

LETTERHEAD OF GOVERNMENT SECRETARIAT

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26 November 1998

Mr Ricky C.C. Fung
Secretary General
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Secretary General,

**Legislative Council (Powers & Privileges) Ordinance
(Cap. 382)**

Thank you for your letter of 19 November.

We appreciate that Article 73(8) of the Basic Law provides for the continuation of the arrangement for the Legislative Council to receive and handle complaints from Hong Kong residents, a service which the Council has been running since the establishment of the Office of the Unofficial Members of the Executive and Legislative Council (UMELCO) in 1963.

The objective of the arrangement was, and I presume still is, to provide a channel for the public to call on the Council to put forward their views on any matter of public interest or to lodge individual complaints against decisions or policy of the Government, and thereby promote closer relationship between Members of the Council and members of the public. Over the years, the arrangement has operated smoothly with no reports of any person, Member or public officer, feeling inhibited from fulfilling their duties because of the lack of privileges and immunities (Ps&Is). Indeed even members of the public have not been found inhibited from taking their complaints to the LegCo Public Redress System (System). We therefore do not see the need for changes to a system which has been shown to serve Hong Kong well and which is well known to the clients it serves.

Our concern is also that with the provision of Ps&Is for Members and public officers under Cap. 382, but not for the complainant, members of the public might perceive as their being placed in a disadvantageous, or even unfair, position vis-a-vis Members and public officers, and might therefore shun the system. On the other hand, any attempt to provide Ps&Is for the complainants as well is not only not possible, because Cap. 382 covers only the Legislative Council, its Members and public officers designated by the Chief Executive, but also undesirable, because it might open up the System to frivolous complaints or other abuses.

The proposed extension of Ps&Is might in fact inadvertently bring on certain rigidity to the System. To keep this channel of communication between Members and the public open, and to retain the flexibility inherent in this mechanism for public monitoring of the operation of the Administration, we have come to the view that the extension of Ps&Is under Sections 3 and 4 of Cap. 382 to the System is not necessary. We therefore do not intend to consider introducing any legislative amendments.

Indeed, should Members consider it necessary to conduct investigation into any matter and where Ps&Is cover would facilitate the process, there is already the arrangement for such to be done with the setting up of a Committee for the purpose.

Yours sincerely,

(Mrs Carrie Yau)
Director of Administration