

立法會 *Legislative Council*

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Paper for the House Committee Meeting on 14 October 2016

Procedure for the nomination and election of Members for appointment to the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure

Purpose

This paper invites the House Committee ("HC") to consider the procedure for the nomination and election of Members for appointment by the President to the Public Accounts Committee ("PAC"), the Committee on Members' Interests ("CMI") and the Committee on Rules of Procedure ("CRoP") of the Sixth Legislative Council ("LegCo").

Background

2. PAC, CMI and CRoP are committees of the Council as stipulated in Rules 72, 73 and 74 of the Rules of Procedure respectively. The terms of reference of these committees are set out in **Appendices I, II and III** respectively. The respective membership sizes of these committees are as follows:

	PAC	CMI	CRoP
Chairman	1	1	1
Deputy Chairman	1	1	1
Members	5	5	10

3. Under the aforesaid rules, members of these committees shall be appointed by the President in accordance with the election procedure determined by HC. In the past LegCo terms, members of these committees were appointed to serve on the committees until the end of the respective term.

Nomination and election procedure

4. It is recommended that the following nomination and election procedure, which is largely based on that adopted in the past LegCo terms, be adopted:

- (a) the nomination and election of Members for appointment to the three committees be conducted at an HC meeting, the date of which shall be appointed by HC;
- (b) in making the nominations, Members should have regard to the need to ensure that the committees' membership is balanced and broadly representative of the membership of the Council;
- (c) 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;
- (d) if the number of nominations exceeds that required for appointment, a poll shall be taken at the HC meeting at which the election is conducted; and Members shall cast their votes in accordance with the voting arrangements to be agreed by HC¹. A Member may vote for as many nominees as, but not more than, the number required for appointment. If a Member has voted for the number of nominees which exceeds the number required for appointment, all the vote(s) which the Member has cast will not be counted. The nominees who get the highest numbers of votes will be declared elected;

¹ The proposed voting arrangement for the elections of Members for appointment to the three committees will be considered under agenda item X of the meeting.

- (e) 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 4(d) above;
 - (f) if, after a separate poll is held under paragraph 4(e) above, 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 HC among such nominees to determine which of them will take up the remaining place/places;
 - (g) upon completion of the elections of members to these committees, the HC meeting will be suspended for 10 to 15 minutes to allow the elected members time to elect their respective chairmen and deputy chairmen from amongst themselves; and
 - (h) upon resumption of the HC meeting, the HC Chairman will invite HC to endorse the results of the elections for the chairmen and deputy chairmen of the committees.
5. Regarding the procedure for the elections of chairmen and deputy chairmen of the three committees mentioned in paragraph 4(g) above, the Secretariat proposes to adopt the procedure set out in **Appendix IV** of this paper. The procedure is modelled on the procedure for election of the chairman and deputy chairman of committees set out in Appendix IV of the House Rules.
6. Recommendations of HC in regard to the membership of the three committees will be submitted to the President for appointment.

Timing for the nominations and elections

7. Subject to Members' endorsement of the nomination and election procedure set out in paragraphs 4 and 5 above as well as Appendix IV, it is proposed that the nominations and elections of Members to the three committees be conducted at the HC meeting to be held on **21 October 2016**.

Advice sought

8. Members are invited to:

- (a) endorse the procedure for the nominations and elections of Members for appointment to PAC, CMI and CRoP proposed in paragraphs 4 and 5 as well as Appendix IV; and
- (b) agree on the timing for the nominations and elections of Members for appointment to the three committees which is proposed to be held at the HC meeting on 21 October 2016.

Council Business Division 4
Legislative Council Secretariat
12 October 2016

Public Accounts Committee

Terms of Reference

- (1) To consider reports of the Director of Audit –
 - (a) on the accounts of the Government;
 - (b) on such other accounts required to be laid before the Council as the committee may think fit; and
 - (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit;
- (2) To consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention; and
- (3) To make a report upon the report of the Director of Audit within 3 months of the date on which the Director's report is laid on the Table of the Council.

Appendix II

Committee on Members' Interests

Terms of Reference

- (1) To examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (2) To consider any proposals made by Members or others as to the form and contents of the Register;
- (3) To consider any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so and, if it thinks fit after consideration, investigate such complaint;
- (4) To consider any complaint made in relation to the conduct of Members referred to in Rule 83AA of the Rules of Procedure (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) and, if it thinks fit after consideration, investigate such complaint;
- (5) To consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters; and
- (6) To report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 of the Rules of Procedure (Sanctions relating to Interests, Operating Expenses or Operating Funds).

Appendix III

Committee on Rules of Procedure

Terms of Reference

- (1) To review the Rules of Procedure of the Council and the committee system, and to propose to the Council such amendments or changes as are considered necessary; and
- (2) To examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

**Procedure for election of the chairmen and
deputy chairmen of the
Public Accounts Committee, Committee on Members' Interests and
Committee on Rules of Procedure**

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.