

# **Code for Members of the Legislative Council**

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立法會  
LEGISLATIVE  
COUNCIL

**Legislative Council  
of the Hong Kong Special Administrative Region  
of the People's Republic of China**

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**Code for Members of the Legislative Council**

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# **Legislative Council of the Hong Kong Special Administrative Region**

## **Code for Members of the Legislative Council**

### **Preface**

1. On 1 July 1997, Hong Kong returned to the motherland and entered a new historical era of “one country, two systems”, under which “the people of Hong Kong administer Hong Kong” with a high degree of autonomy. With the full support of the Central Government and the motherland, the implementation of “one country, two systems” in Hong Kong has achieved universally recognized success. Practice has proven that the cause of “one country, two systems”, which embodies distinctive institutional strengths and strong vitality and serves the fundamental interests of the country, the nation and Hong Kong, is a good system that sustains the long-term prosperity and stability of Hong Kong. It is a good system that facilitates endeavours to build China into a great country and achieve national rejuvenation, and it is a good system for ensuring peaceful coexistence and mutual benefit between different social systems. It is a must to stay committed to this cause.

2. The return of Hong Kong to the motherland marked a great change in the constitutional order. The Constitution of the People’s Republic of China (“the Constitution”) and the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“the Basic Law”) together form the constitutional basis of the Hong Kong Special Administrative Region (“SAR”). The National People’s Congress authorizes the Hong Kong SAR to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the law. The Legislative Council (“LegCo”) is the legislature of the Hong Kong SAR of the People’s Republic of China. It shall exercise powers and functions in accordance with the Basic Law, including enacting, amending and repealing laws, examining and approving budgets, and approving taxation and public expenditure. As an integral part of the governing team of the SAR, Members of LegCo bear important responsibilities in enhancing the SAR’s governance capability and governance efficacy. They shall perform their duties in accordance with the Basic Law and relevant laws, wholeheartedly safeguarding national sovereignty, security and development interests. They shall also respect and uphold the country’s basic system and the constitutional order of the SAR, maintain the long-term prosperity and stability of Hong Kong, support the SAR Government in administering Hong Kong in accordance with the law, and serve the people of Hong Kong, truly working for the good of the country, for the good of Hong Kong, and for the good of all its citizens.

3. The continuous deepening of the practice of “one country, two systems”, the enactment and implementation of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“Hong Kong National Security Law”) and the Safeguarding National Security Ordinance, the continuous improvement of the systems and mechanisms for public

servants to stand for election, assume office, and take the oath of office, the revision and improvement of the electoral system of the Hong Kong SAR, and the thorough implementation of the principle of “patriots administering Hong Kong” have all provided solid institutional safeguards, enabling LegCo to perform its duties in accordance with the law and facilitating healthy interaction between the executive and the legislature. At present, the practice of “one country, two systems” has entered a new stage. Members should actively identify, respond to, and steer changes, strive to enhance their ability to participate in and deliberate on political affairs, set high-quality model standards, take responsibility courageously, be enterprising and proactive, accomplish deeds, and work together with the SAR Government and all sectors of society to play an active and important role in the good governance of Hong Kong and the steadfast and successful implementation of “one country, two systems”.

4. LegCo has made its own Rules of Procedure (“RoP”) in accordance with Article 75 of the Basic Law and issued a series of prescriptive guidelines. These, together with other relevant laws, have provided the basis for Members to perform their duties in accordance with the law. Under the improved electoral system and the principle of “patriots administering Hong Kong”, Members are aware that they shall hold themselves to higher standards, strengthen self-management, self-supervision and self-improvement, voluntarily accept public and media supervision, and live up to society’s higher expectations of Members. Therefore, LegCo has formulated this Code in accordance with RoP to further specify the conduct and performance required of Members and establish a mechanism for imposing sanctions on Members for misconduct. This will enable Members to perform their duties more efficiently and allow LegCo to better fulfil its constitutional functions.

5. This Code does not specify all conduct and performance required of Members. Where the circumstances are not prescribed, it is the responsibility of Members to make judgments in accordance with the spirit of this Code on how best to act in order to uphold the highest standards.

## **Chapter 1: General Principles**

Members shall adhere to the following basic principles:

### **Upholding constitutional order**

1.1 The Constitution, with supreme legal status and the highest legal authority, is the fundamental law of the state and the basis of all laws and systems of the country. No law or system shall be in conflict with the Constitution. The Constitution and the Basic Law together form the constitutional basis of the Hong Kong SAR. Members shall support the principle of “one country, two systems”, willingly respect and uphold the country’s fundamental system and the constitutional order of the Hong Kong SAR, and sincerely support the Central Government’s overall jurisdiction while securing the Hong Kong SAR’s high degree of autonomy. They shall also support and implement the principle of “patriots administering Hong Kong”, and promote the common development of Hong Kong and the motherland.

### **Safeguarding national security**

1.2 Safeguarding national sovereignty, security and development interests is the highest principle of the policy of “one country, two systems”. The Hong Kong SAR has the constitutional duty to safeguard national security. LegCo shall, in accordance with the Hong Kong National Security Law, the Safeguarding National Security Ordinance and other relevant legal provisions, effectively prevent, suppress and punish acts and activities endangering national security. Members shall take the exemplary lead in conscientiously discharging the duty to safeguard national security, and enhance their awareness and capabilities in safeguarding national security. They shall promote mainstream values characterized by patriotism with affection for our country and Hong Kong and in conformity with the principle of “one country, two systems”, and resolutely oppose any words and deeds that infringe on national sovereignty, security and development interests as well as the prosperity and stability of Hong Kong.

### **Upholding the executive-led system**

1.3 Under the Basic Law, the Chief Executive shall be the head of the Hong Kong SAR and shall represent the Hong Kong SAR. The Chief Executive shall also be the head of the Hong Kong SAR Government and shall lead the Hong Kong SAR Government. The Chief Executive and the SAR Government in the driver’s seat are the first to be held accountable for the governance of the SAR. The SAR upholds the executive-led system in which the executive and legislative branches check and balance and cooperate with each other. Members should sincerely support the Chief Executive and the SAR Government in administering Hong Kong in accordance with the law, perform their duties in a constructive manner, and provide valuable insights and practical advice. They should not intentionally vilify the governance credibility of the Chief Executive and the SAR Government, nor should they deliberately undermine or weaken the effectiveness of executive-led governance.

They should strive to strengthen the constructive interaction between the executive and the legislature and fully embody the new landscape of the executive and the legislature working together with one mind to achieve good governance in Hong Kong.

### **Dedication to duty**

1.4 Members shall uphold a holistic perspective, constantly enhance their political quality, analytical capability and judgment, and deepen their understanding of national policies and development. They shall keep in mind their important role and responsibilities in the governance of the SAR, and take the fundamental interests of the country and the overall interests of Hong Kong society as their first priority. Rather than only pursuing personal political gains and glory, they shall demonstrate commitment and contribute to the country and Hong Kong.

1.5 Members should focus their primary efforts on the business of LegCo, actively participate in meetings of LegCo, and fulfil their responsibilities for high-standard debates, efficient scrutiny and high-quality public policy deliberations. They should strengthen research and studies, continuously broaden their professional horizons, enrich their knowledge base, uphold fundamental principles while breaking new ground, and do their best to put forward constructive suggestions and solutions to assist the SAR Government in improving its governance. They should base their actions on facts and evidence, adhere to a professional attitude, and exercise their supervisory powers in accordance with the law.

### **Commitment to the rule of law**

1.6 As members of the legislature of the Hong Kong SAR, Members shall take the exemplary lead in upholding the rule of law. Their primary responsibility is to uphold the spirit of the rule of law, earnestly perform their duties in law making and continuously improve the legal system, thereby providing Hong Kong with stronger safeguards for the rule of law. In exercising their powers, Members shall abide by all laws in force in the Hong Kong SAR, as well as RoP and this Code, etc, and act within the scope of the powers conferred on them without abuse of power or dereliction of duty.

### **Serving honestly and with integrity**

1.7 Members shall strictly adhere to the principles of honesty and integrity, and ensure that no actual, perceived or potential conflict of interest will arise between public duties and their private interests. Members shall not act in an improper or unethical manner. They shall not use their capacity as Members to seek personal gains for themselves or others, and shall not solicit or accept, directly or indirectly, any advantage which would influence or might reasonably be seen to influence the impartiality in the discharge of their duties. Members shall stay vigilant against corrupt practices and guard against possible commission of the relevant offences.

## **Maintaining close ties with the public**

1.8 As representatives of public opinion, Members should engage extensively with the public and all sectors of society. They should actively immerse themselves in communities and various sectors to listen to opinions, and give full play to their bridging role between the public and the Government.

## **Upholding the reputation of LegCo**

1.9 Members should do their best to uphold the reputation of LegCo. Their words and deeds should meet society's expectations of LegCo. Members shall observe the highest standards of personal conduct and ethics at all times. When deciding whether to engage in any activities, Members shall give due consideration to the nature and contents of such activities to ensure that their participation is in line with the capacity and prestige of Members.

## **Observing the obligation of secrecy**

1.10 Members shall abide by the requirements on secrecy under the laws in force in the Hong Kong SAR and RoP, as well as other requirements of LegCo relating to confidential information (e.g. information classified as confidential or highly sensitive). They shall not disclose any confidential documents, information or messages.

## Chapter 2: Duties of Members of LegCo

2.1 Members of LegCo shall duly discharge their duties in accordance with the laws in force in the Hong Kong SAR, RoP, this Code, etc, during their terms of office. However, no Member shall be present or vote at the election of the President of LegCo, or attend or vote at a meeting of the Council or any committee, or exercise any other power or function of a Member, until the Member has taken an oath in accordance with Article 104 of the Basic Law, the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress, and the provisions of the Oaths and Declarations Ordinance (Cap. 11).

### Requirements related to meetings

#### Attendance at meetings/participation in voting

2.2 Members shall attend meetings of the Council and its committees. Members are obliged to actively and conscientiously participate in the business of meetings, including voting on bills introduced/motions moved by the SAR Government or Members. Records of Members' attendance at meetings will be made available for public inspection. According to the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and RoP, if a Member's absence from a Council meeting causes adjournment of the Council and the President of LegCo is not satisfied that there is a valid reason for the Member's absence, the Member shall be liable to pay a financial penalty.

#### Non-attendance/out-of-town notification

2.3 If a Member is unable to attend a meeting (including a Council/committee meeting) because of official business, health or other reasons, he or she shall notify the LegCo Secretariat ("the Secretariat") and provide the reason before the meeting, and the Secretariat shall report to the President/chairman of the meeting before the start of the meeting. If the President/chairman is satisfied that the Member is absent with valid reason (the valid reasons that may satisfy the President/chairman are in **Appendix 1**), the meeting from which the Member is absent will not be counted in the Member's attendance rates. If prior notification is not possible due to an emergency, he or she should notify the Secretariat as soon as possible. Article 79 of the Basic Law stipulates that the President of LegCo shall declare that a Member is no longer qualified for the office when he or she, with no valid reason, is absent from meetings for three consecutive months without the consent of the President of LegCo.

2.4 If a Member needs to leave Hong Kong for more than 48 hours while LegCo is in session, he or she shall notify the Secretariat of their period of absence prior to departure.

## Order of meetings

2.5 When attending meetings, Members shall comply with the rules on the order of meetings set out in RoP, the House Rules and other relevant meeting procedures, and respect other attendees. They shall adopt a pragmatic approach, conduct efficient and high-quality deliberations, and ensure the effective operation of LegCo and the full exercise of its constitutional functions.

2.6 Members shall behave and dress with decorum at meetings. They shall not disturb the proceedings of the meeting, which includes making offensive or insulting remarks towards or causing nuisance to other Members, public officers and attendees, or obstructing them from attending or leaving meetings; disrupting the order of meetings or causing chaos; disobeying the rules of the meeting (such as digressing, and interrupting without being called upon by the President/chairman); and obstructing Secretariat staff from performing their duties. The decision of the President/chairman on a point of order shall be final and Members shall comply with it.

2.7 A Member may be suspended from the service of the Council if he or she engages in grossly disorderly conduct at a meeting. The Member is not entitled to receive remuneration and allowance (including end-of-service gratuity) in respect of the period of suspension.

## **Timely reporting of legal proceedings**

2.8 Any Member who is involved in legal proceedings (including any criminal proceedings, and civil proceedings that may affect the performance of his or her duties as a Member) should report this to the President of LegCo in a timely manner.

## **Engaging with all sectors of society**

2.9 Members shall actively and extensively engage with the public and all sectors of society (especially electors of the district/constituency to which they belong) to understand their needs and solicit their views on various issues, and convey the views and suggestions collected to the relevant authorities for consideration.

2.10 To facilitate communication with all sectors of society, Members should set up district/constituency offices, or joint offices with their affiliated political groups or other Members. They should also actively participate in meetings with the public and exchanges with District Councils.

## **Submission of work reports**

2.11 Members shall submit a work report every year, elaborating on the major work done during the year. The work report shall be completed within two months after the end of a session and published on the LegCo website for public inspection. The work report should cover (but not limit to) the following:

- (1) major work achievements/highlights;
- (2) attendance rates, voting rates and speeches made at Council meetings;
- (3) the number and names of committees joined by the Member and attendance rates;
- (4) the number of questions raised, motions moved and bills introduced at Council meetings, and a brief summary of their contents;
- (5) policy proposals made after research and in-depth analysis (which may be submitted through channels such as Members' motions, consultations on the Policy Address and consultations on the Budget);
- (6) work done on "telling the good stories of Hong Kong" to the world;
- (7) engagement with district/constituency electors;
- (8) other exchange activities and important work; and
- (9) participation in study tours, research visits and training programmes not arranged by LegCo.

## **Chapter 3: Conduct and Ethics Required of Members of LegCo**

3.1 In addition to upholding the general principles set out in Chapter 1, Members shall meet the following requirements and standards in respect of their conduct and ethics.

### **Statutory requirements**

3.2 Members shall take an oath as prescribed by Article 104 of the Basic Law. According to the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress, a Member shall sincerely believe in and strictly abide by the relevant oath prescribed by law. A Member who makes a false oath, or, who, after taking the oath, engages in conduct in breach of the oath, shall bear legal responsibility in accordance with law. Pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, a Member who does not meet the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong SAR of the People's Republic of China, once being decided as such in accordance with law, is immediately disqualified from being a Member of LegCo. Pursuant to Article 79 of the Basic Law, the President of LegCo shall declare that a Member of LegCo is no longer qualified for the office when he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the Members of LegCo present.

3.3 Members shall uphold the rule of law and abide by all laws in force in the Hong Kong SAR. Article 79 of the Basic Law provides that the President of LegCo shall declare that a Member of LegCo is no longer qualified for the office when he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Hong Kong SAR, and is relieved of his or her duties by a motion passed by two-thirds of the Members of LegCo present. While there is not an exhaustive list of the laws by which Members shall abide, some provisions are set out below for reference:

- (1) under Article 35 of the Hong Kong National Security Law, a person who is convicted of an offence endangering national security by a court shall be disqualified from standing as a candidate in the elections of LegCo. If a person so convicted is a Member of LegCo who has taken an oath or made a declaration to uphold the Basic Law and swear allegiance to the Hong Kong SAR of the People's Republic of China, he or she shall be removed from his or her office upon conviction, and shall be disqualified from standing for the election of LegCo or from holding office as a Member of LegCo;
- (2) under sections 15(1)(f) and (g) of the Legislative Council Ordinance (Cap. 542), a Member's office becomes vacant if the Member is in

breach of an oath taken under section 19 of the Oaths and Declarations Ordinance (Cap. 11), or fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong SAR of the People's Republic of China;

- (3) under section 39(1)(c) of the Legislative Council Ordinance, a person is disqualified from being elected as a Member if the person has been convicted of an offence endangering national security; and
- (4) under section 39(1)(e) of the Legislative Council Ordinance, a person is disqualified from being elected as a Member if the person, where the election is to be held or is held within five years after the date of the person's conviction, is or has been convicted:
  - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding three months without the option of a fine;
  - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

### **Conduct and ethical standards required of Members**

3.4 As LegCo is the legislature of the Hong Kong SAR, and its Members are representatives of public opinion and public officers, society has very high expectations for their conduct and ethics. Members shall be mindful of their words and deeds at all times, and shall discuss and debate public policies on the basis of facts and evidence. They shall not fabricate or distort facts, make biased or insulting remarks or personal attacks, or do anything which may compromise or impair their integrity, impartiality, objectivity or ability to perform their duties, so as to keep up with the reputation of LegCo and Members of LegCo and be in line with public expectations. They shall also ensure that they observe the highest standards of personal conduct and ethics.

3.5 Members shall fulfil their responsibilities, and act in the fundamental interests of the country and the overall interests of Hong Kong society. They should not only pursue personal political gains and glory. In performing their duties, Members should

not only act as commentators, and should instead proactively give full play to the role of representatives of public opinion, bring the views and suggestions of all sectors of society into LegCo, actively advise the Government and do their best to propose effective solutions, so as to assist in and monitor the formulation of policies by the Government that meet the needs of society, thereby enhancing the effectiveness of governance and advancing the welfare of people.

3.6 Members shall be honest and impartial, and ensure that no actual or potential conflict arises between public duties and their private interests. Members shall serve honestly with integrity. They shall not, in their capacity as Members of LegCo, seek to influence others or render favour to any person or organization in order to gain benefits for themselves.

3.7 Members shall maintain their integrity and objectivity. If the acceptance of an advantage by Members in their private capacity could affect their objectivity, induce them to act against LegCo's interests, or lead to questions or complaints of bias or impropriety, they shall decline the advantage. Moreover, Members should not accept luxurious, generous or frequent entertainment from any person or organization in order to avoid embarrassment or loss of objectivity when they consider or give their views on matters concerning that person or organization.

3.8 Members shall not abuse their capacity as Members of LegCo to obtain information which is not generally available to the public, or obtain benefits from such information or use such information to render favour to any person or organization. Members shall not use the confidential documents, information or messages obtained in their capacity as Members of LegCo to gain benefit for themselves or render favour to any person or organization. Members shall not, without lawful authority, disclose confidential documents, information or messages received in the course of their official duties or by virtue of their official position.

3.9 Members should ensure that the personal information (e.g. qualifications) they provide to LegCo (including the LegCo Secretariat) is correct and true.

3.10 Members shall, by leadership and example, support and promote the above conduct and ethical standards required of them.

## **Chapter 4: Declaration of Interests**

4.1 To ensure the integrity of its Members, LegCo has adopted a stringent system of declaration of interests. The system mainly comprises three parts as set out below.

### **Interests registrable on a regular basis**

4.2 A Member shall declare particulars of registrable interests according to the following time limits via specified registration forms:

- (1) not later than the first meeting of each term;
- (2) within 14 days from the date of his or her becoming a new Member returned through a by-election; and
- (3) within 14 days of any change in registrable interests.

4.3 Particulars of Members' registered interests are entered in a Register of Members' Interests ("the Register"), which will be uploaded onto the LegCo website for public inspection. The main purpose of maintaining the Register is to provide information on any pecuniary interest or other material benefit a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Council, or actions taken in his or her capacity as a Member of LegCo.

4.4 The scope of Members' "registrable interests" includes:

- (1) Remunerated directorships

Remunerated directorships of public or private companies;

- (2) Remunerated jobs, offices, etc

For remunerated employments, offices, trades, professions or vocations, particulars such as the name of the employer and its nature of business shall be provided;

- (3) Provision of personal services in the capacity of a Member of LegCo

When the interests referred to in (1) or (2) above include personal services provided by Members which are related to their membership of the Council, particulars of the client shall be provided;

- (4) Election donations

All donations, as a candidate in the LegCo election in which the Member was elected as a Member of LegCo, received by

the Member or any person on his or her behalf for the purpose of meeting the Member's election expenses;

(5) Financial sponsorships

For financial sponsorships (including any payment or any material benefit or advantage) received by a Member (or his or her spouse) arising out of his or her membership of the Council, particulars such as the name of the sponsoring person or organization (and its nature), and the amount sponsored, shall be provided;

(6) Gifts

Members should as far as possible decline gifts given/offered to them arising out of their membership of the Council. If they accept any gifts worth HK\$1,000 or more arising out of their membership of the Council, they shall so declare within 14 days in accordance with the established mechanism. Particulars which shall be provided include the name of the giver (such information is only required to be declared to the President of LegCo in confidence), the nature and value of the item, the date and occasion on which the gift was received, the capacity in which the gift was accepted (such as officiating guest), and the disposal of the gift;

(7) Visits outside Hong Kong

For any visits made by a Member (or his or her spouse) outside Hong Kong arising out of his or her membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds, particulars such as the name of the person or organization (and its nature) sponsoring the visit, and the amount sponsored, shall be provided;

(8) Payments, material benefits or advantages received from any government or organization of a place outside Hong Kong or from any person who is not a Hong Kong permanent resident

If a Member (or his or her spouse) receives any payments or any material benefits or advantages arising out of his or her membership of the Council from or on behalf of any government or organization of a place outside Hong Kong or any person who is not a Hong Kong permanent resident, particulars such as the name of the person or organization, along with the amount and the date received, shall be provided;

(9) Land and property

For land and property owned by a Member in or outside Hong Kong, including those which are held in the name of the Member's spouse or children, other persons or companies but are actually owned by the Member, or those which are not owned by the Member but in which the Member has a beneficial interest, particulars such as the use of the land/type of property, along with their number and location, shall be provided;

(10) Beneficial interest in shares of companies/bodies

Having a beneficial interest in shares of a number greater than 1% of the total number of issued shares of a company/body (including shares held with or on behalf of a Member's spouse or infant children); and

(11) Other interests

Other interests for which Members consider that declaration should be made, such as an important unremunerated office and any relevant financial or material interests not explicitly included in other categories.

4.5 Members shall declare interests truthfully in accordance with this Code and guidelines drawn up by the Legislative Council Supervisory Committee. These guidelines should be considered as the minimum reasonable requirements. Members should make their own judgment as to whether they should register interests outside the specified scope. Whether or not the acceptance of a particular material benefit is in contravention of the provisions of the Prevention of Bribery Ordinance (Cap. 201) or other legislation is a matter for Members to decide for themselves having regard to their own circumstances.

### **Disclosure of pecuniary interests at meetings**

4.6 Members have the responsibility to examine whether they have direct or indirect pecuniary interests in matters scrutinized/handled in the Council and committees and shall act in accordance with the relevant rules of RoP. In Council/committee meetings, Members shall not move any motion or amendment relating to a matter in which they have a pecuniary interest, whether direct or indirect, or speak on any such matter, except where they disclose the nature of that interest. Members should disclose the relevant interests at the time when they begin to speak on a matter. The registration of interests is additional to, and in no way a replacement of, the requirement on Members to disclose pecuniary interests.

4.7 RoP also provides that in Council/committee meetings, Members shall not vote upon any question in which they have a direct pecuniary interest except where

their interest is in common with the rest of the population of Hong Kong or a sector thereof, or their votes are given on a matter of Government policy. Furthermore, in meetings of the Council or a committee of the whole Council, Members shall withdraw when a vote is taken on a question in which they have a direct pecuniary interest except where their interest is in common with the rest of the population of Hong Kong or a sector thereof, or their vote is given on a matter of Government policy.

4.8 Given the wide range of matters considered in Council/committee meetings, Members may encounter subjects in which they could be construed to have an interest. What is important is that the interest be recognized, its nature and significance weighed, and due account taken of it.

### **Claims for reimbursement of operating expenses and applications for advance of operating funds**

4.9 Members of LegCo are provided with reimbursements to cover expenses arising out of their LegCo duties. Members may also apply for advance of operating funds to finance expenses such as those on office operation, entertainment and travelling, setting up of office and information technology.

4.10 In the procurement of goods and services and in the employment of staff, Members shall use public funds in an open, fair and accountable manner. Members shall not use the reimbursement of expenses for LegCo business or operation of a Member's office for purposes not relating to LegCo business.

4.11 To avoid any perception of conflict of interest or improper personal gain, Members should separate LegCo and non-LegCo business or interests as far as possible. In claiming reimbursement of operating expenses, Members shall ensure that they themselves, their relatives or business associates do not have any direct or indirect financial interest in any transaction in respect of which reimbursement is claimed. Members are not allowed to employ their relatives as staff.

4.12 Should there be a perceived conflict of interest on a Member in a transaction in respect of which reimbursement is claimed or may be claimed, or should the transaction has become a matter of public concern, the Member should deal with the claim in favour of public interest.

4.13 A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council ("the Reimbursement Guide") sets out the types of expenses that could be reimbursed and the principles and requirements for claiming reimbursement. When making a claim for reimbursement of operating expenses or applying for advance of operating funds, Members shall comply with the requirements set out in the Reimbursement Guide by ensuring that the information provided and the declaration or certification made are true, accurate and complete, and that they act according to the undertaking they have given.

4.14 All claims for reimbursement of expenses and declarations of interests submitted by Members will be deposited in the LegCo Library for public inspection. In addition, Members' reimbursement claims are subject to compliance audit annually. The audit reports are also deposited in the LegCo Library for public inspection.

## **Chapter 5: Investigations and Sanctions**

5.1 If a Member of LegCo is alleged to have engaged in misconduct (i.e. an act in breach of the relevant law, RoP or this Code) in a complaint, the Member may be sanctioned if the complaint is found to be substantiated upon investigation under the relevant procedure.

### **Legislative Council Supervisory Committee**

5.2 In order to further improve the mechanism for monitoring Members in their performance of duties, LegCo expanded the terms of reference (“TOR”) of the original “Committee on Members’ Interests” and renamed it the “Legislative Council Supervisory Committee” (“the Committee”). The Committee is a standing committee responsible for monitoring Members in their performance of duties. Its TOR include studying and formulating guidelines on matters relating to the monitoring of Members in their performance of duties; reviewing the effectiveness of and the enhancement measures for this Code on a regular basis, and proposing amendments to the House Committee (“HC”) for its consideration and approval; and considering and handling complaints about alleged misconduct of Members, including those relating to Members’ registration and declaration of interests, claims for reimbursement of operating expenses or applications for advance of operating funds, as well as Members’ conduct, ethics and work performance.

5.3 The President of LegCo shall be the Chairman of the Committee. Other members of the Committee include the Chairman of HC (who is also the Deputy Chairman of the Committee), the Deputy Chairman of HC and 10 members who are elected in accordance with the procedure as determined by HC.

### **Procedure for handling complaints**

5.4 The Committee will consider and handle complaints against Members’ misconduct in a stringent, fair, just, impartial, independent and objective manner in accordance with the Procedure of the Legislative Council Supervisory Committee for Handling Complaints (**Appendix 2**).

5.5 Complaints filed with the Committee shall be in written form under the complainants’ real name. The Committee will not consider a complaint if it is outside the purview of the Committee or for other reasons (for example, it is made by an anonymous person) rendering the Committee unable to follow up the complaint effectively.

5.6 If the Committee decides to initiate an investigation after considering a complaint, it may invite the persons concerned to provide information and/or attend the Committee’s meeting(s). Meetings of the Committee for investigating complaints shall be closed meetings, unless the Committee has acceded to the request of the Member under complaint or persons attending the meetings that such meetings be

held in public. The Committee may, if it considers it necessary, invoke the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to order by summons any person to attend before the Committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person. In attending meetings before the Committee, the Member under complaint may be accompanied by a maximum of three persons (which may include legal adviser(s)) for the purpose of giving the Member assistance or advice (“the accompanying persons”). The accompanying persons attending meetings are not allowed to address the Committee. The Member under complaint shall answer questions, give explanations or provide information personally. The Committee may also gather and consider relevant information from other sources as it deems appropriate.

5.7 The Chairman of the Committee may, for the purpose of facilitating more effective performance of the Committee’s functions, establish subcommittees under the Committee as he or she thinks fit to investigate complaints, and determine their membership, TOR and procedure. When a subcommittee has completed its work, it shall make a report to the Committee for consideration.

5.8 The Committee shall submit a report to the Council upon completion of investigation of a complaint. The relevant parts of the draft report shall be forwarded to the Member under complaint, subject to the Member’s signing of a confidentiality undertaking. The Member under complaint may, within a specified period, make a written response to the Committee.

### **Sanctions and implementation mechanism**

5.9 Members who breach the relevant requirements of this Code by engaging in misconduct may be imposed the following sanctions depending on the gravity of the misconduct (from minor to gross): written warning; written warning and admonishment in person; or admonishment, reprimand or suspension on a motion to that effect. Other misconduct in breach of the law may be dealt with in accordance with existing mechanism.

5.10 In considering whether or not to recommend a sanction, or what sanction to recommend, the Committee may take into account relevant factors, including whether there is evidence that the Member concerned has engaged in misconduct, the nature and gravity of the misconduct, the specific circumstances of the misconduct (such as the number of instances, duration and whether it is deliberate), the impact of the misconduct (including whether it has failed to live up to society’s expectations of Members or has brought LegCo into disrepute), and the sanctions imposed in respect of similar precedents, if any.

5.11 If the Committee considers that a lighter sanction such as “written warning” or “written warning and admonishment in person” should be imposed on the Member concerned, it shall be administered by the Chairman of the Committee after a report is

tabled in Council. If the Committee considers that a more severe sanction such as “admonishment”, “reprimand” or “suspension” should be imposed on the Member concerned on a motion to that effect, the Deputy Chairman of the Committee shall, after a report is tabled in Council, move a motion at a Council meeting for the Council to decide whether or not to support the sanction recommended by the Committee.

5.12 If a Member is suspended from the service of the Council by the passage of a motion by the Council to that effect, the Member shall not be entitled to receive remuneration and allowance (including end-of-service gratuity) in respect of the period of suspension, but shall be entitled to be reimbursed the operating expenses incurred in respect of that period. During the period of suspension, a suspended Member shall be excluded from participation in the exercise of the powers and functions of LegCo under Article 73 of the Basic Law, including attending meetings of the Council and all its committees, and handling of complaints under the LegCo Redress System.

### **Suspension or non-commencement of work on a complaint**

5.13 If, in the course of considering or investigating a complaint, the Committee has come to the knowledge that the complaint is, or matters related to it are, being investigated by a law enforcement agency or related to a case pending in a court of law, the Committee may suspend its consideration or investigation of the complaint until the conclusion of the investigation by the law enforcement agency or the legal proceedings.

5.14 If the Committee considers that a complaint received is a suspected case of misbehaviour or breach of oath referred to in Article 79(7) of the Basic Law, the Committee may, to avoid duplication of investigation, decide not to commence (or to suspend) an investigation, and a censure motion shall be moved by the Deputy Chairman of the Committee at a Council meeting in accordance with Rule 49B(1A) of RoP to initiate the mechanism for disqualification of a Member from office, so as to set up an investigation committee to commence an investigation.

**Reasonable grounds for absence to the satisfaction of  
the President/chairman**

Reasonable grounds include:

1. Serious illness or injury
2. Maternity or paternity leave
3. Marriage
4. Bereavement
5. Participation in events arranged by the Legislative Council (“LegCo”) or the Government of the Hong Kong Special Administrative Region

Example:

- Participating in delegations of LegCo or its committees to visit places outside Hong Kong
6. Participation in meetings and events arranged by the Central Authorities

Examples:

- Attending meetings and events of the National People’s Congress and the Chinese People’s Political Consultative Conference
  - Attending meetings and events arranged by central state organs
7. For LegCo Members who also serve on the Executive Council: attendance at meetings and events arranged by the Executive Council
  8. Other reasonable grounds to the satisfaction of the President/chairman

**Procedure of the  
Legislative Council Supervisory Committee  
for Handling Complaints**

**January 2026**

## **Procedure of the Legislative Council Supervisory Committee for Handling Complaints**

### **Part I: Initial handling of a complaint**

1. All complaints lodged with the Legislative Council Supervisory Committee (“the Committee”) by a complainant shall be in writing. The complainant’s identity will be disclosed to the Member under complaint and in any report on the complaint made by the Committee to the Council.
2. Where a complaint:
  - (a) is made by an anonymous person, or by a person (i) who cannot be contacted, (ii) whose identity cannot be verified, or (iii) who has refused to allow his or her identity to be disclosed;
  - (b) is made against a former Member;
  - (c) is about a Member’s act(s) which allegedly took place seven years or more prior to the date of receipt of the complaint; or
  - (d) is outside the purview of the Committee, as set out in Rule 73 of the Rules of Procedure (“RoP”),

the Clerk to the Committee (“the Clerk”) shall send a written reply to the complainant, if the complainant can be contacted, that the Committee will not consider the complaint, and circulate the complaint and the written reply to all members of the Committee (“members”). Where the Member under complaint has indicated in advance that he or she should be informed of any complaint against him or her which the Committee does not consider, the Clerk shall forward the complaint and the written reply to the Member. If item (a)(iii) of this paragraph is applicable, the Clerk shall redact the information in relation to the identity of the complainant before forwarding the complaint to the Member under complaint.
3. Where a complaint does not fall under paragraph 2, the Clerk shall invite the Chairman of the Committee (“the Chairman”) to decide whether the Committee should hold a meeting to consider the complaint. The Chairman shall inform the Clerk of such a decision within three working days from the date of being notified of the complaint.
4. The Chairman may decide not to hold a meeting to consider the complaint for the following reasons:

- (a) the complaint is based merely on speculations, inferences or unfounded judgments, or is trivial and frivolous;
  - (b) the complaint involves substantially repeated allegations which have already been dealt with by the Committee and no fresh information has been produced; or
  - (c) other reasons the Chairman deems appropriate.
5. If the Chairman decides not to hold a meeting to consider the complaint, the Chairman shall inform the Clerk of the reason(s) for the decision. The Clerk shall then forward the Chairman's decision and the reason(s) therefor to members by a circular. Any member disagreeing with the Chairman's decision shall reply to the Clerk within three working days from the date of the circular.
- (a) If the Clerk has received replies from a majority of members indicating disagreement with the Chairman's decision upon the expiry of the aforesaid three working days, the Chairman shall forthwith direct the Clerk to arrange a meeting to be held within 10 working days to consider the complaint.
  - (b) If the Clerk has received replies from less than a majority of members indicating disagreement with the Chairman's decision upon the expiry of the aforesaid three working days, the Chairman's decision and the reason(s) therefor shall be deemed to be those of the Committee and the Committee shall not take further action on the complaint. The Clerk shall forward the Committee's decision and the reason(s) therefor to the complainant in writing. Where the Member under complaint has given the advance instruction that he or she should be informed of any complaint against him or her which the Committee does not consider, the Clerk shall forward the complaint and the written reply to the Member.
6. If the Chairman decides to hold a meeting to consider the complaint, the Clerk shall arrange for the meeting to be held within 10 working days from receipt of notification of such a decision.

## **Part II: Consideration of a complaint**

7. The Committee may hold one or more closed meetings for consideration of a complaint. The purpose of such meeting(s) is to decide whether the Committee will investigate the complaint after taking into account the following:

- (a) the information contained in the complaint;
  - (b) the relevant rules(s) that the Member under complaint is alleged to have breached; and
  - (c) any other relevant information readily available, such as records of interests registered by the Member under complaint, the Code for Members of the Legislative Council (“the Code”), A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council (“the Reimbursement Guide”), and media reports.
8. If the Committee decides not to investigate the complaint, it shall not take further action on the complaint. The Clerk shall forward the decision and the reason(s) therefor to the complainant in writing. Where the Member under complaint has given the advance instruction that he or she should be informed of any complaint against him or her which the Committee does not investigate, the Clerk shall forward the complaint and the written reply to the Member.
9. If the Committee decides to investigate the complaint, the Clerk shall inform the Member under complaint of the complaint and the Committee’s decision.

### **Part III: Investigation of a complaint**

10. The Chairman may, for the purpose of facilitating more effective performance of the Committee’s functions, establish a subcommittee under the Committee in accordance with RoP to investigate a complaint, and determine its membership, terms of reference and procedure. The provisions in relation to investigation of complaints in this part shall apply to the subcommittees formed under the Committee.
11. The Committee may hold one or more meetings to investigate a complaint. During the investigation of a complaint, the Committee may:
- (a) invite the Member under complaint to provide information in writing and/or to attend the Committee’s meeting(s) to give explanations and provide information;
  - (b) invite the complainant or any other persons to provide information in writing and/or to attend the Committee’s meeting(s) to provide information; and
  - (c) gather or cause to be gathered information relevant to the complaint from any other sources as the Committee deems appropriate.

12. If the complaint relates to a Member's claims for reimbursement of operating expenses or applications for advance of operating funds, the Committee shall have regard to the provisions of the Reimbursement Guide, as provided in RoP 73(1A). If the complaint relates to a Member's work performance, conduct and ethics, the Committee shall have regard to the provisions of the Code, as provided in RoP 73.
13. The Committee may invoke the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to order by summons any person to attend before the Committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.
14. The Committee may cause any person summoned to attend before it to be examined upon oath and ask the person to verify upon oath any information and statements that the person has provided previously or at any previous meeting(s).
15. Meetings of the Committee for investigating the complaint shall be closed meetings unless the Committee has acceded to the request of the Member under complaint, or of a person invited or ordered to attend the relevant meetings, that they be held in public.
16. In attending meetings before the Committee, the Member under complaint may be accompanied by a maximum of three persons for the purpose of giving the Member assistance or advice ("accompanying persons"). The accompanying persons may be different persons for different sessions of meetings of the Committee and may include legal adviser(s). The accompanying persons are not allowed to address the Committee. The Member under complaint shall answer questions, give explanations or provide information personally.
17. Depending on the complexity of the complaint and the Committee's work arrangements, it may take some time to complete the handling of the complaint. The Clerk shall notify the complainant of the progress of his or her case in a timely manner.

#### **Part IV: Report to the Council**

18. Where the Chairman has established a subcommittee under paragraph 10 above to investigate a complaint, the subcommittee shall, upon completion of its work, submit a report to the Committee for consideration.

19. Upon completion of investigation of a complaint, the Committee shall submit a report to the Council. The relevant parts of the draft report shall be forwarded to the Member under complaint, subject to the Member's signing of a confidentiality undertaking referred to in paragraph 27. The Member under complaint may, within seven working days from the date of receipt of the relevant parts of the draft report, make a written response to the Committee.
20. After considering the written response, if any, of the Member under complaint under paragraph 19, the Committee may finalize its report. The transcripts of evidence taken at meeting(s) shall be published in full as far as possible in the report.
21. Where the Committee is of the opinion that the Member under complaint has breached any of the relevant rule(s) of RoP and/or relevant requirements of the Code, the Committee may impose or recommend a sanction on the Member concerned in accordance with RoP 85. The types of sanctions and the mechanism for administering the sanctions are in **Annex**.
22. Upon reporting to the Council, the Committee shall make available a copy of the report to the complainant.

#### **Part V: Suspension or non-commencement of work on a complaint**

23. If, in the course of considering or investigating a complaint, the Committee has come to the knowledge that the complaint is or matters related to it are being investigated by a law enforcement agency or related to a case pending in a court of law, the Committee may suspend its consideration or investigation of the complaint until the conclusion of the investigation by the law enforcement agency or the legal proceedings.
24. If the Committee considers that a complaint received is a suspected case of misbehaviour or breach of oath referred to in Article 79(7) of the Basic Law, the Committee may, to avoid duplication of investigation, decide not to commence (or to suspend) an investigation, and a motion of censure shall be moved by the Deputy Chairman of the Committee at a meeting of the Council in accordance with RoP 49B(1A) to initiate the mechanism for disqualification of a Member from office, so as to set up an investigation committee to commence an investigation.

## **Part VI: Confidentiality requirements**

25. All members and other persons attending closed meetings of the Committee (except the Member under complaint) shall each sign a confidentiality undertaking that the member or person shall not publish, without the prior written authorization of the Committee, any matter relating to the proceedings of closed meetings of the Committee, including evidence taken before the Committee, documents produced to it, its deliberations and decisions, except such matter that has already been published or contained in any report presented by the Committee to the Council.
26. Where the Committee finds that a member or any person has breached the undertaking given to the Committee, the Committee shall consider whether and how to deal with the member or that person, and may take actions including imposing sanction(s) on the member or that person in accordance with RoP 85.
27. Before the Committee forwards the relevant parts of its draft report to the Member under complaint under paragraph 19, the latter shall sign a confidentiality undertaking that the Member shall not publish, without the prior written authorization of the Committee, any matter relating to the draft report, except such matter that has already been published or contained in any report presented by the Committee to the Council. Where the Committee finds that the Member under complaint has breached the undertaking given to the Committee, the Committee may consider whether to impose sanction(s) on the Member in accordance with RoP 85.
28. All provisions in this part shall apply to subcommittees.

## **Part VII: Participation of members in the handling of complaints**

29. No member is allowed to participate as a member of the Committee in the handling of a complaint or to attend any of the meetings of the Committee to deliberate on or inquire into a complaint where the complaint is made by or against that member.

## Legislative Council Supervisory Committee

### Types of sanctions imposed for Members' misconduct and mechanism for administering sanctions

Type of sanction	Mechanism for administering sanction	Number of instances and gravity of misconduct <sup>Note</sup>
Warning and admonishment		
Written warning	To be administered by the Chairman of the Legislative Council Supervisory Committee	<ul style="list-style-type: none"><li>First instance of minor misconduct</li></ul>
Written warning and admonishment in person		<ul style="list-style-type: none"><li>Second instance of minor misconduct</li></ul>
Sanction to be imposed by way of a motion		
Admonishment	For the Council to decide whether to support the sanction recommended by the Legislative Council Supervisory Committee on a motion to be moved by its Deputy Chairman at a Council meeting in accordance with RoP 85	<ul style="list-style-type: none"><li>Third instance of minor misconduct</li></ul>
Reprimand		<ul style="list-style-type: none"><li>First instance of serious misconduct</li></ul>
Suspension from service and deduction of Member's remuneration and allowance		<ul style="list-style-type: none"><li>First instance of gross misconduct</li><li>Second instance of serious misconduct</li><li>More than three instances of minor misconduct</li></ul>

<sup>Note</sup> Misconduct of Members includes those relating to the registration and declaration of interests, claims for reimbursement of operating expenses or applications for advance of operating funds, and Members' conduct, ethics, work performance, etc.