The Hong Kong Special Administrative Region (HKSAR) of the People’s Republic of China is headed by the Chief Executive.

She is advised on major policy decisions by the Executive Council.

The HKSAR has a two-tier system of representative government. At the central level is the Legislative Council which legislates, approves public expenditure and monitors the performance of the Administration. At the district level, 18 district councils advise on the implementation of policies in their respective areas.

The Administration, the executive arm of the Government, is organised into the Government Secretariat and departments. Government Secretariat Bureaux formulate policies and initiate legislative proposals. Departments implement laws and policies and provide direct services to the community.

The HKSAR has an independent Judiciary. It is responsible for the administration of justice and the adjudication of cases in accordance with laws.

The systems practised in Hong Kong are prescribed by the Basic Law, the constitutional document of the HKSAR which came into effect upon its establishment on July 1, 1997.

THE CHIEF EXECUTIVE
The Basic Law stipulates that the Chief Executive shall be elected by a broadly representative Election Committee in accordance with the Basic Law and appointed by the Central People's Government. The method for selecting the Chief Executive is to be specified in the light of actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

The fifth-term Chief Executive Election was held on March 26, 2017. Mrs Carrie Lam was returned and was formally appointed by the Central People’s Government as the fifth-term Chief Executive on March 31, 2017, with her term of office commencing on July 1, 2017.

According to the Basic Law and the relevant Interpretation of the Standing Committee of the National People's Congress (NPCSC), any amendments to the method for selecting the Chief Executive must go through the "Five-step" constitutional process, i.e., the making of a report by the Chief Executive to the NPCSC, the determination by the NPCSC whether to make amendments to the method of selection; the endorsement of a two-thirds majority of all the Members of the Legislative Council, the consent of the Chief Executive, and the approval by the NPCSC.

Powers and functions of the Chief Executive: The Chief Executive leads the Government of the HKSAR, decides on government policies and issues executive orders. She is responsible for the implementation of the Basic Law and other laws which, in accordance with the Basic Law, apply in the HKSAR.

She signs bills passed by the Legislative Council and promulgates laws. She also signs budgets passed by the Legislative Council and reports the budgets and final accounts to the Central People's Government for record.

The Chief Executive nominates and reports to the Central People’s Government for appointment of the principal officials of the HKSAR, and recommends their removal. She appoints or removes judges of the courts and holders of public office in accordance with legal procedures.

She implements the directives issued by the Central People’s Government in respect of the relevant matters provided for in the Basic Law and conducts, on behalf of the HKSAR Government, external affairs and other affairs as authorised by the Central Authorities.

The Chief Executive approves the introduction of motions regarding revenues or expenditure to the Legislative Council. She also decides, in the light of security and vital public interests, whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council or its committees. Her other functions include pardoning of persons convicted of criminal offences or commuting their penalties and handling of petitions and complaints.

EXECUTIVE COUNCIL
Appointment and Removal of Executive Council Members: Members of the Executive Council of the HKSAR are appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Council and public figures. At present, the membership of the Executive Council comprises the 16 Principal Officials under the Accountability System and 16 non-official Members. Members' appointment or removal is decided by the Chief Executive.

Terms of Office of Executive Council Members: Members hold office for a period no longer than the expiry of the term of office of the Chief Executive who appoints them.
The composition of the first to sixth terms of the Legislative Council by universal suffrage.

The council advises the Chief Executive, who then makes a decision. Members tender their advice individually, but the council's conclusions are presented as collective decisions. If the Chief Executive does not accept a majority opinion of the Executive Council, she shall put the specific reasons on record.

The Executive Council advises the Chief Executive on all important policies. Expenditure of public funds for policies decided by the Chief Executive in consultation with the Executive Council is subject to such funds being approved by the Legislative Council. The Executive Council also advises upon all principal legislation before it is introduced into the Legislative Council, and has the power to make subsidiary legislation under a number of ordinances passed by the Legislative Council.

LEGISLATIVE COUNCIL
According to the Basic Law, the Legislative Council of the HKSAR shall be constituted by election. The method for its formation shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.

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

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The sixth term Legislative Council election was held on September 4, 2016. The term of the office of the Legislative Council is four years which began on October 1, 2016. The President of the Legislative Council is elected by and from among the members of the Legislative Council.

Functions and Powers of the Legislative Council: As provided for in Article 73 of the Basic Law, the Legislative Council of the HKSAR exercises 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 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 council. If the committee considers the evidence sufficient to
substantiate such charges, the 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.

**Enacting Laws:** Typically, the formulation of legislative proposals may start with discussions between the Government and the relevant Legislative Council panels; the relevant advisory committees; and in many cases, chambers of commerce and trade associations, and district councils. During the course of these discussions, the original proposals may be revised until they command a high degree of general support.

The Government then submits its proposal to the Executive Council and seeks the Chief Executive in Council’s approval to introduce the bill into the Legislative Council. Usually, within about two to four weeks after the endorsement of the Executive Council, the bill will be published in the Gazette and introduced into the Legislative Council for its First Reading. After the official in charge of the bill has moved the bill’s Second Reading with a speech explaining the merits and principles of the bill, the Second Reading debate on the bill will normally be adjourned. The bill will then be referred to the House Committee for consideration.

Usually at the next House Committee meeting that follows, members will examine the bill and decide whether a Bills Committee should be formed to study the provisions. A Bills Committee thus formed will consider the general merits and principles, and the detailed provisions, of the bill allocated to it and may consider any amendments. At the conclusion of its deliberations, the Bills Committee will report back to the House Committee. The House Committee may then discuss the report of the Bills Committee for the purpose of preparing members for resumption of debate on the bill.

As soon as the above process is completed, the bill may return to the council and resumes its Second Reading debate. If the bill receives Second Reading, it will then go through the committee stage, at which amendments can be moved, after which the bill receives the Third Reading. The bill becomes law after it is signed by the Chief Executive and gazetted.

**Controlling Public Expenditure:** The Government’s budget is presented to the Legislative Council in the form of an Appropriation Bill. Similar to the process for scrutinising other bills, after the debate on the Second Reading of the Appropriation Bill is adjourned, the estimates containing the details of the financial requirements in the bill will be referred to the Finance Committee, which is a standing committee of the council, for examination. After the committee has completed examining the estimates, the debate on the Second Reading of the bill will be resumed. If supported, the bill will also go to committee stage and then proceed to Third Reading.

Other public expenditure proposals not contained in the Appropriation Bill will be scrutinised and approved by the Finance Committee which will note the financial implications of new policies.

**Policy Debates:** Following the Chief Executive’s Policy Address, Members of the Legislative Council will have the opportunity to put forward their comments in the Motion of Thanks debate. This debate usually takes place two weeks after the Chief Executive delivers his Policy Address, to be followed by the Administration’s response.

Members frequently hold debates on other issues such as important government policies or on matters of concern to the community at large.

**Meetings of the Legislative Council:** The council normally meets at 11 am every Wednesday in the Chamber of the Legislative Council Building to conduct its business while in session. The normal business includes: tabling of subsidiary legislation and other papers; reports; addresses; statements; questions; processing of bills; and motion debates.

All council meetings are open to the public and are conducted in Putonghua, Cantonese or English with simultaneous interpretation provided. The proceedings of the meetings are recorded verbatim in the *Official Record of Proceedings of the Legislative Council.*

**Committee System:** Through a system of committee, Members of the Legislative Council perform the important roles of scrutinising bills, controlling public expenditure and monitoring Government’s performance. The Legislative Council has three standing committees: the Finance Committee, Public Accounts Committee, and Committee on Members’ Interests.

**Finance Committee:** The Finance Committee consists of all members except the President. The chairman and the deputy chairman are elected from among its members. The committee normally meets in public to scrutinise and approve public expenditure proposals put forward by the Government. Public officers responsible for implementing the relevant policy may be called to answer questions raised by the committee members.

One of the roles of the Finance Committee is to scrutinise the budget presented by the Financial Secretary to the Legislative Council in the form of an Appropriation Bill, which sets out the Government’s annual expenditure proposals for the following financial year. After the bill and the draft estimates of expenditure have been examined by the Finance Committee, the bill is brought back to the council for debate.

There are two subcommittees under the Finance Committee: the Establishment Subcommittee and the Public Works Subcommittee. 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 civil service grades and ranks.

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.

Public Accounts Committee (PAC): The PAC
considers reports of the Director of Audit on the
accounts and the results of value-for-money audits of the
Government and other organisations which are
within the purview of public audit. It may invite public
officers and staff of public organisations to attend public
hearings to give explanation, evidence or information, or
any other persons to assist it in relation to such
explanation, evidence or information. The PAC’s seven
members are appointed by the President in accordance
with an election procedure determined by the House
Committee.

Committee on Members’ Interests: The
Committee on Members’ Interests considers matters
pertaining to members’ declaration of interests and
matters of ethics in relation to their conduct. It
investigates complaints regarding members’ registration
and declaration of interests, and makes
recommendations relating to members’ interests. The
committee also examines arrangements for the
compilation, maintenance and accessibility of the
Register of Members’ Interests. The committee
comprises seven members who are appointed by the
President of the Council in accordance with an election
procedure determined by the House Committee.

House Committee: Apart from the above three
standing committees, the Legislative Council also has a
House Committee which consists of all members except
the President. Its chairman and deputy chairman are
elected among members. The committee normally
meets every Friday afternoon and is responsible for
dealing with matters related to the work of the
Legislative Council and prepares members for the full
council meetings. It also decides whether bills
committees or subcommittees should be formed as
appropriate to study bills and subsidiary legislation
which have been introduced into the Legislative Council.

Bills Committees: Any member, other than the
President, may join a bills committee to consider the
principles and merits of a bill allocated to it for scrutiny.
It may also consider the bill’s detailed provisions and
propose amendments relevant to the bill. A bills
committee tables a report in council after it has
completed its task. It is dissolved on the passage of the
bill concerned through the Legislative Council or when
the House Committee so decides.

Committee on Rules of Procedure: The
Committee on Rules of Procedure is responsible for
reviewing the Rules of Procedure of the Legislative
Council and proposing to the council such amendments
as are considered necessary. The committee consists of
12 members and they are appointed by the President in
accordance with an election procedure determined by
the House Committee.

Panels: To monitor the performance of the
Government in different policy areas, the Legislative
Council has established 18 panels to monitor and
examine government policies. These panels also give
views on major legislative or financial proposals before
their formal introduction into the council or Finance
Committee, and examine important issues of wide public
concern as referred by the council, House Committee or
as raised by the panel members themselves.

DISTRICT ORGANISATIONS
District Councils: The fifth District Council election of
the HKSAR was held on November 22, 2015 to return
431 elected members to the 18 District Councils.
Besides, there are 27 ex-officio members (who are Rural
Committee chairmen in the New Territories). The 18
District Councils advise the Government on matters
affecting the well-being of the people and on the
adequacy and priorities of government programmes in
their respective districts. The District Councils also
undertake environmental improvements and promote
recreational, cultural and community activities within
their respective districts. Their term of office is four
years starting from January 1, 2016.

THE GOVERNMENT
The main administrative and executive functions of
government are carried out by 13 policy bureaux in the
Government Secretariat, and 56 departments and
agencies, mostly staffed by civil servants.

Under the accountability system for principal
officials implemented since July 2002, the Chief
Secretary for Administration, the Financial Secretary,
the Secretary for Justice and the various Directors of
Bureaux are the most important officials within the
Government. The Chief Secretary for Administration is
the most senior among the three Secretaries of
Departments to deputise for the Chief Executive. The
Chief Secretary for Administration assists the Chief
Executive in supervising the policy bureaux as directed
by him and plays a key role in ensuring harmonisation in
policy formulation and implementation.

The Civil Service: The civil service system provides the
staff for all government departments and other units of
the Administration. It employed about 166600 people
(excluding judges, judicial officers, ICAC officers and
locally engaged staff working in overseas Hong Kong
Economic and Trade offices), representing about four
per cent of Hong Kong’s labour force, as at December
31, 2016. Wastage from all sources, including
resignation and retirement, ranges from two to five per
cent of strength from 2003/04 up to now. To facilitate the
delivery of new policy initiatives and improvement of
services to the public, the annual growth of the civil
service establishment had been in the range of 1 per
cent to 1.5 per cent between 2007/08 and 2016/17. In
2017/18, the civil service establishment is estimated to
increase by about 2 per cent.

The civil service is a unified service in the sense
that all its employees are subject to common
appointment procedures and similar disciplinary codes.
The civil service supports the Chief Executive and the Government of the day in formulating, explaining and implementing policies; conducting administrative affairs; delivering public services; and undertaking law enforcement and regulatory functions.

In accordance with the Basic Law, new recruits appointed to the civil service on or after July 1, 1997 must be HKSAR permanent residents, save for certain specified exceptions.

LEGAL SYSTEM
Criminal Prosecutions: The Secretary for Justice, who heads the Department of Justice, is ultimately responsible for all prosecutions in Hong Kong. It is for him to decide whether or not prosecutions should be instituted in any particular case, and it is his responsibility to conduct and control prosecutions.

The Secretary for Justice plays no part in the investigation of criminal offences, as that is the responsibility of the police force and the other law enforcement agencies. However, once the agencies have completed the investigation it is for the Secretary for Justice to decide whether or not that evidence justifies the preferment of criminal charges against any person. Public interest is also a relevant consideration. In making decisions on prosecution policy, the Secretary for Justice acts as an independent officer, independent, that is, of the Government of which he is a member and of the courts before which he prosecutes. The function which he exercises in this area is part of his function as guardian of the public interest. The principle of prosecutorial independence is guaranteed by Article 63 of the Basic Law, which provides that the Department of Justice of the HKSAR shall control criminal prosecutions, free from any interference.

The Secretary for Justice and his counsel do not themselves advise on every prosecution which is brought. Some minor prosecutions heard before magistrates are routine matters which are dealt with by law enforcement agencies along settled guidelines issued under the authority of the Secretary for Justice and without individual reference to the Department of Justice. The Secretary for Justice does, however, supervise prosecutions generally and he personally, or by way of specific delegation, considers many sensitive cases and all cases where the law provides that prosecutions may not be brought without his consent.

The Organisation of the Judiciary in Hong Kong: The courts of justice in Hong Kong comprise the Court of Final Appeal, the High Court (which includes the Court of Appeal and the Court of First Instance), the Competition Tribunal, the District Court (which includes the Family Court), the Lands Tribunal, the Magistrates’ Courts (which include the Juvenile Court), the Coroner’s Court, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal.

Powers and Duties of the Judiciary: The Judiciary is responsible for the administration of justice in Hong Kong. It hears all prosecutions and civil disputes, including disputes between individuals and the Government. It is fundamental to Hong Kong’s legal system that members of the judiciary are independent of the executive and legislative branches of government.

Independent Trial: It is a fundamental principle of common law jurisdictions that members of the judiciary are completely independent of the executive organ of government in the performance of their judicial duties. This principle has always been applied in Hong Kong. The exercise of the power to govern is itself accountable to the law. Neither the Chief Executive, the civil service nor any police officer is able to exercise a power unless he can point to some authority in law for his acts. An individual can seek redress before the court if the power of government is exceeded or abused. He has against the Government generally the same remedies for wrongdoing as are available against fellow citizens. The independent judiciary, which is responsible to the law itself and not to the Government, will uphold the rule of law and safeguard the rights and freedoms of the individual. Those who frame new laws are inhibited from infringing human rights or well-established legal principles declared and developed by generations of judges.

Jury System: The most serious type of criminal offences, such as murder, manslaughter, rape, armed robbery and drug offences involving large quantities, are tried by a judge of the Court of First Instance of the High Court, sitting with a jury consisting of seven or, where a judge so orders, nine. It is the jury which decides whether the accused is guilty or not guilty and a majority vote is required. The size of the majority required varies depending on the size of the jury. In some civil cases, a party may elect to have the issues of fact tried by jury.

If a coroner decides to hold an inquest with a jury, a jury of five will be appointed. In certain defined circumstances an inquest with a jury is mandatory. The purpose of an inquest is to establish the identity of a deceased person and the cause and circumstances connected with the death.