

ITEM FOR FINANCE COMMITTEE

Public Works Subcommittee Procedure and Establishment Subcommittee Procedure

Purpose

This paper invites members to consider the proposed amendments to the Public Works Subcommittee (PWSC) Procedure and the Establishment Subcommittee (ESC) Procedure. The proposed amendments seek to streamline the current procedural arrangements for the signification of membership for these Subcommittees and to set out more clearly the procedure for the election of the Chairman and Deputy Chairman.

Background

2. In early 2001, the Committee on Rules of Procedure conducted a review on the election arrangements and the standing arrangements for Members to signify panel membership at the start of a session or a term (House Rule 22(c) and (d)). For consistency, it is proposed that similar amendments be made to the relevant provisions in the PWSC Procedure and ESC Procedure.

Signification of membership for PWSC and ESC

3. According to the relevant provisions in the current PWSC Procedure and ESC Procedure, the Subcommittee comprises those Finance Committee (FC) members who elect to join the respective Subcommittee by informing the Clerk in writing not later than seven clear days before the first meeting of the Subcommittee in a new legislative session. However, for the first session of each term, the first meeting at which the election of the Chairman and Deputy Chairman takes place is called by the member who has the highest precedence in the Council. This arrangement is different from the standing arrangement for Members to signify panel membership as set out in House Rule 22(c) and (d), and has often caused confusion to members.

4. In line with the provisions in House Rule 22(c) and (d), it is proposed that that the PWSC Procedure and ESC Procedure be amended to provide that:

- (a) FC members may join the PWSC or ESC by submission of a return to the Secretariat by noon on the Saturday immediately following the first Council meeting of a new term. For the second or each subsequent session of a term, FC members may join the PWSC or ESC by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session; and
- (b) a Member who joins the Council after the start of a session may join the PWSC or ESC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the PWSC or ESC shall take effect from the time his return is received by the Secretariat.

5. The proposed amendments are set out in Paragraphs 4, 4A and 4B of the PWSC Procedure and Paragraph 3, 3A and 3B of the ESC Procedure at **Appendix I** and **Appendix II** respectively.

Election of Chairman and Deputy Chairman

6. The procedures for the election of the Chairmen and Deputy Chairmen of PWSC and ESC are respectively provided in Paragraph 8 and Paragraph 7 of the PWSC Procedure and ESC Procedure. During a recent review of the procedural arrangements for the election of chairmen and deputy chairmen, the Committee on Rules of Procedure recommends that the election arrangements, including the member to preside at the election, should be more clearly set out in the relevant Procedures.

7. The proposed amendments to set out the election arrangements in line with those in the House Rules and the Finance Committee Procedure are given in Paragraphs 6, 7, 8 and 8A of the PWSC Procedure and Paragraphs 5, 6 and 7A of the ESC Procedure at **Appendix I** and **Appendix II** respectively.

Advice sought

8. Members are invited to endorse the proposed amendments to the PWSC Procedure and ESC Procedure in **Appendix I** and **Appendix II** respectively.

Legislative Council Secretariat

July 2002

**Proposed amendments to the
Public Works Subcommittee Procedure**

Membership

4. The PWSC comprises those FC members who elect to join the PWSC by ~~informing the Clerk to the PWSC (the Clerk) in writing not later than seven clear days³ before the first PWSC meeting in a new legislative session.~~—submission of a return to the Secretariat by noon on the Saturday immediately following the first Council meeting of a new term. For each of the remaining sessions of the term, FC members who elect to join the PWSC may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session. ~~The PWSC members⁴ elect from among themselves a Chairman and a Deputy Chairman.~~—

4A. A Member who joins the Council after the start of a session may join the PWSC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the PWSC shall take effect from the time his return is received by the Secretariat.

4B. The Chairman may agree to accept late membership on grounds of indisposition or absence from Hong Kong. A request for late membership on grounds other than indisposition or absence from Hong Kong shall be put to the Subcommittee. The Subcommittee shall accept such applications only when sufficient grounds have been provided. Any ~~member~~ Member joining the Subcommittee after the election of the Chairman and Deputy Chairman has taken place cannot seek a re-election of the Chairman and Deputy Chairman. Any Member whose application for late membership is turned down may put the case to the ~~Finance Committee~~ FC for a decision. ~~New Members who join the Legislative Council in the middle of a session will be invited by the Legislative Council Secretariat to signify his wish to join the PWSC within one month from the date at which he is declared elected as Member of the Council.~~

5. FC members who have not elected to join the PWSC may attend PWSC meetings and take part in the discussion but have no right to vote.

³—~~The term “clear days” excludes the day of the giving of a notice, the day of the meeting and intervening Sundays and public holidays.~~

Chairman and Deputy Chairman

6. The Chairman and Deputy Chairman shall be elected by and from among its members¹ at an open meeting and shall hold office until ~~the election of the Chairman and Deputy Chairman of the PWSC in the~~ for the next session ~~next following that for which they are~~ are respectively –elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the Chairman and Deputy Chairman, the Subcommittee may elect a Chairman to act during such absence. Notwithstanding the provision in paragraph 39, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)]⁵²

7. The election of the Chairman and Deputy Chairman for the first session of a term shall be conducted at the first PWSC meeting ~~of the PWSC~~ in the session. The member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling ~~the first~~ that meeting ~~of a term of the PWSC~~, ~~All other subsequent meetings will be called by the Chairman in office and shall preside at the election of the Chairman of the PWSC. If the member who has the highest precedence in the Council is being nominated for the office of Chairman, the member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding member.~~ For the second and each subsequent sessions ~~in~~ of a term, the election of the Chairman and Deputy Chairman of the PWSC may be conducted at a meeting held before ~~the~~ that session commences. The meeting shall be called by the Chairman in office.

8. The procedure for the election of the Chairman is as follows:

- (a) Where the election takes place at the first PWSC meeting of a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.
- (b) At any other election of Chairman, the member who was the Chairman of the PWSC before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the PWSC before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

¹ The term "member" or "members" as used in the text refers to a member or members of the Public Works Subcommittee unless specified otherwise.

⁵ ~~The term [Rule 71(2)] means reference is made to Rule 71(2) of the Rules of Procedure of the Legislative Council.~~

² The term [Rule 71(2)] means reference is made to Rule 71(2) of the Rules of Procedure of the Legislative Council.

- (c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.
- (d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the PWSC.
- (e) If there is only one nomination, the presiding member shall declare the nominee elected as chairman.
- (f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

8A. The Chairman of the PWSC shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph 8(c) to (f) above then follows.

~~8. At the meeting held for the purpose of the election of the Chairman and Deputy Chairman, the member presiding at the meeting shall call for nominations for the election for these two offices. All members may stand for election. Each nomination shall be made orally by a member, seconded by at least one other member present and accepted by the member being nominated. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured. If there is only one nomination, the member presiding shall declare the nominee elected. If more than one nomination is received for an office, the election shall be decided by secret ballot by the members present, including the presiding member, on the basis of a simple majority of votes. In case of a tie, the presiding member shall draw lots to give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected to an office.~~

**Proposed amendments to the
Establishment Subcommittee Procedure**

Membership

3. The ESC comprises those FC members who elect to join the ESC by ~~informing the Clerk to the ESC (the Clerk) in writing not later than seven clear days¹ before the first ESC meeting in a new legislative session.~~ submission of a return to the Secretariat by noon on the Saturday immediately following the first Council meeting of a new term. For each of the remaining sessions of the term, FC members who elect to join the ESC may do so by submission of a return to the Secretariat by noon on the Saturday immediately prior to the first Council meeting of that session. ~~The ESC members² elect from among themselves a Chairman and a Deputy Chairman.—~~

3A. A Member who joins the Council after the start of a session may join the ESC by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the ESC shall take effect from the time his return is received by the Secretariat.

3B. The Chairman may agree to accept late membership on grounds of indisposition or absence from Hong Kong. A request for late membership on grounds other than indisposition or absence from Hong Kong shall be put to the Subcommittee. The Subcommittee shall accept such applications only when sufficient grounds have been provided. Any ~~member~~ Member joining the Subcommittee after the election of the Chairman and Deputy Chairman has taken place cannot seek a re-election of the Chairman and Deputy Chairman. Any Member whose application for late membership is turned down may put the case to the ~~Finance Committee~~FC for a decision. ~~New Members who join the Legislative Council in the middle of a session will be invited by the Legislative Council Secretariat to signify his wish to join the ESC within one month from the date at which he is declared elected as Member of the Council.~~

¹ ~~—The term “clear days” excludes the day of the giving of a notice, the day of the meeting and intervening Sundays and public holidays.~~

² ~~—The term “member” or “members” as used in the text refers to a member or members of the Establishment Subcommittee unless specified otherwise.~~

4. FC members who have not elected to join the ESC may attend ESC meetings and take part in the discussion but have no right to vote.

Chairman and Deputy Chairman

5. The Chairman and Deputy Chairman shall be elected by and from among its members¹ at an open meeting and shall hold office until ~~the election of the Chairman and Deputy Chairman of the ESC in the session for the~~ next session are respectively ~~following that for which they are~~ elected in that next session or, in case that election is held before that next session commences, until that commencement. In the event of the temporary absence of the Chairman and Deputy Chairman, the Subcommittee may elect a Chairman to act during such absence. Notwithstanding the provision in paragraph ~~3938~~, the Chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections [Rule 71(2)]³²..

6. The election of the Chairman and Deputy Chairman for the first session of a term shall be conducted at the first ~~ESC meeting of the ESC~~ in the session. The member who has the highest precedence in the Council [Rule 1A] shall be responsible for calling ~~the first that meeting of a term of the ESC, and shall preside at the election of the Chairman of the ESC. If the member who has the highest precedence in the Council is being nominated for the office of Chairman, the member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding member.~~ For the second and each subsequent sessions~~in~~ of a term, the election of the Chairman and Deputy Chairman of the ESC may be conducted at a meeting held before ~~the~~ that session commences. The meeting shall be called by the Chairman in office.

7. The procedure for the election of the Chairman is as follows:

- (a) Where the election takes place at the first ESC meeting of a term, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

¹ The term "members" or "member" as used in the text refers to members or a member of the Establishment Subcommittee unless specified otherwise.

³ ~~The term [Rule 71(2)] means reference is made to Rule 71(2) of the Rules of Procedure of the Legislative Council.~~

² The term [Rule 71(2)] means reference is made to Rule 71(2) of the Rules of Procedure of the Legislative Council.

- (b) At any other election of Chairman, the member who was the Chairman of the ESC before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was Deputy Chairman of the ESC before the election shall preside. If both members who were Chairman and Deputy Chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.
- (c) At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.
- (d) If the presiding member is being nominated for the office, he shall be replaced in accordance with (a) or (b) above, as appropriate, unless otherwise decided by the ESC.
- (e) If there is only one nomination, the presiding member shall declare the nominee elected as chairman.
- (f) If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees. If two or more nominees receive the same highest number of valid votes, the presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

7A. The Chairman of the ESC shall preside at the election of the Deputy Chairman. If the Chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside. The election procedure in paragraph

7(c) to (f) above then follows.

~~7.——At the meeting held for the purpose of the election of the Chairman and Deputy Chairman, the member presiding at the meeting shall call for nominations for the election for these two offices.—All members may stand for election.—Each nomination shall be made orally by a member, seconded by at least one other member present and accepted by the member being nominated. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured.—If there is only one nomination, the member presiding shall declare the nominee elected. If more than one nomination is received for an office, the election shall be decided by secret ballot by the members present, including the presiding member, on the basis of a simple majority of votes.—In case of a tie, the presiding member shall draw lots to give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected to an office.~~