

**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”),
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 rule(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 ^{Note}
Warning and admonishment		
Written warning	To be administered by the Chairman of the Legislative Council Supervisory Committee	<ul style="list-style-type: none"> • First instance of minor misconduct
Written warning and admonishment in person		<ul style="list-style-type: none"> • Second instance of minor misconduct
Sanction to be imposed by way of a motion		
Admonishment		<ul style="list-style-type: none"> • Third instance of minor misconduct
Reprimand	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"> • First instance of serious misconduct
Suspension from service and deduction of Member's remuneration and allowance		<ul style="list-style-type: none"> • First instance of gross misconduct • Second instance of serious misconduct • More than three instances of minor misconduct

Note 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.