

## Chapter 1

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# Constitution and Administration

*The Hong Kong Special Administrative Region was established in 1997 under the principle of 'one country, two systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy, in accordance with the Basic Law.*

Hong Kong has been part of the territory of China since ancient times. To uphold national unity and territorial integrity and to maintain the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China (PRC) decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region (HKSAR) would be established in accordance with the provisions of Article 31 of the Constitution of the PRC, and that under the principle of 'one country, two systems', the socialist system and policies would not be practised in Hong Kong. On 1 July 1997, Hong Kong became a Special Administrative Region of the PRC and the Basic Law came into effect. The Basic Law is the constitutional document of the HKSAR. It enshrines within a legal document the important concepts of 'one country, two systems', 'Hong Kong people administering Hong Kong' and a high degree of autonomy. Under 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, who is the head of the HKSAR and the HKSAR Government, leads the government. The Chief Executive 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, among other duties. The Executive Council assists the Chief Executive in policymaking.

## **Executive Council**

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 or she shall put the specific reasons on record.

As at 31 December, the Executive Council had 32 members, comprising 16 Principal Officials and 16 Non-Officials. As provided for in 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 39 meetings during 2021.

## **Legislative Council**

### ***Powers and Functions***

Under 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 a 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 carry out the investigation and report 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**

According to the Basic Law, the Legislative Council of the HKSAR shall be constituted by election. The sixth Legislative Council comprised 70 members<sup>1</sup>, of whom 35 were returned by geographical constituencies through direct elections and 35 were returned by functional constituencies. The President of the Legislative Council is elected by and from among the council's members.

The sixth Legislative Council's term of office was originally four years from 1 October 2016 to 30 September 2020. Due to COVID-19, the Legislative Council General Election originally scheduled for 6 September 2020 was postponed for a year. In light of this, the National People's Congress Standing Committee made a decision on 11 August 2020 that the sixth-term Legislative Council would continue to discharge its duties for not less than one year until the seventh term of the council begins and the seventh-term council after its formation will have a term of four years.

Subsequently, the general election for the seventh-term Legislative Council was held on 19 December 2021. Its term of office will be from 1 January 2022 to 31 December 2025. The seventh Legislative Council will be composed of 90 members, with 40 members returned by the Election Committee, 30 by functional constituencies and 20 by geographical constituencies through direct elections.

### **Meetings of the Legislative Council**

The Legislative Council normally meets on Wednesdays. The business at its regular meetings includes introducing and considering bills and proposed resolutions; tabling subsidiary legislation, papers and reports for the council's consideration; asking questions on the government's work; and debating motions concerning matters of public interest. All council meetings are open to the public. Members may address the council in Cantonese, English or

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<sup>1</sup> There were changes in the membership of the sixth Legislative Council giving rise to vacancies. The details are available in the 'Members' section of the Legislative Council's website ([www.legco.gov.hk](http://www.legco.gov.hk)).

Putonghua. Members of the public can listen in any of these three languages in simultaneous interpretation and also watch the simultaneous sign language interpretation. The proceedings are recorded verbatim in the Official Record of Proceedings of the Legislative Council.

During the 2020-21 legislative session from October 2020 to October 2021, the council held 49 meetings, including five Chief Executive's question and answer sessions and four sessions of Chief Executive's question time. Members asked 191 oral questions on the government's work with 858 supplementary questions, and another 595 written questions. The council passed 48 bills. It also passed 14 motions moved by the government under the positive vetting procedure to seek the council's approval to either make or amend subsidiary legislation. On subsidiary legislation subject to the negative vetting procedure, the council finished scrutinising nine items which were tabled during 2019-20, and also 301 out of 302 items tabled in 2020-21, with the remaining one item to be scrutinised in 2022.

### **Finance Committee**

The Finance Committee consists of all members except the President of the Legislative Council<sup>2</sup>, with its Chairman and Deputy Chairman elected from among its members. The committee is responsible for scrutinising and approving public expenditure proposals put forward by the government as well as examining the annual Estimates of Expenditure presented by the Financial Secretary to the council during proceedings relating to the Appropriation Bill.

The Finance Committee appoints two subcommittees, the Establishment Subcommittee and Public Works Subcommittee, whose memberships are open to all members of the committee<sup>3</sup>.

The Establishment Subcommittee examines and makes recommendations to the Finance Committee on government proposals to create, redeploy and delete directorate posts, and those to change the structure of civil service grades and ranks.

The Public Works Subcommittee examines and makes recommendations to the Finance Committee on government proposals about capital works projects.

In 2020-21, the Finance Committee held 37 meetings to scrutinise financial proposals, eight special meetings comprising 21 sessions to examine the Estimates of Expenditure and one meeting to receive the Financial Secretary's briefing on the Budget. The committee deliberated on and approved 120 financial proposals, namely 63 public works proposals costing about \$227.6 billion in total, 30 establishment proposals and 27 other funding proposals involving a total commitment of about \$100.2 billion.

### **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

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<sup>2,3</sup> The membership is applicable up to the end of the 2020-21 legislative session only. Amendments to the Rules of Procedure on committee membership were passed at the council meeting on 20 October and will come into effect in the seventh Legislative Council.

and other organisations that are within the purview of public audit. It may invite government officials, representatives of public organisations or any other persons to attend public hearings to give explanations, evidence or information. The committee's seven members are appointed by the President of the Legislative Council according to an election procedure determined by the House Committee.

In 2020-21, the committee held four public hearings and 11 closed meetings to examine the Director of Audit's report on the government's accounts for the year ended 31 March 2020 as well as Reports No 75 and 76 on value-for-money audits. The committee gave its observations, conclusions and recommendations in its Reports No 75, 75A and 76, which were tabled in the council on 24 February, 12 May and 14 July 2021 respectively.

Given that the sixth Legislative Council stood prorogued from 30 October, the normal schedule for considering the Director of Audit's report on the government's accounts for the year ended 31 March 2021 could not be met. A special arrangement was made to advance the tabling of the committee's report in the last council meeting on 20 October.

### ***Committee on Members' Interests***

The Committee on Members' Interests consists of seven members who are appointed by the President of the Legislative Council according to an election procedure determined by the House Committee. It considers complaints made in relation to council members' registration and declaration of interests, and 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 related to members' conduct, and gives advice and issues guidelines on such matters. In 2020-21, the committee did not receive any complaints and did not hold any meetings.

### ***Committee on Rules of Procedure***

The Committee on Rules of Procedure reviews the council's rules and the committee system, and proposes changes to the council. Its 12 members are appointed by the President of the Legislative Council according to an election procedure determined by the House Committee. In 2020-21, the committee conducted a review of the Rules of Procedure and House Rules, and held 11 closed meetings. Upon consultation with members and the committee's recommendation, four batches of amendments to the Rules of Procedure and the House Rules were endorsed by the House Committee and approved by the council, covering major areas including conduct of business in the council, imposition of financial penalties on members absent without valid reasons from a council meeting adjourned due to a lack of quorum, members' behaviour and decorum at meetings, and conduct of business in committees.

### ***Committee on Access to the Legislature's Documents and Records***

The Committee on Access to the Legislature's Documents and Records determines whether a document or record should be released for access earlier than the expiry of the closure period specified in the Policy on Access to the Legislature's Documents and Records. The committee

also sets guidelines on implementing the policy, considers any objection against the denial of access to a document or record by the Clerk to the Legislative Council, and considers any other matters relating to the policy.

In 2020-21, the committee approved 10 requests to disclose documents and records. The Clerk to the Legislative Council conducted reviews on closed documents and records in existence for more than 25 years, and approved the disclosure of 47 files. Lists of disclosed documents and records are uploaded onto the council's website.

### **House Committee**

The House Committee consists of all council members except the President of the Legislative Council<sup>4</sup> and normally meets on Friday afternoons. It deals with matters related to the work of the council and prepares 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. In 2020-21, the committee held 38 meetings.

### **Bills Committees**

Any member, other than the President of the Legislative Council, 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 the council and is dissolved on the passage of the bill or when the House Committee so decides. In 2020-21, the House Committee set up 29 bills committees to study 29 government bills.

### **Subcommittees on Subsidiary Legislation**

In 2020-21, the House Committee formed 32 subcommittees to study 128 items of subsidiary legislation and four proposed resolutions presented by the government for the council's approval.

### **Other Subcommittees**

The House Committee may also appoint subcommittees to consider policy issues and any other council-related matters. In 2020-21, four such subcommittees were in operation.

### **Panels**

The council has 18 panels for members to deliberate on policy matters and study issues of public concern. These panels also give views on major legislative and financial proposals before their introduction into the Legislative Council or its Finance Committee, and examine relevant policy matters. Panels may appoint subcommittees or joint subcommittees to study specific issues. In 2020-21, 10 such subcommittees completed their work.

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<sup>4</sup> The membership is applicable up to the end of the 2020-21 legislative session only. Amendments to the Rules of Procedure on committee membership were passed at the council meeting on 20 October and will come into effect in the seventh Legislative Council.

### **Redress System**

The council operates a system which enables members of the public to seek help 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. Members take turns, in groups of seven, to be on duty each week to oversee the redress system and to receive representations and complaints made by deputations. They also take turns to be on 'ward duty' at the Public Complaints Office during their duty week to meet with individual members of the public and to provide guidance to the office's staff on the processing of cases.

### **The Legislative Council Commission and Legislative Council Secretariat**

The Legislative Council Commission is a 13-member independent statutory body chaired by the President of the Legislative Council. Its main function is to provide administrative support and services to the council through the Legislative Council Secretariat. It employs the 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 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 public understanding of the council's work and ensure the effective operation of its redress system.

### **District Administration**

Hong Kong comprises 18 districts, each with a District Office, a District Council and a District Management Committee (DMC). Each district office is headed by a District Officer, who represents the HKSAR Government at the local level in overseeing district administration.

The 18 District Councils of the sixth term (2020-23) have 479 seats in all, comprising 452 elected seats and 27 ex-officio seats held by the chairmen of the New Territories rural committees. The councils' main function is to advise the government on matters affecting the well-being of the people in the district, and on the provision and use of public facilities and services there.

The DMCs are committees chaired by the District Officers. Each DMC comprises representatives of government departments providing essential services in the district. It provides a forum for departments to discuss and resolve district problems and to ensure district needs are met promptly.

Annual recurrent provision for the government's District-led Actions Scheme in the 18 districts has been increased from \$63 million to \$80 million from 2020-21 onwards to address long-standing problems and to capitalise on opportunities in the districts. The scheme enables the DMCs, by taking into account the views of stakeholders, to handle local issues on the management of public areas and environmental hygiene more effectively.

There are 71 Area Committees, district-based advisory bodies 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.

Twenty Home Affairs Enquiry Centres, 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, disseminating information and administering declarations and oaths (including affirmations in lieu of oaths) for private use. Residents can make appointments at the centres to consult volunteer lawyers under a Free Legal Advice Scheme administered by the Duty Lawyer Service. Rating and Valuation Department representatives are also available at five designated centres on specified days to advise on tenancy matters.

### **Improving the Electoral System**

To ensure that the electoral system of the HKSAR upholds the principle of ‘one country, two systems’ and accords with the actual situation of the HKSAR, and that the principle of ‘patriots administering Hong Kong’ can be fully implemented, the National People’s Congress (NPC) made the Decision of the NPC on Improving the Electoral System of the HKSAR on 11 March 2021 and authorised the NPC Standing Committee (NPCSC) to amend Annex I to the Basic Law on Method for the Selection of the Chief Executive of the HKSAR and Annex II to the Basic Law on Method for the Formation of the Legislative Council of the HKSAR and Its Voting Procedures. To implement the amended annexes adopted on 30 March by the NPCSC, the Legislative Council passed the Improving Electoral System (Consolidated Amendments) Ordinance 2021, which came into effect on 31 May.

### **Election Committee**

According to the amended Annex I and Annex II to the Basic Law, the Election Committee is responsible for electing the Chief Executive and 40 members of the Legislative Council as well as nominating candidates for the Chief Executive and Legislative Council elections. Its composition is expanded from 1,200 members from four sectors to 1,500 members from five sectors comprising 40 subsectors. The term of the Election Committee is five years.

For the new term Election Committee, a maximum of 982 seats are returned by subsector ordinary elections and 156 seats are returned by nomination by designated bodies of specific subsectors, while a minimum of 362 seats are ex-officio members.

The 2021 Election Committee Subsector Ordinary Elections were held on 19 September. The new Election Committee commenced its term on 22 October. It returned 40 members for the seventh-term Legislative Council in the general election held in December and will elect the sixth-term Chief Executive in 2022.

### **Method for Selection of the Chief Executive**

The Chief Executive is elected by the Election Committee and appointed by the Central People’s Government. The method for selecting the Chief Executive is prescribed in Annex I to the Basic Law. The Election Committee elects the Chief Executive by secret ballot on a one-person-one-vote basis.

According to the Basic Law, the term of office of the Chief Executive is five years, and he or she may serve for not more than two consecutive terms.



### **Method for Formation of the Legislative Council**

#### *Composition of first to sixth terms of Legislative Council*

<b>Membership</b>	<b>First term (1998-2000)</b>	<b>Second term (2000-04)</b>	<b>Third and fourth terms (2004-08 and 2008-12)</b>	<b>Fifth and sixth terms (2012-16 and 2016-21)</b>
• Elected by geographical constituencies through direct elections	20	24	30	35
• Elected by functional constituencies	30	30	30	35
• Elected by an election committee	10	6	—	—
<b>Total</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>70</b>

According to the amended Annex II to the Basic Law, the seventh-term Legislative Council (2022-25) will comprise 90 members, of whom 40 are returned by the Election Committee, 30 by functional constituencies and 20 by geographical constituencies through direct elections.

The 2021 Legislative Council General Election was held on 19 December, with 153 validly nominated candidates contesting for the 90 seats of the seventh-term council. Over 1.35 million electors in the geographical constituencies, 70,490 electors in the functional constituencies and 1,426 electors in the Election Committee constituency cast their votes.

#### *Election Committee Constituency*

At the general election for the Legislative Council in December, 40 of the 90 members were returned by the Election Committee constituency, the electorate of which is composed of all members of the Election Committee.

The Election Committee elects members of the Legislative Council from the list of nominations by secret ballot. The 40 candidates who obtain the highest numbers of votes shall be elected.

All registered geographical constituency electors aged 21 or above, who have ordinarily resided in Hong Kong for three years immediately preceding the nomination, can be nominated as candidates and do not need to be members of the Election Committee.

#### *Functional Constituencies*

For the seventh-term Legislative Council, the functional constituencies are: (1) Heung Yee Kuk; (2) agriculture and fisheries; (3) insurance; (4) transport; (5) education; (6) legal; (7) accountancy; (8) medical and health services; (9) engineering; (10) architectural, surveying, planning and landscape; (11) labour; (12) social welfare; (13) real estate and construction; (14) tourism; (15) commercial (first); (16) commercial (second); (17) commercial (third); (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) technology and innovation; (27) catering; and (28) HKSAR deputies to the NPC, HKSAR members of the National Committee of the Chinese People's Political Consultative Conference, and representatives of relevant national organisations. The labour functional constituency returns three Legislative Council members, while the other 27 return one member each.

The electorate of functional constituencies representing professional groups is generally based on membership of professions with recognised 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.

All registered geographical constituency electors aged 21 or above who have ordinarily resided in Hong Kong for three years immediately preceding the nomination, and who have registered as electors of the relevant functional constituency or have a substantial connection with that functional constituency can be nominated as candidates.

Electors of each constituency elect the Legislative Council member of their respective constituency by secret ballot.

### ***Geographical Constituencies***

All eligible persons aged 18 or above can register as electors and vote in geographical constituency elections.

At the 2021 Legislative Council General Election, the territories of Hong Kong were divided into 10 geographical constituencies, increased from the original five, with each returning two members to the seventh-term Legislative Council.

All registered geographical constituency electors aged 21 or above who have ordinarily resided in Hong Kong for three years immediately preceding the nomination can be nominated as candidates.

Electors each select one candidate by secret ballot. The two candidates who obtain the most votes in each constituency shall be elected.

### ***Electoral System for District Councils***

The District Council elections adopt a simple majority voting system. Each District Council constituency returns one elected member. The election for the sixth-term councils (2020-23) was held on 24 November 2019 with 452 constituencies.

### ***Electoral Affairs Commission***

The Electoral Affairs Commission is an independent statutory body that ensures elections in the HKSAR are conducted in an open, fair and honest manner and in accordance with the law. Headed by a High Court judge, the commission comprises three politically neutral members, including the Chairman, all appointed by the Chief Executive. It makes recommendations to the Chief Executive on the delineation of Legislative Council geographical constituencies and District Council constituencies; makes regulations on practical arrangements for the Chief Executive election, Legislative Council election, District Council election and Rural

Representative election; and handles 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 13 policy bureaux, each headed by a Director of Bureau, usually referred to as the bureau's 'Secretary'. 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 their relevant bureau secretaries for the efficient implementation of approved policies.

In addition, the Independent Commission Against Corruption (ICAC), 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 13 Directors of Bureaus are politically appointed and defined as 'principal officials' in the Basic Law. They are appointed by the Central People's Government on the Chief Executive's nomination for a five-year term, which will not exceed the term of the Chief Executive who nominates them. They are all members of the Executive Council – Hong Kong's equivalent 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.

Two other layers of politically appointed officials, the Under Secretaries and Political Assistants, support the principal officials in carrying out political work.

### **Chief Secretary for Administration**

The Chief Secretary for Administration is the leading principal official of the HKSAR Government, a member of the Executive Council, and the most senior official to assume the Chief Executive's duties 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 coordination on complex issues that straddle various policy bureaux. The Chief Secretary for Administration chairs the Policy Committee which serves as the clearing house for policy and legislative proposals before they are put to the Executive Council and the Legislative Council. The Chief Secretary for Administration is responsible for fostering relations between the government and the Legislative Council, and for drawing up the government's legislative programme.

The Chief Secretary for Administration exercises certain statutory functions, including the handling of appeals and matters of certain public bodies, and also chairs various major advisory committees.

### **Financial Secretary**

The Financial Secretary's primary responsibility is to oversee policy formulation and implementation of financial, monetary, economic, trade and development as well as innovation and technology matters. He is a member of the Executive Council and exercises control over the Exchange Fund with the assistance of the Monetary Authority.

The Financial Secretary is also in charge of the Government Budget. He outlines in the annual Budget speech the government's vision and policies to sustain economic development, presents budgetary proposals and moves the Appropriation Bill, which gives legal effect to the annual expenditure proposals in the Budget.

### **Policy Innovation and Co-ordination Office**

The Policy Innovation and Co-ordination Office coordinates major cross-bureau policies selected by the government's senior leadership, promotes evidence-based policy research, fosters the development of a vibrant public policy research community in the city and provides 'first-stop and one-stop' project consultation and coordination services to innovative projects that can bring broad public benefits.

The office also provides secretariat support to the Chief Executive's Council of Advisers on Innovation and Strategic Development, which advises the Chief Executive on Hong Kong's future development and strategies for driving innovation.

### **Advisory and Statutory Bodies**

About 6,000 members of the public serve on around 500 advisory and statutory bodies. These bodies tap professional expertise in the community and allow a wide cross section of the community and relevant organisations to take part in the initial stage of policymaking and public-service planning, and to perform specific functions. The government maintains a regular turnover of members to ensure broad participation and the inclusion of fresh perspectives.

Some of the advisory bodies, 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 according to the relevant legislation.

### **Civil Service**

The civil service is the backbone of the government and civil servants serve the Chief Executive and the government with total loyalty and to the best of their ability. The civil service supports the government in formulating, explaining and implementing policies; conducting administrative affairs; delivering public services; and undertaking law enforcement and

regulatory functions. The civil service should be professional and efficient, consisting of people devoted and loyal to the country and Hong Kong, adept at policy making as well as execution, and driven by a strong sense of responsibility and commitment to serving the people of Hong Kong with assiduity. As at 31 December, the total strength of the civil service was 176,600, excluding about 1,500 judges, judicial officers and ICAC officers. This amounted to 4.6 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, performance management, manpower planning, training and development, staff relations, and conduct and discipline. The bureau is also the focal point for consultation with major staff associations and manages a number of grades. 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 under the Public Service Commission Ordinance. The Chief Executive is advised on civil service pay and conditions of service by three independent bodies: the Standing Committee on Directorate Salaries and Conditions of Service, which covers directorate officers excluding judges, 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, which covers the disciplined services except the heads of the disciplined services; and the Standing Commission on Civil Service Salaries and Conditions of Service, which covers all other civil servants.

The government's civil service pay policy is to offer sufficient remuneration to attract, retain and motivate staff of suitable calibre to provide the public with an effective and efficient service, and to maintain broad comparability between civil service and private sector pay.

Appointment is based on open and fair competition. The government ensures persons with disabilities and ethnic minorities, like other applicants, have equal access to job opportunities in the civil service.

For all civil service positions requiring academic qualifications at or above completion of secondary education level, the job applicants must sit and pass the Basic Law Test.

All civil servants are required to declare that they will uphold the Basic Law, bear allegiance to the HKSAR, be dedicated to their duties and be responsible to the government. Civil servants appointed to senior positions are also required to take an oath.

The government monitors staff turnover for manpower planning purposes. Overall wastage in the civil service was 4.8 per cent in 2020-21.

The government monitors the size of the civil service for prudent financial management. The civil service grew mostly between 1 and 1.9 per cent annually from 2007-08 to 2020-21.

In 2021-22, the civil service establishment is maintained with zero growth to contain the growth in government expenditure.

The government maintains close communication with staff and consults them on issues of concern through various channels, including an established staff consultation mechanism which consists of four staff consultative councils at the central level and some 90 consultative committees at the departmental level.

Exemplary performance is recognised through various commendation schemes to motivate civil servants to provide quality service to the public, including the Secretary for the Civil Service's Commendation Award Scheme that recognises individuals with consistently outstanding performance, and the Civil Service Outstanding Service Award Scheme for achievements in service excellence on a departmental or team basis. For persistent substandard performers who fail to improve, action will be taken to retire them in the public interest. Staff misconduct is handled under an established disciplinary mechanism for punitive and deterrent purposes. The Civil Service Bureau and the ICAC jointly run an ethical leadership programme to instil a culture of probity in the civil service.

During the fight against COVID-19, not only did the civil service adopt flexible and innovative ways to respond to the needs of service targets, many shouldered additional responsibilities outside the purview of their departments. A large number of serving and retired civil servants performed anti-epidemic duties such as medical surveillance, contact tracing, virus testing, quarantine, vaccination and treatment. Under the COVID-19 Vaccination Programme, the government set up 29 Community Vaccination Centres across the territory from February. About 1,200 serving civil servants were deployed to provide administrative support to these centres between February and April. To safeguard staff health and safety while maintaining emergency and essential public services, the government allowed some employees to work from home during the pandemic; government employees who had not been vaccinated were also required to undergo regular testing.

### **Civil Service College**

The government attaches great importance to civil service training and established the Civil Service College in December. The college provides training to deepen civil servants' understanding of the country's development and HKSAR's constitutional order, strengthen leadership development and innovation and technology application, and broaden their international horizons and global outlook. The college organises various training courses, thematic talks, visits and exchanges and enhances e-learning resources to encourage continuous learning in the civil service. It also arranges training programmes in the Mainland and overseas, provides advisory services for bureaus and departments on human resources management, and implements various schemes to encourage civil servants to strive for service excellence.

The college is temporarily based in North Point Government Offices while its long-term accommodation, under construction as part of the Kwun Tong Composite Development Project, is expected to complete in phases from end-2026.

The government has set up the Civil Service Training Advisory Board to give guidance on training programmes for the civil service and its long-term development strategy.

### **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 competent in Cantonese, Putonghua and spoken English. Important government documents are issued in both official languages, while correspondence with the public is conducted in the language appropriate to the recipient. The Civil Service Bureau's Official Languages Division helps implement the government's language policy, and provides bureaux and departments with a range of language-related support.

### **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. With regard to records management, the GRS formulates policies, guidelines and procedures; develops systems and oversees their implementation; and sets standards, gives guidance and provides training to bureaux and departments on good practices. It assists bureaux and departments in the intermediate storage of inactive government records and microfilming.

The GRS sets the standards and functional requirements of electronic record-keeping systems in the government and provides support and advice to bureaux and departments in developing or adopting such systems.

The GRS appraises, acquires, preserves and provides access to government records of enduring value. Through its public programme, reference service and online educational resources, the 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 the research and study of Hong Kong. Members of the public can visit the Hong Kong Public Records Building in Kwun Tong or use the GRS website to search the archives and browse the online exhibitions and educational resources portal, among other services.

### **The Ombudsman**

The Ombudsman, established under The Ombudsman Ordinance, is the city's independent watchdog of public administration. The Ombudsman investigates actions by government departments and public bodies for administrative deficiencies, and recommends remedial measures to improve the standard of public administration of Hong Kong.

The Ombudsman's functions and powers include investigation of complaints of maladministration against government departments/agencies and 27 public bodies listed in Part I of Schedule 1 to the ordinance to ensure:

- 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 quality and efficiency.

The Ombudsman is also empowered to investigate complaints of non-compliance with the Code on Access to Information against all government departments, including organisations listed in Part II of Schedule 1 to the ordinance, such as the Hong Kong Police Force and the ICAC.

Besides investigating complaints, the Ombudsman may initiate direct investigations into matters of public interest and widespread concern, and publish reports to redress administrative flaws of a systemic nature and address fundamental problems or the underlying causes of complaints. The reports of all direct investigations are available on the website of the Office of the Ombudsman.

The Ombudsman completed nine direct investigations in 2020-21, which concerned:

- the Leisure and Cultural Services Department's allocation of swimming lanes in public swimming pools and its monitoring mechanism;
- the effectiveness of the Joint Office for Investigation of Water Seepage Complaints in handling water seepage reports;
- the Food and Environmental Hygiene Department's monitoring of outsourced street cleansing services;
- the utilisation of low-charge hospital beds in private hospitals;
- the Leisure and Cultural Services Department's regulation of public coaching activities at public swimming pools;
- the arrangements for production, distribution, stocktaking and use of surgical masks manufactured by the Correctional Services Department;
- the maintenance and repair of play and fitness equipment in public rental housing estates managed by the Housing Department;
- the government's handling of misconnections of private building sewers to stormwater collection systems; and
- the government's mechanism for monitoring vaccines provided by private healthcare facilities.



In 2020-21, the Ombudsman received 7,505 enquiries and 29,814 complaints and concluded 30,021 (97.7 per cent) of all cases received during the year and those brought forward from the previous year. A substantial number of complaints related to error, wrong advice or decision, ineffective control, and delay or inaction.

As at 31 March, 86.6 per cent of recommendations made by the Ombudsman had 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.

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 reports 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, and reviews the financial operations of multifarious government-subsidised organisations.

The director carries out two types of audit: regularity audits and value-for-money audits. Regularity audits aim to provide an overall assurance of the general accuracy and propriety of the financial and accounting transactions of the government and other audited bodies. Value-for-money audits aim 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 has statutory authority to conduct value-for-money audits, these audits are carried out according to a set of guidelines agreed between the director and the legislature's Public Accounts Committee and accepted by the government.

The director's reports are submitted to the President of the Legislative Council and laid before the council, where they are considered by the committee. Public hearings for Report No 75, which was submitted in 2020, were postponed to March 2021 because of the pandemic. The committee selected three of 10 chapters for public hearings and investigated the remaining seven through written enquiries.

In 2021, the director submitted two reports: one on the audit certification of the government's accounts for the preceding financial year and one on the results of value-for-money audits, Report No 76. The committee investigated all seven chapters through written enquiries and decided that a detailed investigation by way of public hearings would not be conducted.

In light of the prorogation of the sixth Legislative Council on 30 October 2021, normal procedures for submitting Report No 77 to the President of the Legislative Council in October 2021 and tabling the Report in November 2021 could not be adopted. The Audit Commission, with the agreement of the President of the Legislative Council, the committee and the Financial Services and the Treasury Bureau and the approval of the Chief Executive, deferred the

submission of Report No 77 to the next term of the Legislative Council and no later than 7 April 2022 (the deadline for submission of Report No 78).

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

The director's reports on the accounts of other public bodies were submitted to the relevant authorities according to the legislation governing those bodies' operation.

### **The HKSAR's External Affairs**

Active participation in international activities and close liaison with international partners have enabled the HKSAR to maintain its status as a global financial, trade, aviation and shipping centre. In 2021, HKSAR Government representatives took part as members of the PRC delegation in 70 international conferences limited to states<sup>5</sup>. HKSAR Government representatives also attended 1,996 international conferences not limited to states<sup>6</sup> using the name 'Hong Kong, China'.

The HKSAR Government also concluded eight bilateral agreements with foreign states and regions and international organisations that covered free trade, finance, cultural cooperation and other matters.

Foreign representation in the HKSAR includes 63 consulates-general and 57 honorary consulates. Six international bodies<sup>7</sup> have representative offices in Hong Kong.

### **Working Relationship with Office of the Commissioner of the Ministry of Foreign Affairs**

The HKSAR Government works closely with the Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong in these areas:

- participation in international organisations and conferences, such as obtaining the Central People's Government's views for HKSAR Government officials to take part in international conferences limited to states as members of the PRC delegation;
- negotiation and conclusion of agreements, such as obtaining the Central People's Government's authorisation to negotiate and conclude agreements with foreign states as necessary;
- consular protection for Hong Kong residents in distress overseas; and
- matters relating to consular missions in the HKSAR.

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<sup>5</sup> Including those organised by the International Civil Aviation Organisation, World Health Organisation and World Intellectual Property Organisation.

<sup>6</sup> Including those organised by the Asia-Pacific Economic Cooperation, World Customs Organisation and World Trade Organisation.

<sup>7</sup> These are listed at Appendix 4.

## **Working Relationship with Mainland and Macao Authorities**

The Constitutional and Mainland Affairs Bureau coordinates contact between the HKSAR Government and the Mainland and Macao authorities; promotes regional cooperation between Hong Kong and the Mainland, and between Hong Kong and Macao; and oversees the operation of the HKSAR Government's Mainland offices.

The Hong Kong and Macao Affairs Office of the State Council facilitates the HKSAR Government's development of contacts with the Mainland authorities, and liaises closely with the HKSAR Government on matters of mutual concern and on arrangements for official visits between Hong Kong and the Mainland.

## **Regional Cooperation with the Mainland**

The HKSAR Government is committed to strengthening regional cooperation with the Mainland and acting as a facilitator and promoter, so as to identify more business and development opportunities for Hong Kong people and enterprises. Hong Kong participates in the development of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA); deepens regional cooperation with the Pan-Pearl River Delta (PPRD) region, Guangdong, Beijing, Shanghai, Fujian, Sichuan, Hubei and Shenzhen; and promotes regional cooperation with the other provinces and municipalities by adopting a pragmatic approach and launching initiatives once they are ready.

## **Development of the Greater Bay Area**

The GBA comprises the two SARs of Hong Kong and Macao as well as nine municipalities in Guangdong: Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing.

The majority of the 24 policy measures earlier approved in principle by the Leading Group for the Development of the Guangdong-Hong Kong-Macao Greater Bay Area have been implemented, including the use of Hong Kong-registered drugs and common medical devices in designated Hong Kong-owned healthcare institutions in the GBA, Cross-Boundary Wealth Management Connect Scheme and the liberalisation of legal, insurance and construction-related professional services.

The 'Outline of the 14th Five-Year Plan for National Economic and Social Development of the People's Republic of China and the Long-Range Objectives Through the Year 2035' was approved at the fourth session of the 13th NPC on 11 March. On high-quality GBA development, the National 14th Five-Year Plan mentions the deepening and widening of mutual access between the financial markets of Hong Kong and the Mainland and strengthening exchanges and cooperation between Hong Kong and the Mainland on different fronts, and, for the first time, includes the Shenzhen-Hong Kong Loop as a major platform of cooperation in the GBA.

On 22 April, the Chief Executive attended the thematic meeting of the leading group hosted by the Vice-Premier of the State Council, Mr Han Zheng, in Guangzhou to further promote the development of the Shenzhen-Hong Kong Innovation and Technology Cooperation Zone and

the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone, both of which would bring more new opportunities to Hong Kong people and enterprises.

On 6 September, the Central People's Government promulgated the Plan for Comprehensive Deepening Reform and Opening Up of the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone, a key strategic plan to elevate cooperation between Guangdong, Hong Kong and Macao. The plan utilises modern service industries as an entry point to develop a system of modern services compatible with Hong Kong and international standards and to further promote Guangdong/Hong Kong and Hong Kong/Shenzhen cooperation, to enable Hong Kong to better integrate into the overall development of the country.

On 14 May, the Chief Executive led the HKSAR delegation to convene the 22nd Plenary of the Hong Kong/Guangdong Cooperation Joint Conference with the Guangdong delegation through video conferencing. Five cooperation agreements were signed after the meeting. On 6 September, the Chief Executive led the HKSAR delegation to Shenzhen for the High-level Meeting and Hong Kong/Shenzhen Cooperation Meeting 2021 with a delegation from the Shenzhen Government. The governments of the HKSAR and Shenzhen had earlier agreed to set up 19 working groups to take forward Hong Kong/Shenzhen cooperation on all fronts.

### **Cooperation with Other Mainland Provinces and Municipalities**

The HKSAR Government cooperates with various provincial and municipal governments in areas including trade, finance, innovation and technology, creative industries and youth exchanges. In August, the Chief Executive and the Mayor of Shanghai co-chaired the Fifth Plenary Session of the Hong Kong/Shanghai Cooperation Conference through video conferencing. In September, the Chief Executive and the Secretary of the Communist Party of China (CPC) Sichuan Provincial Committee, leading the government delegations of both sides, held the High-Level Meeting and Second Plenary Session of the Hong Kong/Sichuan Cooperation Conference in Chengdu, and participated in the 2021 PPRD Regional Cooperation Chief Executive Joint Conference. In November, the Chief Executive and the Secretary of the CPC Hubei Provincial Committee, leading the government delegations of both sides, held the High-Level Meeting and First Plenary Session of the Hong Kong/Hubei Cooperation Conference in Wuhan, during which a new cooperation mechanism between Hong Kong and Hubei was established. This was the first high-level government cooperation mechanism established by the HKSAR with a central region province of the Mainland.

### **The HKSAR's Offices in the Mainland**

The HKSAR Government has five offices in the Mainland: the Beijing Office and the four Hong Kong Economic and Trade Offices (ETOs) in Chengdu, Guangdong, Shanghai and Wuhan<sup>8</sup>. It also has 11 liaison units, located in Liaoning, Tianjin, Shenzhen, Fujian, Guangxi, Shandong, Zhejiang, Chongqing, Shaanxi, Hunan and Henan. These offices and units enhance

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<sup>8</sup> The Beijing Office covers Beijing, Gansu, Hebei, Heilongjiang, Inner Mongolia, Jilin, Liaoning, Ningxia, Tianjin and Xinjiang. The Guangdong ETO covers Fujian, Guangdong, Guangxi, Hainan and Yunnan. The Shanghai ETO covers Anhui, Jiangsu, Shandong, Shanghai and Zhejiang. The Chengdu ETO covers Chongqing, Guizhou, Qinghai, Shaanxi, Sichuan and Tibet. The Wuhan ETO covers Henan, Hubei, Hunan, Jiangxi and Shanxi.

government-to-government liaison as well as trade and commercial relations and investment promotion in the Mainland, provide support to Hong Kong residents and enterprises in the Mainland, promote Hong Kong, and enhance the exchanges between Hong Kong and the Mainland in arts and culture, youth as well as other sectors. Immigration divisions operate in the five offices to provide practical help to Hong Kong residents in distress or seeking assistance in the Mainland, handle immigration matters, and provide an application and replacement service for HKSAR passports as well as a replacement service for HKSAR Document of Identity for Visa Purposes and HKSAR Re-entry Permits.

### Exchanges with Taiwan

Hong Kong and Taiwan have close economic, cultural and social ties. Taiwan was Hong Kong's second-largest trading partner in goods, with two-way trade amounting to US\$88,900 million in 2021. Because of COVID-19, the number of arrivals from Taiwan to Hong Kong in 2021 fell to about 2,500.

### Websites

Administration Wing, Chief Secretary for Administration's Office: [www.admwing.gov.hk](http://www.admwing.gov.hk)

Audit Commission: [www.aud.gov.hk](http://www.aud.gov.hk)

Civil Service Bureau: [www.csb.gov.hk](http://www.csb.gov.hk)

Constitutional and Mainland Affairs Bureau: [www.cmab.gov.hk](http://www.cmab.gov.hk)

Government Records Service: [www.grs.gov.hk](http://www.grs.gov.hk)

Guangdong-Hong Kong-Macao Greater Bay Area: [www.bayarea.gov.hk](http://www.bayarea.gov.hk)

Home Affairs Bureau: [www.hab.gov.hk](http://www.hab.gov.hk)

Hong Kong Economic, Trade and Cultural Office (Taiwan): [www.hketco.hk](http://www.hketco.hk)

Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council:  
[www.eccpc.org.hk](http://www.eccpc.org.hk)

Legislative Council: [www.legco.gov.hk](http://www.legco.gov.hk)

Office of The Ombudsman: [www.ombudsman.hk](http://www.ombudsman.hk)

Protocol Division: [www.protocol.gov.hk](http://www.protocol.gov.hk)