

Jurisdiction of the LegCo Redress System

The existing jurisdiction

Complaints and representations about the decisions and actions of all government bureaux and departments fall within the jurisdiction of the LegCo Redress System.

2. Matters outside the jurisdiction include:

- (a) Court decisions, matters which are sub-judice or could involve criminal charges, and matters relating to judicial and quasi-judicial proceedings;
- (b) Complaints against individual members of the three-tier system of representative government (i.e. LegCo, Municipal Councils and District Boards), or other Government boards and committees;
- (c) Matters outside the jurisdiction of the Hong Kong Special Administrative Region;
- (d) Matters relating to a non-government body;
- (e) Private disputes;
- (f) Labour disputes between employers and employees, including disputes between individual members of the Civil Service and Government as an employer. (If any member of the public considers that the Labour Department has not done a proper job to handle his/her labour dispute, he/she may make a complaint against the Labour Department, which is within the jurisdiction of the LegCo Redress System);
- (g) Complaints against Police or ICAC officers because of the existence of the ICAC Complaints Committee and the Independent Police Complaints Council to oversee investigation of complaints against these two departments; and
- (h) The System does not provide legal advice or legal services to complainants.

General principles of the existing jurisdiction

3. Matters listed in para 2 have been excluded from the jurisdiction of the System for the following principles :

- (a) Independence of the judicial system;
- (b) Existence of a statutory or independent channel for dealing with or overseeing the handling of a certain kind of complaints or appeals e.g. ICAC Complaints Committee, IPCC, Labour Tribunal etc;
- (c) Existence of a professional or statutory body to regulate and oversee the practice of a trade and/or the conduct and performance of its individual members in the trade, e.g. Medical Council, Law Society, etc; and/or
- (d) Outside the jurisdiction of the Legislative Council.

Proposed revision of the existing jurisdiction

4. Members may wish to revise the existing jurisdiction of the LegCo Redress System by taking into account the general principles in paragraph 3 and the following functions of the LegCo stipulated in Article 73 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China:

- Raise questions on the **work of the government** (Article 73(5));
- Debate any **issue concerning public interests** (Article 73(6)); and
- Receive and handle **complaints from Hong Kong residents** (Article 73(8)).

Legislative Council Secretariat
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