

**Legislative Council (Powers & Privileges) Ordinance  
and  
Handling of Complaint Cases**

**Introduction**

During the meeting of the Subcommittee on Review of the Operation of the LegCo Redress System held on 19 August 1998, it was agreed in principle to extend the Legislative Council (Powers & Privileges) Ordinance to cover meetings conducted under the LegCo Redress System. It was also proposed that the existing Duty Roster Members (DRM) System should be maintained but that arrangements should be made:

- (i) to enhance consistency and continuity in handling complaint cases of similar nature; and
- (ii) to facilitate Members returned by the relevant geographical constituencies and functional constituencies to take part in cases handled by Duty Roster Members.

**Options**

2. This paper proposes two options which may fulfill the above purposes:

Option 1

3. The Legislative Council (Powers & Privileges) Ordinance may be amended so that the privileges and immunities conferred under Sections 3 and 4 of the Ordinance - copy of the sections attached - are extended to cover Members' meetings with complainants and the Administration conducted under the LegCo Redress System.

4. In order that Members not on the Duty Roster may be aware of and participate in the cases handled by the Duty Roster Members, notice of meeting with deputation will be issued to all 60 members. Written notice of the place, date and time of every meeting will be given to Members at least 3 days before the date of the meeting, but shorter notice may be given where urgency of the case so dictates.

5. A group of Members dealing with a deputation will follow through the complaint. The same group of Members will handle complaints on substantially the same issue lodged by the same or other deputations. This will ensure continuity and consistency in handling complaints of substantially the same nature.

6. All other arrangements for meetings with deputations and individuals will remain the same as in the existing DRM System.

Option 2

7. An alternative way of extending the Legislative Council (Powers & Privileges) Ordinance to cover meetings conducted under the LegCo Redress System is to amend the Rules of Procedure so that these meetings are made meetings of a committee of the Council. A Committee on Redress (CR) may be set up under the Council to be responsible for the policy on the Redress System. The Committee will be composed of all Members of the Council. The Chairman and Deputy Chairman of the Committee will be elected among Members. The Committee will meet as and when required. Day-to-day interviews with deputations and handling of their complaints are to be carried out by its subcommittees.

8. The Chairman of the CR will approve the weekly lists of Duty Roster Members every ten weeks (i.e. the period of one cycle on the basis of six Members each week as in the existing DRM System) compiled by the Complaints Division in consultation with Members as in existing practice. The CR Members on duty will be the 'core members' of the subcommittees. They will be responsible for overseeing the day-to-day operation of the LegCo Redress System and interviewing deputations during their duty week.

9. When a deputation requests an interview with Members, the CR Members on duty, invited Members named by the deputation and all other Members (i.e. all 60 Members) will be notified. Written notice of the place, date and time of every meeting will be given to Members at least 3 days before the date of the meeting, but shorter notice may be given where urgency of the case so dictates. Members confirming attendance at the interview will form themselves into a subcommittee of the CR. A subcommittee will consist of not less than 3 members, including the chairman to be elected among its members at its first meeting. A subcommittee will not be formed if there are less than 3 members, and the deputation will be notified accordingly. The quorum of a subcommittee shall be 3 members including the chairman. In the event that the Members actually turning up at an interview fail to meet the quorum of three, the interview with the deputation will still go ahead but, under those circumstances, the meeting will be regarded as an informal meeting which will not be covered by the Legislative Council (Powers & Privileges) Ordinance.

10. A subcommittee dealing with a deputation will follow through a complaint. The same subcommittee will handle complaints on substantially the same issue lodged by the same or other deputations. This will ensure continuity and consistency in handling complaints of substantially the same nature.

11. As in the present DRM System, CR Members on duty each week will take turns to be on ‘ward duty’ during the week to receive complaints from individuals. The ward roster would be compiled by the Complaints Division in consultation with the Members without the need to seek the approval or endorsement of the Chairman of the CR. This will maintain the flexibility of the present arrangement in compiling ward duty diaries and enable changes in the diaries at short notice as and when required.

**For Members’ consideration**

12. Members are invited to consider the above options.

Legislative Council Secretariat  
8 September 1998

PART II  
PRIVILEGES AND IMMUNITIES

3. Freedom of speech and debate

There shall be freedom of speech and debate in the Council or proceedings before a committee, and such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Council.

4. Immunity from legal proceedings

No civil or criminal proceedings shall be instituted against any member for words spoken before, or written in a report to, the Council or a committee, or by reason of any matter brought by him therein by petition, Bill, resolution, motion or otherwise.

第II部

特權及豁免權

3. 言論及辯論的自由

在立法局內及委員會會議程序中有言論及辯論的自由，而此種言論及辯論的自由，不得在任何法院或立法局外的任何地方受到質疑。

4. 有關法律程序的豁免權

不得因任何議員曾在立法局或任何委員會席前發表言論，或在提交該局或委員會的報告書中發表的言論，或因他曾以呈請書、條例草案、決議、動議或其他方式提出的事項而對他提起民事或刑事法律程序。