

Chapter 2

Legislative Council

Powers and Functions

Under the Basic Law, the Legislative Council of the Hong Kong Special Administrative Region (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 seventh Legislative Council comprises 90 members¹, of whom 40 were returned by the Election Committee, 30 were returned by functional constituencies and 20 were returned by geographical constituencies through direct elections. The election for the seventh Legislative Council was held on 19 December 2021 and its term of office is four years from 1 January 2022 to 31 December 2025. The President of the Legislative Council is elected by and from the council's members.

¹ There were changes in the membership of the seventh Legislative Council in 2022 giving rise to vacancies. The details are available in the 'Members' section of the Legislative Council website (www.legco.gov.hk).

Council Meetings

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 Putonghua. 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 2022 legislative session from January to December, the council held 33 meetings, including five Chief Executive's question and answer sessions. Members asked 115 oral questions on the government's work with 634 supplementary questions, and another 413 written questions. The council passed 17 bills. It also passed 12 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 one item which was tabled during 2020-21, and also 175 out of 183 items tabled in 2022, with the remaining eight items to be scrutinised in 2023.

Committees

Finance Committee

The Finance Committee consists of no fewer than 50 members except the President of the Legislative Council, 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 no fewer than 15 including the Chairman.

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 2022, the Finance Committee held 19 meetings to scrutinise financial proposals, eight special meetings comprising 21 sessions to examine the Estimates of Expenditure and two meetings to receive the Financial Secretary's briefings on Hong Kong's latest overall economic situation and the Budget. The committee considered and approved 70 financial proposals, namely 37 public works proposals costing about \$100.7 billion in total, 15 establishment proposals and 18 other funding proposals involving a total commitment of about \$76.8 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 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 2022, the committee held two public hearings and five closed meetings to examine the Director of Audit's Report No 77 on value-for-money audits. The committee gave its observations, conclusions and recommendations in its Report No 77, which was tabled in the council on 13 July. As at the end of the year, the committee was examining the Director of Audit's report on the government's accounts for the year ended 31 March 2022 as well as Reports No 78 and 79 on value-for-money audits, and will table its reports in the council in February 2023.

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 2022, the committee received one complaint and handled it in accordance with the Procedure of the Committee on Members' Interests for Handling Complaints.

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 2022, the committee reviewed the transfer of policy responsibilities among bureaus with regard to the reorganisation of the government structure that took effect on 1 July, and the existing scope of work of the 18 Legislative Council panels.

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 2022, the committee approved 13 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 40 files. Lists of disclosed documents and records are uploaded onto the council's website.

House Committee

The House Committee consists of no fewer than 50 members except the President of the Legislative Council, with its Chairman and Deputy Chairman elected from among its members. The committee normally meets on Friday afternoons. It deals with matters related to the work of the council and prepares for council meetings. It also decides whether bills committees or subcommittees should be formed to scrutinise bills and subsidiary legislation. In 2022, the committee held 25 meetings.

Bills Committees

A bills committee may be formed by the House Committee to scrutinise a bill. It consists of no fewer than three members and not more than 15 members including the Chairman. A bills committee considers the general merits and principles as well as the detailed provisions of the bill allocated to it, and may also consider 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 2022, the House Committee set up 14 bills committees to study government bills.

Subcommittees on Subsidiary Legislation

In 2022, the House Committee formed 19 subcommittees to study 56 items of subsidiary legislation and five 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 2022, four subcommittees on policy issues were in operation and two subcommittees on other council-related matters completed their work.

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 2022, five such subcommittees were activated and were still operational by the end of the legislative session. Another five were on a waiting list for activation.

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 supervises the operation of the secretariat and employs the secretariat's staff. It also determines the organisation and administration of support services and facilities.

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.

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 nine, 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 staff on the processing of cases.

Website

Legislative Council: www.legco.gov.hk