whom were elected by members in accordance with an election procedure determined by the House Committee, and appointed by the President.

During the 2011-2012 session, the committee held 12 closed meetings and tabled its report at the council meeting of 28 March 2012. The debate on the motion moved on 9 December 2009 to censure Hon Kam Nai-wai was resumed at the council meeting of 18 April 2012, when the motion was defeated.

Redress System

The Legislative Council operates a system which enables members of the public to seek assistance for redress of grievances resulting from Government actions or policies. The redress system also deals with public representations on Government policies and legislation as well as other matters of public concern. In groups of seven, members take turns to be on duty each week to oversee the redress system and to receive representations and complaints made by deputations. Members also take turns to be on 'ward duty' at the Public Complaints Office during their duty week to meet with individual complainants and give guidance to the Public Complaints Office on the processing of cases.

The Legislative Council Commission and Legislative Council Secretariat

The Legislative Council Commission is an independent statutory body, chaired by the President of the Legislative Council, with 11 other members. Its main function is to provide administrative support and services to the Legislative Council through the Legislative Council Secretariat. It employs the Legislative Council Secretariat's staff and oversees its work, determines the organisation and administration of support services and facilities, formulates and executes policies on their effective operation and expends funds in ways it sees fit to support these activities.

The Legislative Council Secretariat is headed by the Secretary General. Its mission is to provide the council and its committees with professional and efficient support and services, enhance community understanding of the council's activities and ensure an effective avenue for redress.

District Administration

Hong Kong comprises 18 districts, each with a District Office, a District Council and a District Management Committee.

The District Offices are each headed by a District Officer, who represents the HKSAR Government at the district level in overseeing the operation of the district administration scheme.

The 18 District Councils (DCs) have a total of 507 members, comprising 412 elected members, 68 appointed members and 27 ex officio members (the chairmen of rural committees in the New Territories). Their current term of office runs for four years from 1 January 2012. The DCs' main function is to advise the Government on matters affecting the well-being of the people in the districts, and on the provision and use of public facilities and services there. The Government also consults the DCs on a wide range of issues. The DCs carry out minor works projects and community involvement projects, for each of which programmes the Government allocated \$320 million in the 2012-13 financial year. The Government has undertaken to increase the annual provision for district minor works projects progressively to \$400 million within the current and next District Council term (ie by the end of 2019).

The District Management Committees (DMC) are government committees chaired by the District Officers. Each DMC comprises the chairman, vice-chairman and committee chairmen of the DC and representatives of Government departments providing essential services in the district. The DMC serves as a forum for consultation, co-ordination and collaboration between different departments and the DC to help resolve inter-departmental district issues and to ensure that district needs are met promptly. There are also 63 Area Committees (ACs). ACs are district-based advisory committees which help organise community involvement activities, advise on local issues and promote public participation in district affairs. Their members are drawn from a wide spectrum of the community, including DC members of the areas concerned.

Twenty Public Enquiry Service Centres (PESCs), attached to the District Offices, provide a wide range of free services to the public, including answering general enquiries about government services, distributing government forms and disseminating information and administering declarations. Members of the public seeking legal advice can make appointments at the centres to see volunteer lawyers under the Free Legal Advice Scheme administered by the Duty Lawyer Service. Staff from the Rating and Valuation Department are also available at five designated centres on specified days to advise on tenancy matters. The PESCs and the Home Affairs Department's Central Telephone Enquiry Centre served a total of 2.1 million clients in 2012.

The Electoral System

Electoral System for the Legislative Council

The composition of the first to fifth terms of the Legislative Council is as follows:

Membership	First term (1998-2000)	Second term (2000-2004)	Third & Fourth term (2004-2008 and 2008-2012)	Fifth Term (2012-2016)
(a) elected by geographical constituencies through direct elections	20	24	30	35

(b) elected by functional constituencies	30	30	30	35
(c) elected by an election committee	10	6	—	—
	—	—	—	—
	60	60	60	70

Geographical Constituencies

All eligible persons aged 18 or above have the right to be registered as electors and to vote in the geographical constituency elections, which are held on the basis of universal suffrage. There are currently about 3.47 million registered electors.

The HKSAR is divided into five geographical constituencies, with each returning five to nine seats in the fifth-term of the Legislative Council. Electors choose lists of candidates, using the List Voting System which operates under the Largest Remainder formula, a form of proportional representation.

Any permanent resident of the HKSAR who is a Chinese citizen with no right of abode in any foreign country may stand for election in any geographical constituency, provided that he or she is a registered elector, has attained the age of 21, and has ordinarily resided in Hong Kong for the preceding three years.

Functional Constituencies

For the fifth-term Legislative Council, the functional constituencies are: (1) Heung Yee Kuk¹; (2) agriculture and fisheries; (3) insurance; (4) transport; (5) education; (6) legal; (7) accountancy; (8) medical; (9) health services; (10) engineering; (11) architectural, surveying and planning; (12) labour; (13) social welfare; (14) real estate and construction; (15) tourism; (16) commercial (first); (17) commercial (second); (18) industrial (first); (19) industrial (second); (20) finance; (21) financial services; (22) sports, performing arts, culture and publication; (23) import and export; (24) textiles and garment; (25) wholesale and retail; (26) information technology; (27) catering; (28) District Council (first) and (29) District Council (second). The labour functional constituency returns three Legislative Council members and the District Council (second) functional constituency returns five Legislative Council members, while the other 27 functional constituencies return one member each.

The five seats of the District Council (second) functional constituency are returned with the whole of Hong Kong as a single constituency in accordance with the proportional representation list system. Candidates must be elected District Council members who are nominated by no less than 15 other elected District Council members; whereas electors are registered geographical constituency electors who are not registered in other functional constituencies.

¹ Heung Yee Kuk is a statutory advisory body on New Territories affairs.

The electorate of functional constituencies which represent professional groups is generally based on membership of professions with recognised qualifications, including statutory qualifications. The electorate of functional constituencies representing economic or social groups is generally made up of corporate members of major organisations representative of the relevant sectors.

A candidate in a functional constituency must satisfy the same age and residential requirements as for a geographical constituency election, be a registered elector, and be a registered elector of, or have a substantial connection with, the relevant functional constituency. To give due recognition to the significant contribution made by foreign nationals and the fact that Hong Kong is an international city, permanent residents of the HKSAR who are not of Chinese nationality or who have right of abode in foreign countries may stand for election in 12 designated functional constituencies (functional constituencies 3, 6, 7, 10, 11, 14, 15, 16, 18, 20, 21, 23 above).

Over 1.83 million registered electors cast their votes at the election for the fifth-term Legislative Council on 9 September 2012, representing a turnout rate of 53 per cent.

Electoral System for the Chief Executive

In accordance with the Basic Law, the Chief Executive is elected by an Election Committee (EC). The EC for the term up to January 2017 is composed of 1,200 members from four sectors which are in turn composed of 38 subsectors:

- 1,034 members from 35 subsectors who are returned through elections;
- 106 ex officio members who are Hong Kong deputies to the National People's Congress (NPC) and members of the Legislative Council under the NPC subsector and the Legislative Council subsector respectively; and
- 60 members under the religious subsector who are nominated by six designated bodies.

The election of the fourth-term Chief Executive by the EC was held on 25 March 2012. Mr Leung Chun-ying was declared as returned at the election. On 28 March 2012, in accordance with the provisions of the Basic Law and the outcome of the election by the EC, the State Council of the PRC appointed Mr Leung as the fourth-term Chief Executive, with his term of office commencing on 1 July 2012.

Timetable for Universal Suffrage and Methods for Forming the Legislative Council in 2016 and for Electing the Chief Executive in 2017

There is now a clear timetable for attaining universal suffrage in Hong Kong. The Standing Committee of the NPC promulgated a decision on 29 December 2007 making it clear that universal suffrage may be implemented for electing the Chief Executive in 2017 and following that, all members of the Legislative Council may be returned by universal suffrage.

The HKSAR Government will initiate, at an appropriate time, the constitutional process to formulate the methods for forming the Legislative Council in 2016 and for electing the Chief Executive in 2017, and consult widely with various sectors of the community in the process.

Electoral System for the District Councils

The HKSAR's 18 District Councils advise the Government on district affairs and promote recreational and cultural activities, and environmental improvements within the districts. A District Council is composed of elected members, appointed members, and, in the case of District Councils in the New Territories, the chairmen of rural committees as ex officio members. The simple majority voting system is adopted for elections. For the fourth-term councils (2012–2015), the HKSAR is divided into 412 constituencies, each represented by one elected member.

Electoral Affairs Commission

The Electoral Affairs Commission, an independent statutory body, is responsible for ensuring that elections in the HKSAR are conducted in an open, honest and fair manner and in accordance with the law. It comprises three politically neutral persons appointed by the Chief Executive. Headed by a High Court Judge, the commission is responsible for making recommendations to the Chief Executive on the delineation of Legislative Council geographical constituencies and District Council constituencies, making regulations on practical arrangements for the Chief Executive election, the Legislative Council election, the District Council election and rural elections, and handling complaints relating to these elections. The Registration and Electoral Office, a government department headed by the Chief Electoral Officer, works under the commission's direction and carries out its decisions.

Structure of the Administration

The Chief Executive is the head of the HKSAR Government. The Chief Secretary for Administration, the Financial Secretary or the Secretary for Justice deputises for the Chief Executive during any temporary absence.

The Chief Secretary for Administration and the Financial Secretary together supervise the work of 12 policy bureaux, each headed by a Director of Bureau (usually referred to as the bureau's 'Secretary'), responsible for a different policy portfolio. Together, they form the Government Secretariat. There are 56 departments. The Audit Commission reports to the Chief Executive, the Hong Kong Monetary Authority reports to the Financial Secretary while the Department of Justice reports to the Secretary for Justice. The remaining 53 departments are responsible to the relevant bureau secretaries for the efficient implementation of approved policies.

In addition, the Independent Commission Against Corruption, the Office of The Ombudsman and the Public Service Commission report directly to the Chief Executive.

The Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice and the 12 Directors of Bureaux are politically appointed and defined as 'principal officials' in the Basic Law. They are appointed by the Central People's Government on the nomination of the Chief Executive for a five-year term, which will not exceed the term of the Chief Executive who nominates them for appointment. They are all members of the Executive Council (the

equivalent in Hong Kong of the Cabinet) and are accountable for matters falling within their respective portfolios. The Director of the Chief Executive's Office is also a politically appointed official, with the same terms of employment as those of a Director of Bureau.

There are two additional layers of politically appointed officials (Under Secretaries and Political Assistants) to support the principal officials in carrying out political work.

Role of the Chief Secretary for Administration

The Chief Secretary for Administration is the leading principal official in the HKSAR Government and a member of the Executive Council. The Chief Secretary for Administration is the most senior official to temporarily assume the duties of the Chief Executive if the Chief Executive is not able to discharge those duties for a short period.

The Chief Secretary for Administration supports the Chief Executive in administering Hong Kong, advises the Chief Executive on policy matters and plays an important role in policy co-ordination, which is particularly important in areas that cut across policy bureaux. The Chief Secretary for Administration is responsible for overseeing specific priority areas of the Chief Executive's policy agenda, forging a closer and more effective working relationship between the Government and the Legislative Council, and drawing up the Government's legislative programme. The Chief Secretary for Administration also exercises certain statutory functions, including the handling of appeals and matters of certain public bodies.

Role of the Financial Secretary

The Financial Secretary's primary responsibility is to assist the Chief Executive in overseeing policy formulation and implementation of financial, monetary, economic, trade and development matters. The Financial Secretary exercises control over the Exchange Fund with the assistance of the Monetary Authority and is a member of the Executive Council.

The Financial Secretary is also in charge of the Government Budget and is responsible under the Public Finance Ordinance for laying before the Legislative Council each year the Government's estimates of revenue and expenditure. The Financial Secretary outlines in the annual budget speech the Government's vision and policies for sustainable economic development, and presents budgetary proposals and moves the Appropriation Bill, which gives legal effect to the annual expenditure proposals in the Budget.

Central Policy Unit

The Central Policy Unit provides advice on policy issues to meet the special requirements of the Chief Executive, the Chief Secretary for Administration and the Financial Secretary and submits reports directly to them.

The unit consults widely with business and professional circles, political organisations and concerned groups, and the academic community. It undertakes in-depth examinations of complex policy issues, analyses options, conducts soundings of community views and recommends solutions for the Government's internal consideration. It also carries out policy research covering the social, political and economic spheres. The unit is also responsible for co-ordinating the annual Policy Address exercise.

In addition, the unit provides secretariat support to the Commission on Strategic Development, which advises the Chief Executive on Hong Kong's long-term development needs and goals with particular reference to the direction and strategy of social, economic and political developments for Hong Kong. The Chief Executive chairs the commission. During its recent term from 1 July 2009 to 30 June 2012, there were 69 non-official members drawn from many fields, including academia, the business sector, the professions, the media, think-tanks, the welfare sector and political parties. The commission also included four official members: the Chief Secretary for Administration, the Financial Secretary, the Director of the Chief Executive's Office and the Head of the Central Policy Unit.

Efficiency Unit

The Efficiency Unit reports to the Chief Secretary for Administration, supporting the Government's commitment to improving services to the community and ensuring openness and accountability. The unit provides internal management consultancy services for the public sector to identify, secure support for, and implement public sector reforms.

The unit operates the 1823 Call Centre, which provides a round-the-clock one-stop service to answer enquiries for 21 departments and receive complaints about any area of government services. In 2012, the unit continued to develop web services on the 1823 Online and extended its presence in popular social media platforms. The aim was to present public information in a more easily accessible and understandable format and make it easier for citizens to submit information or pictures so that departments can identify and act on issues of public concern more quickly. The unit also operates a 'Youth Portal' (www.youth.gov.hk) which provides a one-stop multi-media platform for young people to access government information and services. The portal was revamped in 2012 to connect young people with content and services through the latest technology and media channels.

Advisory and Statutory Bodies

About 5,100 members of the public serve on the roughly 460 advisory and statutory bodies which are a distinctive feature of the system of government. These bodies tap professional expertise in the community and enables public participation in government decision-making. Through these bodies, a wide cross-section of the community and relevant organisations can participate in the initial stage of policy-making and public service planning. The Government maintains a regular turnover of members to ensure wide participation and the inclusion of fresh perspectives.

The advisory bodies' areas of activities are wide-ranging. Some, such as the Advisory Committee on Agriculture and Fisheries, deal with the interests of a particular industry. Others, such as the Transport Advisory Committee, advise on a particular area of government policy. Statutory bodies, such as the Hospital Authority, have legal powers and responsibilities to perform specific functions in accordance with the relevant legislation.

The Civil Service

The civil service is a permanent, honest, meritocratic, professional and politically neutral institution, responsible to the Chief Executive. It supports the Government in formulating, explaining and implementing policies, conducting administrative affairs, delivering public services, and undertaking law enforcement and regulatory functions. It provides staff for all government departments and other units of the Administration. As at 31 December, the total strength of the civil service was 159,700 (excluding about 1,400 judges and judicial officers and Independent Commission Against Corruption officers), amounting to about 4.2 per cent of Hong Kong's labour force.

The Civil Service Bureau has overall policy responsibility for the management of the civil service, including appointments, pay and conditions of service, staff management, manpower planning, training and development and conduct and discipline. The bureau is also the focal point for consultation with major staff associations and manages a number of grades, including Administrative Officers, Executive Officers and clerical and secretarial staff. Management of the civil service is governed mainly by three instruments: the Public Service (Administration) Order, the Public Service (Disciplinary) Regulation and the Civil Service Regulations, all made with the authority of the Chief Executive.

The Chief Executive is advised on civil service appointments, promotions and discipline by the Public Service Commission, an independent statutory body set up under the Public Service Commission Ordinance. The Government is also advised on civil service pay and conditions of service by three independent bodies: the Standing Committee on Directorate Salaries and Conditions of Service (directorate officers excluding judges and judicial officers and the disciplined services, but including the heads of the disciplined services); the Standing Committee on Disciplined Services Salaries and Conditions of Service (the disciplined services except the heads of the disciplined services); and the Standing Commission on Civil Service Salaries and Conditions of Service (SCCS) (all other civil servants).

The policy for civil service pay is to offer sufficient remuneration to attract, retain, and motivate staff of suitable calibre to provide the public with an effective, efficient and high quality service. In order that civil service pay can be regarded as fair and reasonable by both civil servants who provide the service and the public who foot the bill, the Government adopts the principle that civil service pay should be broadly comparable with private sector pay. Pay comparisons are achieved through periodic surveys: a Pay Level Survey is conducted every six years; a Starting Salaries Survey every three years; and a Pay Trend Survey every year. In 2012, the SCCS accepted the Administration's invitation to conduct the 2012 Starting Salaries Survey and the next Pay Level Survey.

In accordance with the Basic Law, public servants serving in all government departments of the HKSAR should be permanent residents of the HKSAR, save for those who fall within the exceptions provided in Article 99 and 101 of the Basic Law. This requirement applies to new recruits who joined the civil service on or after 1 July 1997.

Appointment to the civil service is based on open and fair competition which aims to recruit the most suitable person for the job. Promotion is performance-based and not a reward for

long service. The Government ensures that persons with disabilities are given equal opportunity in recruitment to the civil service.

The Government monitors closely staff turnover in the civil service for manpower planning purposes to keep manpower at a level commensurate with service demand. Overall wastage in the civil service was about 3.7 per cent in 2011-2012. The Government has a well established staff planning mechanism to review the succession planning for senior staff, identify and groom officers with potential for advancement to senior management and develop a pool of talent for senior positions.

In accordance with the principle of prudent management of public resources, the Government keeps a watchful eye over the size of the civil service. New posts are only created when the need is justified and other means of providing services are not feasible. At the same time, due consideration is given to the need for additional manpower to deliver new and improved services. Since 2007-08, the civil service establishment has increased by about 1 per cent annually and the same rate of growth is forecast for the civil service in 2012-13.

The Government values regular communication and consultation with staff. There are four consultative councils at the central level (the Senior Civil Service Council, the Model Scale 1 Staff Consultative Council, the Disciplined Services Consultative Council and the Police Force Council) and some 90 consultative committees at the departmental level. A Civil Service Newsletter is published regularly to provide an added link with serving and retired civil servants.

Staff commitment and performance are recognised in various ways, including the Secretary for the Civil Service's Commendation Award Scheme which commends consistently outstanding performance. The Civil Service Outstanding Service Award Scheme recognises achievements in service excellence by bureaux and departments and is an integral part of the government's efforts to provide high quality service to the public. On the other hand, staff misconduct is handled under the established disciplinary mechanism for punitive and deterrent purposes. To instil a culture of probity in the civil service, the Civil Service Bureau and the Independent Commission Against Corruption jointly run an ethical leadership programme and each bureau and department is required to appoint a senior directorate officer to co-ordinate efforts to attain that goal.

The Civil Service Training and Development Institute (CSTDI) formulates training policies and facilitates training and development for civil servants. Among other activities, the CSTDI organises training programmes and arranges staff attachments to bureaux and exchanges with municipal/provincial governments in the Mainland. The CSTDI also arranges national studies programmes for civil servants at tertiary institutions on the Mainland and organises seminars in Hong Kong on national affairs and the Basic Law. In addition, the CSTDI advises bureaux and departments on how to improve staff performance, develop competency profiles, enhance management capabilities and prepare officers for succession.

The CSTDI's e-learning portal, Cyber Learning Centre Plus, provides ready access to training resources to promote continuous learning among civil servants.

Official Languages

Chinese and English are Hong Kong's official languages. It is Government policy to have a civil service that is proficient in written Chinese and English and conversant in Cantonese, Putonghua and spoken English. While important Government documents are issued in both official languages, correspondence with individual members of the public is always in the language appropriate to the recipient.

The Civil Service Bureau's Official Languages Division oversees the Government's language policy and provides bureaux and departments with a wide range of language-related support. Besides translation, interpretation, drafting and editing services, the division operates language advice hotlines, compiles reference materials such as guides to official writing and glossaries of terms commonly used in the Government, and organises language-related talks and competitions. It also produces Word Power, a quarterly publication on language and culture, for service-wide distribution.

Government Records Service

The Government Records Service (GRS) oversees the overall management of government records and provides a range of records and archival management services. GRS formulates records management policies, guidelines and procedures, develops records management systems and oversees their implementation. It sets records management standards, gives guidance and provides training to bureaux and departments on records management good practices. It operates two records centres for storage of inactive government records and an ISO 9001:2008 certified microfilm centre providing microfilming services for bureaux and departments.

To meet the growing need for proper management of electronic records, GRS is developing further an electronic record-keeping system to drive electronic records management in the Government. GRS also provides records management support and assistance to bureaux and departments to develop or adopt an electronic record-keeping system.

GRS appraises, acquires, preserves and provides access to government records of enduring value. Through its public programme, reference service and on-line educational resources, GRS encourages understanding, use and protection of Hong Kong's documentary heritage. Its Central Preservation Library for Government Publications contains a wealth of government publications for research and study of Hong Kong. Members of the public can visit the purpose-built archival facilities in the Hong Kong Public Records Building in Kwun Tong or use its online service at www.grs.gov.hk to search archival records or browse the on-line exhibition and highlights of holdings etc.

The Ombudsman

The Ombudsman is established under The Ombudsman Ordinance as a corporation sole to redress grievances arising from maladministration in the public sector through independent and impartial investigations to improve the standard of public administration.

Directly responsible to the Chief Executive, the Ombudsman serves as the community's monitor on government departments and 23 major public bodies specified in a schedule to the ordinance to ensure that:

- bureaucratic constraints do not interfere with administrative fairness;
- public authorities are readily accessible to the public;
- abuse of power is prevented;
- wrongs are righted;
- facts are pointed out when public officers are unjustly accused;
- human rights are protected; and
- the public sector continues to improve its quality, transparency and efficiency.

Two exceptions to the monitoring system are the Hong Kong Police Force and the Independent Commission Against Corruption, both of which have their own separate bodies for dealing with public complaints.

Besides investigating complaints, the Ombudsman has been empowered since 1994 to initiate direct investigations into matters of public interest and widespread concern, and publish the reports. This proactive and preventive approach aims at addressing problems affecting a broad spectrum of the community. The direct investigations are particularly useful in redressing administrative flaws of a systemic nature and addressing fundamental problems or underlying causes for complaint.

The Ombudsman completed five direct investigations in 2011-2012. These five investigations concerned:

- Conservation of country parks;
- The water billing system;
- Special education services for students with emotional and behavioural difficulties;
- Monitoring for private residential care homes for the elderly; and
- Granting of short-term tenancies.

The reports of all direct investigations have been published and are available from the Resource Centre of the Ombudsman's office and via the website at www.ombudsman.hk.

The Ombudsman may also investigate complaints of non-compliance with the Code on Access to Information against government departments, including the Hong Kong Police Force and

the Independent Commission Against Corruption. The Ombudsman is also empowered to act as an independent review body in respect of an alleged breach of the code.

The Ombudsman received 12,545 enquiries and 5,029 complaints in the reporting year 2011-2012, compared with 12,227 enquiries and 5,339 complaints in the reporting year 2010-11. Areas attracting a substantial number of complaints related to error, wrong advice or decision, delay, ineffective control, negligence, omission and staff attitude.

Although the Ombudsman has no authority to enforce recommendations, 89.3 per cent of the Ombudsman's recommendations have been accepted by the organisations concerned.

Audit Commission

The Audit Commission, headed by the Director of Audit, is established under the Basic Law which provides that it shall function independently and be accountable to the Chief Executive of the HKSAR.

The Audit Ordinance provides for the audit of the Government's accounts by the Director of Audit and for the submission of the director's report to the President of the Legislative Council. The director also audits the accounts of the Exchange Fund, the Hong Kong Housing Authority, five trading funds and more than 60 other funds. In addition, the director reviews the financial aspects of the operations of the multifarious government-subservent organisations.

The Director of Audit carries out two types of audit: regularity audits and value-for-money audits. Regularity audits are intended to provide an overall assurance of the general accuracy and propriety of the financial and accounting transactions of the Government and other audited bodies. The Audit Ordinance gives the director statutory authority to conduct regularity audits.

Value-for-money audits are intended to provide independent information, advice and assurance about the economy, efficiency and effectiveness with which any Government bureau, department, agency, other public body, public office or audited organisation has discharged its functions. Except for some public organisations where the Director of Audit has statutory authority to conduct value-for-money audits, these audits are carried out according to a set of guidelines agreed by the Director of Audit, the Public Accounts Committee and the Administration and tabled in the Provisional Legislative Council in 1998.

After the Director of Audit's report has been submitted to the President of the Legislative Council and laid before the council, it is considered by the Public Accounts Committee. In 2012, the director submitted three reports: one on the audit certification of the Government's accounts for the preceding financial year and two on the results of value-for-money audits (Report No 58 of March 2012 and Report No 59 of October 2012).

Report No 58 contained eight chapters, two of which were selected by the Public Accounts Committee for public hearing:

- Unlawful occupation of government land; and

- Youth Square.

Report No 59 contained 10 chapters, four of which were selected by the Public Accounts Committee for public hearing:

- Regulatory control of private hospitals;
- Land grants for private hospital development;
- Monitoring and reporting of air quality; and
- Implementation of air-quality improvement measures.

The value-for-money audit reports attracted considerable public interest. The audit recommendations were accepted by the audited bodies.

In April 2012, the Chief Executive invited the Audit Commission to review the current mechanism adopted by the Chief Executive's Office in making arrangements for hotel accommodation during the Chief Executive's duty visits outside Hong Kong. A special audit report was submitted to the Chief Executive, and made public, in May 2012.

The Director of Audit's reports on the accounts of other public bodies are submitted to the relevant authority in accordance with the legislation governing those bodies' operation.

The Director of Audit maintains close contact with public sector audit institutions in Asia, and in early 2012 attended the 12th Assembly and the 5th Symposium of the Asian Organisation of Supreme Audit Institutions as a member of the People's Republic of China delegation in Jaipur, India.

HKSAR's External Affairs

Active participation in international activities and close liaison with international partners have enabled the HKSAR to maintain its status as an international financial, trade, civil aviation and shipping centre.

In 2012, HKSAR Government representatives took part as members of the PRC delegation in over 90 international conferences limited to states, including those organised by the World Intellectual Property Organisation, the World Health Organisation and the International Civil Aviation Organisation. The HKSAR Government representatives also took part in over 1,600 international conferences not limited to states, including those organised by the World Trade Organisation, Asia-Pacific Economic Co-operation and the World Customs Organisation.

The HKSAR Government concluded 16 agreements with foreign states during the year, dealing with free trade, the avoidance of double taxation, visa abolition, mutual legal assistance in criminal matters, transfer of sentenced persons, etc. In addition, one multilateral convention, the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000, became applicable to the HKSAR in 2012.

Foreign representation in the HKSAR includes 58 consulates-general and 64 consulates. Six international bodies have representative offices in Hong Kong, including the new Asia Pacific Regional Office of the Hague Conference on Private International Law established in December 2012.

Working Relationship with the Office of the Commissioner of the Ministry of Foreign Affairs (MFA Office)

The HKSAR Government continues to work closely with the MFA Office in Hong Kong in the following areas:

- (a) participation in international organisations and conferences, such as obtaining the CPG's approval for HKSAR Government officials to participate as members of the PRC delegation in international conferences limited to states;
- (b) negotiation and conclusion of international agreements, such as obtaining the CPG's specific authorisation for the negotiation and conclusion of agreements with foreign states;
- (c) consular protection for Hong Kong people in distress overseas; and
- (d) matters relating to consular missions in the HKSAR.

Working Relationship with the Mainland Authorities

The Constitutional and Mainland Affairs Bureau is responsible for co-ordinating contacts between the HKSAR Government and the Mainland authorities, promoting regional co-operation initiatives between Hong Kong and the Mainland, and overseeing the operation of the HKSAR Government's Mainland Offices.

The Hong Kong and Macao Affairs Office of the State Council (HKMAO) assists the HKSAR Government in developing contacts with the Mainland authorities. The HKSAR Government also liaises closely with the HKMAO on matters of mutual concern and on arrangements for official visits between the Mainland and Hong Kong.

The HKSAR Government continues to deepen regional co-operation with various Mainland provinces/municipalities.

As the province closest to Hong Kong, Guangdong has the most extensive ties with Hong Kong. Promulgated in March 2011, the Dedicated Chapter on Hong Kong and Macao in the National 12th Five-Year Plan emphasises the importance of deepening Hong Kong/Guangdong co-operation and implementing the Framework Agreement on Hong Kong/Guangdong Co-operation, elevating Hong Kong/Guangdong co-operation to the national development strategy level.

At the Hong Kong/Guangdong Co-operation Joint Conference in September 2012, the two sides agreed to focus on promoting the early achievement of liberalisation of trade in services

between the two places in 2014, and expediting implementation of the Framework Agreement. The two sides also agreed to enhance co-operation in various areas, such as commerce and trade, financial services, technology, cross-boundary infrastructure, travel facilitation, cross-boundary clearance, environmental protection, education, and culture.

The development of Qianhai and Nansha are key areas of Hong Kong/Guangdong co-operation. In June, the Central People's Government (CPG) announced its 'Policies for Development and Opening-up of Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone', including preferential policies in areas such as market liberalisation and taxation. These policies outline the business opportunities that Qianhai's development may bring. The HKSAR Government's goal is to assist Hong Kong's business sector in taking advantage of the opportunities arising from Qianhai's development to expand their businesses in the Mainland and, at the same time, contribute to national development through Hong Kong's strengths in service industries.

As regards Nansha's development, the CPG approved in September the 'Plan for the Development of Nansha New District of Guangzhou', setting out the development directions for Nansha.

In 2012, Hong Kong and Shenzhen also made progress on co-operation in various areas, including cross-boundary infrastructure, immigration clearance arrangements, financial services, trade, environmental protection, and combating illegal parallel trading activities.

The HKSAR Government also strengthened co-operation with the municipalities of Shanghai and Beijing. At the Hong Kong-Shanghai Economic and Trade Co-operation Conference in Shanghai in January, the two sides reached consensus in nine co-operation areas including commerce, trade and investment; financial services; civil aviation, maritime transport and logistics, etc. Both sides also signed four co-operation agreements on commerce and trade, culture, civil service exchange, and hospital management. In November, the Chief Executive of the HKSAR and the visiting acting Mayor of Beijing witnessed the signing of three co-operation agreements covering culture, food safety and hospital management.

The Pan-Pearl River Delta (PPRD) Region comprises nine provinces/autonomous regions of the Mainland and the Hong Kong and Macao SARs and the HKSAR Government's participation in the PPRD Co-operation and Development Forum in Hainan in November/December helped reinforce multilateral co-operation in various areas.

The Greater Pearl River Delta Business Council discusses issues related to regional co-operation in the delta. To encourage Hong Kong businesses to take part in the development of Qianhai and Nansha, the council organised a site visit and seminars on the relevant policies and preferential measures. A study by the council also made recommendations to the business sector, business associations, supporting organisations and the Guangdong and Hong Kong Governments on how Hong Kong businesses could leverage their experience in developing overseas markets to tap into the Pearl River Delta market.

During the year, the HKSAR Government continued to follow up on the 190 post-earthquake reconstruction projects initiated by the HKSAR Government and non-governmental organisations (NGOs) in Sichuan to ensure the effective use of support funds and the timely implementation of those projects. As at 31 December, 172 reconstruction projects had been completed. On the basis of the close ties resulting from the reconstruction work, Hong Kong and Sichuan also increased co-operation in various areas, including tourism and construction.

Working Relationship with Macao Special Administrative Region

At the Fifth Hong Kong-Macao Co-operation High Level Meeting in June in Macao, the two sides reviewed progress and agreed to continue to maintain close co-operation and communications in different areas and explore new co-operation initiatives.

HKSAR's Offices in the Mainland

The HKSAR Government has four offices in the Mainland: the Beijing Office (BJO) and three Hong Kong Economic and Trade Offices (ETOs) in Guangdong, Shanghai and Chengdu². These offices are responsible for enhancing liaison and communications with the CPG and other Mainland authorities; strengthening Hong Kong's economic and trade ties with the Mainland; promoting Hong Kong and encouraging and attracting investments to Hong Kong. The BJO and the Guangdong ETO have their own Immigration Divisions which provide practical assistance to Hong Kong residents in distress or seeking assistance in the Mainland and handle immigration matters. In addition to the Guangdong ETO's existing Shenzhen Liaison Unit, the Chengdu and Guangdong ETOs established liaison units in Chongqing and Fujian respectively in 2012 to deepen co-operation with the Chengdu-Chongqing Economic Zone and the Economic Zone on the West Coast of the Taiwan Strait respectively, and to explore new business opportunities for Hong Kong enterprises.

Exchanges with Taiwan

Hong Kong and Taiwan have close economic and cultural ties. Taiwan is Hong Kong's fourth largest trading partner, with bilateral trade amounting to \$325.7 billion (around US\$42 billion) in 2012. Around 2.14 million people from Taiwan visited Hong Kong and some 0.84 million people from Hong Kong visited Taiwan during the year.

Exchanges between Hong Kong and Taiwan are conducted through the Hong Kong-Taiwan Economic and Cultural Co-operation and Promotion Council (ECCPC) and the Taiwan-Hong Kong Economic and Cultural Co-operation Council (THEC). A number of important initiatives were achieved in 2012:

- The Hong Kong Economic, Trade and Cultural Office (HKETCO) in Taiwan was officially opened on 15 May to promote Hong Kong in Taiwan and to help contribute to the long-

² The Beijing Office covers Beijing, Tianjin, Hebei, Henan, Shandong, Shanxi, Liaoning, Jilin, Heilongjiang, Inner Mongolia, Xinjiang, Gansu, Ningxia, Qinghai and Tibet. The Guangdong ETO covers Fujian, Jiangxi, Guangdong, Guangxi, and Hainan. The Shanghai ETO covers Zhejiang, Jiangsu, Anhui, Hubei and Shanghai. The Chengdu ETO covers Sichuan, Yunnan, Guizhou, Shaanxi, Hunan and Chongqing.

term development of closer economic, trade and cultural relations between the two places;

- A new system was launched on 1 September allowing Taiwan visitors to register online free of charge prior to arrival in Hong Kong ;
- The ECCPC and THEC agreed at their third joint meeting in Taipei in September to take forward four new areas of co-operation: environmental protection, heritage conservation, testing and certification industries and notification of unsafe consumer goods, and exchanges between both sides' investment promotion agencies; and
- The first 'Hong Kong Week' was held in Taipei from 23 November to 2 December, with its dramas, music and dance performances, video shows and art exhibitions attracting an audience of some 12,500.

Websites

Administration Wing, Chief Secretary for Administration's Office:

www.admwing.gov.hk

Civil Service Bureau: www.csb.gov.hk

Constitutional and Mainland Affairs Bureau: www.cmab.gov.hk

Home Affairs Bureau: www.hab.gov.hk

Legislative Council: www.legco.gov.hk

Office of The Ombudsman: www.ombudsman.hk

Audit Commission: www.aud.gov.hk