

**立法會**  
***Legislative Council***

LC Paper No. CB(1)55/14-15(02)

Ref : CB1/HS/1/13

**Subcommittee to Prepare for the Operation of the Select Committee  
on the Petition**

**Presented at the Council Meeting of 25 June 2014**

**Meeting on 21 October 2014**

**Membership size of the Select Committee and nomination procedure**

**Purpose**

This paper invites members to consider the membership size of the Select Committee on the Petition Presented at the Council Meeting of 25 June 2014 ("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 25 June 2014, Hon WU Chi-wai and Hon Charles Peter MOK presented a petition in connection with the delay in the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. The request of Hon Charles Peter MOK for the petition to be referred to a select committee was supported by 21 Members who rose in their places. The petition has thus been referred to a select committee under Rule 20(6) of the Rules of Procedure.

3. At the House Committee meeting on 4 July 2014, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including drawing up recommendations on the TOR 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. In accordance with Rule 78(2) of the Rules of Procedure, the President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

5. Since the First Legislative Council, a total of six select committees have been appointed, amongst them five are formed by resolution of the Council and are authorized under the relevant resolutions to exercise summoning power under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and one formed under Rule 20(6) of the Rules of Procedure. The membership of these select committees is in the range of 11 to 15 (**Appendix I**).

6. 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**

7. The first select committee set up under Rule 20(6) of the Rules of Procedure since the First Legislative Council is the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption ("the Select Committee on Timothy TONG"). It is proposed that the procedure adopted by the Select Committee on Timothy TONG be adopted for nomination and election of Members for appointment to the Select Committee. The procedure is set out as follows –

- (a) The nomination and election of Members for appointment to the Select Committee shall be conducted at a meeting of the House Committee, the date of which shall be appointed by the House Committee;
- (b) 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 a Member who is absent from the meeting when the nomination is made may only do so if the former states that the absent

Member's acceptance of the nomination has been secured;

- (c) If the number of nominations exceeds that required for appointment, a poll shall be taken at the House Committee meeting at which the election is conducted. Members shall cast their votes by using the Electronic Voting System. A Member may vote for as many nominees as, but not more than, the number required for appointment. 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 will not be counted. The nominees who get the highest number of votes will be declared elected;
- (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 accordance with the manner of election provided in paragraph 7(c) above;
- (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;
- (f) 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 elect the chairman and deputy chairman of the Select Committee from amongst themselves. The House Committee will then resume its meeting and be asked to endorse the results of election of the chairman and deputy chairman of the Select Committee; and
- (g) 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**

8. Members are invited –

- (a) to consider the membership size of the Select Committee; and
- (b) to endorse the procedure for nomination and election of Members for appointment to the Select Committee as set out in paragraph 7.

Council Business Division 1  
Legislative Council Secretariat  
17 October 2014

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

Name of select committee	Time of formation	Membership size
Formed under section 9(1) of Cap. 382		
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
Formed under Rule 20(6) of RoP		
Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption	2012-2013	13

### **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 Select 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.