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Report of Panel on Constitutional Affairs

Hong Kong Special Administrative Region Precedence Table

Purpose

This paper reports on the deliberations of the Panel on Constitutional Affairs on the issue of the order of Legislative Council (LegCo) Members on the Hong Kong Special Administrative Region (HKSAR) Precedence Table.

Background

2. At the House Committee meeting on 8 December 2000, a Member raised concern about the precedence accorded to LegCo Members on the Precedence Table after 1 July 1997. He queried why Principal Officials and Directors of Bureaux should rank ahead of LegCo Members on the HKSAR Precedence Table. He was of the view that LegCo Members should rank immediately after Members of the Executive Council (ExCo), as in the case before 1 July 1997. The House Committee agreed that the matter should be followed up by the Panel on Constitutional Affairs.

Deliberations of the Panel

Overseas practices

3. In response to the request of the Panel, the Administration has looked into the order of precedence in the United States of America (USA), the United

Kingdom (UK) and the Republic of France. The Panel has noted that in the USA, Senators and Members of the House of Representatives rank immediately after cabinet members and other senior government officials. In the UK, Members of Parliament do not appear as a category on the precedence list. Their ranking is in practice judged on a case by case basis. In France, Members of the National Assembly and Senators rank after senior government members.

4. Members consider that it would not serve any meaningful purpose to make a direct comparison on the order of precedence between the HKSAR and overseas systems, given that the political structure and historical development of each country is different.

HKSAR Precedence Table

5. The Panel has noted that the major difference in the order of precedence accorded to LegCo Members prior to and after 1 July 1997 is as follows -

Pre-1997 - LegCo Members ranked 10th, before Justices of Appeal/Judges of the High Court and other Secretaries and Heads of Group I Departments who ranked 13th and 18th respectively.

Post-1997 - LegCo Members rank 9th, after Principal Officials/Directors of Bureaux, and Judges of the Court of Final Appeal (CFA)/Chief Judge of the High Court who rank 7th and 8th respectively.

Copies of the HKSAR Precedence Table and the former Hong Kong Precedence Table are at **Appendices I and II** respectively. A comparison of the two Precedence Tables is at **Appendix III**.

6. The Administration has explained that the post-1997 Precedence Table is

drawn up with reference to HKSAR's constitutional framework and also takes account of the status of certain categories of persons recognized by the Basic Law -

- (a) Principal Officials/Directors of Bureaux; and
- (b) Judges of CFA and the Chief Judge of the High Court of the HKSAR.

7. Members have the following observations and comments -

- (a) Prior to 1997, all judges except the Chief Justice, and Government officials except the Chief Secretary, the Financial Secretary and the Attorney General ranked after LegCo Members on the Precedence Table. After 1997, LegCo Members rank after Principal Officials/Directors of Bureaux as well as Judges of CFA and the Chief Judge of the High Court;
- (b) Prior to 1997, the President of LegCo ranked ahead of ExCo Members who were followed immediately by LegCo Members. After 1997, the President of LegCo ranks immediately after the Convenor of ExCo, and there are several categories of persons including ExCo Members, Principal Officials/Directors of Bureaux as well as judges of CFA and the Chief Judge of the High Court, between the President of LegCo and LegCo Members;
- (c) The argument that Principal Officials and Directors of Bureaux should be accorded higher precedence than LegCo Members in the HKSAR Precedence Table on the ground that their status is recognized by the Basic Law is not convincing, because the status of LegCo Members is also recognized by the Basic Law;
- (d) There should be no question of ExCo Members ranking ahead of

LegCo Members, given that the Basic Law makes no reference to individual ExCo Members. There is also no reason for the Convenor of ExCo, who has no substantive duties and functions, to be accorded higher precedence than the President of LegCo;

- (e) The fact that LegCo Members rank after Principal Officials/Directors of Bureaux would give an impression to overseas countries that LegCo Members have a lower status and are less important than Principal Officials/Directors of Bureaux in the political structure of Hong Kong; and
- (f) LegCo should be given a higher standing as its Members have the mandate of the people. The present arrangement reflects that the executive authorities pay no respect to LegCo.

8. The Administration has explained that the HKSAR Precedence Table is basically used as a guideline in organizing government and official functions, in particular in seating or receiving guests, and for facilitating business among governments. In drawing up the order of precedence for the HKSAR, the Administration has taken into consideration the changes in the political structure of Hong Kong in the years leading to July 1997. For instance, the Chief Secretary, the Financial Secretary and the Attorney General are no longer ex-officio Members of LegCo since 1995-96, and there is a new category of judges following the establishment of the Court of Final Appeal in 1997.

9. Despite the Administration's explanation, some members remain of the view that the Government has introduced a fundamental change to the order of precedence after 1 July 1997 which is unjustified. They urge the Chief Executive to reconsider the matter having regard to members' views. In response to the request of the Panel, the Administration has agreed to convey members' views to the Chief Executive.

10. On 10 April 2001, the Director of Administration advised in writing that the

views of members of the Panel have been duly conveyed to the Chief Executive.

Advice Sought

11. The House Committee is invited to note the deliberations of the Panel and the present position of the matter.

Council Business Division 2
Legislative Council Secretariat
18 May 2001

香港特別行政區排名表
Hong Kong Special Administrative Region Precedence Table

1. 行政長官 The Chief Executive
2. 終審法院首席法官 The Chief Justice of the Court of Final Appeal
3. 政務司司長 The Chief Secretary for Administration
4. 財政司司長 The Financial Secretary
5. 律政司司長 The Secretary for Justice
6. 行政會議召集人 The Convenor of the Executive Council
立法會主席 The President of the Legislative Council
其他行政會議成員 Other Members of the Executive Council
7. 主要官員／局長 Principal Officials/Directors of Bureaux
8. 終審法院常任法官 Permanent Judges of the Court of Final Appeal
終審法院非常任法官 Non-Permanent Judges of the Court of Final Appeal
高等法院首席法官 The Chief Judge of the High Court
9. 其他立法會議員 Other Members of the Legislative Council
10. 總領事 Consuls-General*
11. 宗教領袖 Religious Leaders
12. 獲頒大紫荊勳章的人士 Recipients of the Grand Bauhinia Medal
13. 各大學校長 Heads of Universities
14. 高等法院上訴法庭法官 Justices of Appeal of the Court of Appeal of the High Court
高等法院原訟法庭法官 Judges of the Court of First Instance of the High Court
15. 公務員敘用委員會主席 The Chairman of the Public Service Commission
申訴專員 The Ombudsman
16. 領事主管／名譽領事 Consuls-in-charge/Honorary Consuls*
17. 首長級第六級或以上官員 Officials of Directorate Grade 6 Rank and above
18. 區域法院法官 District Judges
19. 區議會主席 District Council Chairmen
20. 獲頒金紫荊星章的人士 Recipients of the Gold Bauhinia Star
21. 太平紳士 Justices of the Peace

*代表名義排名 Signifies courtesy precedence

1. The Governor 總督
2. The Chief Justice 首席大法官
3. The Chief Secretary 布政司
4. The Commander British Forces, Hong Kong, if of the rank of Major General 駐港三軍司令，如屬少將軍階
- *5. (a) The Bishop of Hong Kong 香港聖公會港澳教區主教
(b) The Roman Catholic Bishop of Hong Kong 羅馬天主教香港教區主教
6. Financial Secretary 財政司
7. Attorney General 律政司
8. President of the Legislative Council 立法局主席
9. Members of the Executive Council 行政局議員
10. Other Members of the Legislative Council 立法局其他議員
- *11. (a) Commonwealth Commissioners and Consuls-General de Carriere 英聯邦國家駐港總領事及其他國家的駐港總領事
(b) Acting Commonwealth Commissioners and Acting Consuls-General de Carriere 英聯邦國家署理駐港總領事及其他國家的署理駐港總領事
(c) Honorary Consuls-General 名譽總領事
(d) The Senior British Trade Commissioner 英國高級商務專員
- *12. Heads of Universities 各大學校長
13. (a) The Justices of Appeal 上訴法院大法官
(b) The Judges of the High Court 高等法院大法官
- *14. Knights 爵士
15. (a) The Commissioner of Police 警務處處長
(b) The Chairman of the Public Service Commission 公務員敘用委員會主席
(c) The Ombudsman 申訴專員
(d) The Commissioner of the Independent Commission Against Corruption 廉政專員
(e) The Chairman of the Urban Council 市政局主席
(f) The Chairman of the Regional Council 區域市政局主席
- *16. Consuls de Carriere who are Heads of Post 擔任領事館首長的駐港領事
17. Honorary Consuls who are Heads of Post 擔任領事館首長的名譽領事
18. Other Secretaries and Heads of Group I Departments 其他司級人員和第 1 組部門首長
19. Chief of Staff and Senior Naval Officer 總參謀和駐港皇家海軍高級軍官
- *20. The Hong Kong Commissioner, London 香港政府駐英專員
21. Other Members of the Urban and Regional Councils 市政局和區域市政局的其他成員
22. Administrative Officer Staff Grade "A" and Heads of Departments of similar status 首長級甲級政務官和同等職級的部門首長
23. The District Judges 地方法院法官
24. District Board Chairmen 區議會主席
- *25. Companions, Commanders, Officers and Members of Orders of Chivalry 獲頒英國各級武士團勳銜人士
- *26. Justices of the Peace 其他太平紳士

*Signifies honorary precedence*代表名譽排名

A comparison of the two Precedence Tables

Hong Kong Precedence Table

HKSAR Precedence Table

12. Governor	→	1. Chief Executive
13. Chief Justice	→	2. Chief Justice of Court of Final Appeal
14. Chief Secretary	→	3. Chief Secretary for Administration
15. Commander British Forces, Hong Kong	✖	(Removed)
16. (a) Bishop of Hong Kong	↓ to 11	
(b) Roman Catholic Bishop of Hong Kong	↓ to 11	
17. Financial Secretary	→	4. Financial Secretary
18. Attorney General	→	5. Secretary for Justice
	↑ from 9	6. Convenor of ExCo
19. President of LegCo	→	President of LegCo
20. ExCo Members	→	Other ExCo Members
	↑ from 15(a), (d) & 18 (part)	7. Principal Officials/Directors of Bureaux
	new	8. Permanent/Non-Permanent Judges of CFA Chief Judge of High Court
21. Other LegCo Members	→	9. Other LegCo Members
* 22. (a) Commonwealth Commissioners and Consuls-General de Carriere	→	*10. Consuls-General
(b) Acting Commonwealth Commissioners and Acting Consuls-General de Carriere	→	
(c) Honorary Consuls-General	→	
(d) Senior British Trade Commissioner	✖	
	↓ from 5	11. Religious Leaders
	↑ from 14	12. Recipients of Grand Bauhinia Medal
* 23. Heads of Universities	→	13. Heads of Universities
24. Justices of Appeal and Judges of High Court	→	14. Judges of High Court
25. Knights	↑ to 12	
26. (a) Commissioner of Police	↑ to 7	
(b) Public Service Commission Chairman	→	15. Public Service Commission Chairman
(c) Ombudsman	→	Ombudsman
(d) Commissioner of ICAC	↑ to 7	
(e) Urban Council Chairman	✖	(Abolished)
(f) Regional Council Chairman	✖	(Abolished)
* 27. Consuls de Carriere (Heads of Post)	→	*16. Consuls-in-charge/Honorary Consuls
28. Honorary Consuls de Carriere (Heads of Post)	→	
29. Other Secretaries and Heads of Group I Departments	↑ to 7 & 17	
30. Chief of Staff and Senior Naval Officer	✖	(Removed)
* 31. Hong Kong Commissioner, London	✖	(Removed)
32. Other Urban and Regional Councils Members	✖	(Abolished)
33. Staff Grade "A" and Heads of Departments of similar status	→	17. Officials of Directorate Grade 6 Rank and above
34. District Judges	→	18. District Judges
35. District Board Chairmen	→	19. District Council Chairmen
* 36. Companions, Commanders, Officers and Members of Orders of Chivalry	→	20. Recipients of Gold Bauhinia Star
* 37. Justices of the Peace	→	21. Justices of the Peace

* Signifies honorary precedence

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