

LegCo Panel on Constitutional Affairs

HKSAR Precedence Table

Purpose

The LegCo Panel on Constitutional Affairs has requested the Administration to prepare a paper on the precedence accorded to Members of the legislature with reference to overseas practices. This paper provides information on the order of precedence in the HKSAR as well as in the US, British and French systems.

HKSAR Precedence Table

2. The HKSAR Precedence Table is drawn up with reference to our constitutional framework and also takes account of the status of certain categories of persons recognised under the Basic Law -

- (a) Principal Officials/Directors of Bureaux; and
- (b) Judges of the Court of Final Appeal (CFA) and the Chief Judge of the High Court of the HKSAR (Judges of the CFA is a new category which has come into being with the establishment of the CFA upon the establishment of the HKSAR).

3. In the HKSAR Precedence Table, LegCo Members rank ninth. In the pre-1997 Hong Kong Precedence Table, they ranked tenth. The two

----- Precedence Tables up to the category of LegCo Members are at **Annex 1**.

Overseas Practices

4. We have looked at the order of precedence in the United States of America (USA), the United Kingdom (UK) and the Republic of France. They all have similar precedence lists. The main features of their systems are set out below.

(A) United States of America

5. The order of precedence in the USA and how it is drawn up is described in the book entitled "*Protocol - The Complete Handbook of Diplomatic Official and Social Usage*" by Mary Jane MaCaffree and Pauline Innis. It says -

“ The President of the United States determines the rank of all American officials on the Precedence List. The State Department has the responsibility of determining precedence among foreign representatives themselves, as it is the custodian of the records establishing the dates on which they were accredited to this government and therefore, of their respective seniorities. The Precedence List is used only by the White House and the State Department for official functions and is not intended to regulate relations among Americans at private social gatherings but to facilitate relations among governments in accordance with the customs and usages of diplomacy in matters of protocol. ”

6. We are advised that because protocol is subject to unexpected changes, an official order of precedence is not distributed by either the White

House or the Department of State. The general or unofficial order of precedence taken from the above-mentioned book and verified to be accurate is ----- at **Annex 2**.

7. Senators and Members of the House of Representatives rank 10th and 11th respectively on the precedence list, immediately after cabinet members and other senior government officials.

(B) *United Kingdom*

8. The book entitled “*Debretts Correct Form*” by Patrick Montague-Smith has the following description on the British system of orders of precedence. It says -

“ The only person whose precedence is absolute is the Sovereign. The precedence of all others is the Sovereign’s prerogative. Even the precedence of those who appear in the official tables of precedence [below] varies from time to time. There are many variations, depending on whether an event is national or local, and in the relationship between host and guests the requirements of courtesy and hospitality override any strict order of precedence. ”

We are advised that the order of precedence is mostly used on formal occasions, such as government and state functions, as it is seen and accepted as a fair method for seating or receiving guests without causing offence.

9. An extract of the Precedence Table of the UK up to the category of ----- Privy Counsellors is at **Annex 3**.

10. While Members of Parliament (MPs) do not appear as a category

per se on the precedence list, our understanding is that their ranking in practice is judged on a case by case basis. However, if an award or decoration has been given, then this must be taken into consideration. There is certain flexibility in where MPs are placed.

(C) *France*

11. We are advised that the President of the Republic of France, on the report of the Prime Minister, makes a “decree” from time to time in relation to public ceremonies, precedence, and civil and military honours.

12. A translation version of the order of precedence (more senior categories only) for public ceremonies held in Paris is at **Annex 4**.

13. Members of the National Assembly and Senators rank 11th and 12th respectively on the precedence list, after senior government members.

Observations

14. The order of precedence in each system is unique just as its constitutional structure is unique. A table of precedence is drawn up basically for guidance in organising government and official functions, in particular in seating or receiving guests, and for facilitating business among governments. Order of precedence can vary from time to time depending on the nature of the event and the guests involved.

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HKSAR Precedence Table

1. Chief Executive
2. Chief Justice of the Court of Final Appeal
3. Chief Secretary for Administration
4. Financial Secretary
5. Secretary for Justice
6. (a) Convenor of the Executive Council
(b) President of the Legislative Council
(c) Other Members of the Executive Council
7. Principal Officials/Directors of Bureaux*
8. (a) Permanent Judges of the Court of Final Appeal
(b) Non-Permanent Judges of the Court of Final Appeal
(c) Chief Judge of the High Court
9. Legislative Council Members

Pre-1997 HK Precedence Table

1. Governor
2. Chief Justice
3. Chief Secretary
4. Commander British Forces
5. (a) Bishop of Hong Kong
(b) Roman Catholic Bishop of Hong Kong
6. Financial Secretary
7. Attorney General
8. President of the Legislative Council
9. Members of the Executive Council
10. Legislative Council Members

* Not all official posts at Directorate Pay Scale D8 are included under this category.

The general or unofficial order of precedence of the United States of America taken from “*Protocol - The Complete Handbook of Diplomatic Official and Social Usage*”

1. President of the United States
 2. Vice President of the United States
Governor of a state when in his own state
 3. Speaker of the House of Representatives
Chief Justice of the Supreme Court
Former Presidents of the United States
American Ambassadors when at post
 4. Secretary of State
 5. Ambassadors Extraordinary and Plenipotentiary of foreign powers accredited to the US (in order of presentation of their credentials)
 6. Widows of former Presidents of the United States
 7. Ministers and Envoys Extraordinary of foreign powers accredited to the United States (in order of the presentation of their credentials)
 8. Associate Justices of the Supreme Court. Retired Chief Justices. Retired Assoc. Justices (Assoc. Justices who resign have no rank)
 9. The Cabinet (other than the Secretary of State) ranked according to the date of establishment of department;
The Secretary of the Treasury
The Secretary of Defense
Attorney General
Secretary of Interior
Secretary of Agriculture
Secretary of Commerce
Secretary of Labor
Secretary of Health and Human Services
Secretary of Housing and Urban Development
Secretary of Transportation
Secretary of Energy
Secretary of Education
Secretary of Veterans Affairs
- * Chief of Staff to the President

- * Director, Office of Management and Budget
 - * Director, Central Intelligence Agency
 - * US Representative to the United Nations
 - * Special Representative for Trade Negotiations
10. President pro tempore of the Senate
 - Senators (according to length of continuous service, if the same, arrange alphabetically)
 - Governors of States (when outside their own state)
 - Precedence in this case is determined by the state's date of admission into the Union, (see following list) or alphabetically by state
 - Acting heads of executive departments i.e. Acting Secretary of Defense
 - Former Vice Presidents of the US
 11. Members of the House of Representatives (according to length of continuous service, if the same, arrange by their state's date of admission into the Union, or alphabetically by state)
 - Delegates from the District of Columbia, Guam, Virgin Islands, American Samoa, and Resident Commissioner from Puerto Rico to the House of Representatives (non voting members)
 - * Assistants to the President
 12. Chargé d'Affaires of Foreign Powers
 - Former Secretaries of State

Note : From time to time the President makes changes in the order of precedence for specific individuals. Such individuals are marked with a * in this list.

Precedence of England and Wales
taken from “Whitaker’s Almanack 2001”

The Sovereign

The Prince Philip, Duke of Edinburgh

The Prince of Wales

The Sovereign’s younger sons

The Sovereign’s grandsons

The Sovereign’s cousins

Archbishop of Canterbury

Lord High Chancellor

Archbishop of York

The Prime Minister

Lord President of the Council

Speaker of the House of Commons

Lord Privy Seal

Ambassadors and High Commissioners

Lord Great Chamberlain

Earl Marshal

Lord Steward of the Household

Lord Chamberlain of the Household

Master of the Horse

Dukes, according to their patent of creation:

- (1) of England
- (2) of Scotland
- (3) of Great Britain
- (4) of Ireland
- (5) those created since the Union

Ministers and Envoys

Eldest sons of Dukes of Blood Royal

Marquesses, according to their patent of creation:

- (1) of England
- (2) of Scotland
- (3) of Great Britain
- (4) of Ireland
- (5) those created since the Union

Dukes' eldest sons

Earls, according to their patent of creation:

- (1) of England
- (2) of Scotland
- (3) of Great Britain
- (4) of Ireland
- (5) those created since the Union

Younger sons of Dukes of Blood Royal

Marquesses' eldest sons

Dukes' younger sons

Viscounts, according to their patent of creation:

- (1) of England
- (2) of Scotland
- (3) of Great Britain
- (4) of Ireland
- (5) those created since the Union

Earls' eldest sons

Marquesses' younger sons

Bishops of London, Durham and Winchester

Other English Diocesan Bishops, according to seniority of consecration

Suffragan Bishops, according to seniority of consecration

Secretaries of State, if of the degree of a Baron

Barons, according to their patent of creation:

- (1) of England
- (2) of Scotland
- (3) of Great Britain
- (4) of Ireland
- (5) those created since the Union

Treasurer of the Household

Comptroller of the Household

Vice-Chamberlain of the Household

Secretaries of State under the degree of Baron

Viscounts' eldest sons

Earls' younger sons

Barons' eldest sons

Knights of the Garter

Privy Counsellors

Order of Precedence for Public Ceremonies in Paris

1. The President of the Republic
2. The Prime Minister
3. The President of the Senate
4. The President of the National Assembly
5. The former President of the Republic in the order of precedence determined according to the seniority of their take of duties
6. The Government (Ministers forming the Government) in the order of precedence decided by the President of the Republic
7. The former Presidents of the Council *
and the former Prime Ministers in the order of precedence determined by the seniority of their take of duties
8. The President of the Constitutional Council
9. The Vice President of the State Council
10. The President of the Economic and Social Council
11. The Members of the National Assembly
12. The Senators
13. The judicial authority represented by the first President of the Final Court of Appeal and the public prosecutor of that court
14. The first President of the Revenue Court and the public prosecutor of that court

Note : * An office before the constitutional reform of 1958