

立法會
Legislative Council

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**Subcommittee to Prepare for the Operation of the Select Committee
on the Petition Presented at the Council Meeting of 8 May 2013**

Meeting on 4 June 2013

Membership size of the Select Committee and nomination procedure

Purpose

This paper invites members to consider the size of the Select Committee on the Petition Presented at the Council Meeting of 8 May 2013 ("the Select Committee") and the procedure for the nomination and election of Members for appointment to the Select Committee.

Background

2. At the Council meeting of 8 May 2013, Hon Dennis KWOK presented a petition jointly signed by Hon Cyd HO and himself. The request of Hon Cyd HO for the petition to be referred to a select committee was supported by 25 Members. The petition has thus been referred to a select committee under Rule 20(6) of the Rules of Procedure ("RoP").

3. At the House Committee meeting on 24 May 2013, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including drawing up the terms of reference to reflect the substance of the petition, the membership size and the nomination procedure in respect of the Select Committee.

Membership size of the Select Committee

4. The membership size of the five select committees appointed since the First LegCo is in the range of 11 to 15 (**Appendix I**). The size of a select committee has been decided in consideration of the need to ensure that it is big enough to allow sufficient representation of the membership of the Council on the committee but not too big as to affect the efficient operation of the committee.

Procedure for nomination and election of Members for appointment to the Select Committee

5. The following procedure has been adopted for nomination and election of Members for appointment to the previous select committees –

- (a) Nomination shall be made at a House Committee meeting. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting shall state that the absent Member's acceptance of the nomination has been secured;
- (b) If the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote as many times as the agreed number of members on the select committee;
- (c) If two or more nominees receive the same number of votes such that the House Committee cannot determine as to which nominees should be recommended for appointment to the select committee, the House Committee Chairman shall first announce that the nominees who have received the highest number of votes be recommended for appointment. As regards the remaining nominees who have received the same number of votes in the next highest order, lots will be drawn by the House Committee Chairman to decide which of them should be recommended to make up the full complement of the select committee;

- (d) After the nomination and election of Members to the select committee, the House Committee meeting should be suspended for 10 minutes to enable the nominated Members to decide amongst themselves as to who should be nominated as the chairman and the deputy chairman of the select committee. The House Committee will then resume its meeting and be asked to endorse the proposed composition of the select committee; and
- (e) The Chairman of the House Committee will make a recommendation to the President on the membership, the chairmanship and the deputy chairmanship of the select committee.

6. Members may wish to consider whether the following changes should be made to the above procedure based on the procedure adopted by the House Committee for the nomination of Members for appointment to the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure at the House Committee meeting on 19 October 2012 –

- (a) Instead of casting their votes by a show of hands, Members will cast their votes on the nominees one by one by using the Electronic Voting System;
- (b) The sequence of the votes will be taken according to the order in which the nominations have been made at the meeting;
- (c) If a Member has voted for a number of nominees which exceeds the number required for appointment, the vote(s) which the Member has cast in excess of the required number will not be counted¹;
- (d) In cases where a nominee would have been elected but for there being one or more other nominees having been given the same number of votes, a separate poll shall be taken in respect of that nominee and such other nominee(s) in the same manner as the first-round election;

¹ At the House Committee meeting on 19 October 2012, some Members expressed the view that if a Member has voted for a number of nominees which exceeds the number required for appointment, all the votes which the Member has cast should not be counted, as the Member's choices cannot be ascertained.

- (e) if, after a separate poll is held, there is still a nominee who would have been elected but for there being one or more other nominees having been given the same number of votes, lots shall be drawn by the Chairman of the House Committee among such nominees to determine which of them will take up the remaining place/places; and
- (f) The election of the chairman and deputy chairman of the Select Committee will follow the procedure set out in **Appendix II** of this paper, which is modeled on the procedure for election of the chairman and deputy chairman of a committee given in Appendix IV of the House Rules.

Advice sought

- 7. Members are invited to consider and make recommendations on –
 - (a) the membership size of the Select Committee; and
 - (b) the procedure for nomination and election of Members for appointment to the Select Committee.

Council Business Division 4
Legislative Council Secretariat
3 June 2013

**Membership size of the select committees appointed
since the First Legislative Council**

Name of select committee	Time of formation	Membership size
Select Committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues	1998-1999	13
Select Committee on Building Problems of Public Housing Units	2000-2001	15
Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	2003-2004	11
Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man	2008-2009	12
Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues	2011-2012	12

Procedure for election of the chairman and deputy chairman of the Select Committee

Election of chairman

Presiding member

For the election of chairman of the committee, 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.

2. For the election to fill a vacancy in the office of chairman during a term, the deputy chairman shall preside at the election. If the deputy chairman is absent or is being nominated for the office, 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.

Election procedure

3. 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.

4. If the presiding member is being nominated for the office, he shall be replaced in accordance with paragraph 1 or 2 above, as appropriate, unless otherwise decided by the committee.

5. If there is only one nomination, the presiding member shall declare the nominee elected as chairman.

6. 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. Each nominee shall be assigned a nominee number according to the order of their nominations made during the election.

7. A member present who wishes to vote shall mark on a ballot paper using a chop with a "✓" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "✓" in the respective boxes opposite two or more nominee numbers shall be discarded.

8. 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.

9. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.

10. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

11. 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.

Election of deputy chairman

Presiding member

12. The member to preside at the election of the deputy chairman of the committee is the chairman thereof. If the chairman is absent, the member present who has the highest precedence shall preside. If such a member is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

Election procedure

13. The presiding member shall call for nominations for the deputy 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.

14. If there is only one nomination, the presiding member shall declare the nominee elected as deputy chairman.

15. 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. Each nominee shall be assigned a nominee number according to the order of their nominations made during the election.

16. A member present who wishes to vote shall mark on a ballot paper using a chop with a "✓" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "✓" in the respective boxes opposite two or more nominee numbers shall be discarded.

17. 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.

18. The presiding member shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

19. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

20. 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 deputy chairman.