

立法會

Legislative Council

LC Paper No. CB(2)1479/16-17

Ref : CB2/SC/16

Paper for the House Committee meeting on 26 May 2017

Filling of a vacancy in the membership of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited

Purpose

This paper invites the House Committee to:

- (a) endorse the recommendation of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee") on the filling of a vacancy in its membership as well as in the office of deputy chairman, arising from the resignation of one of the members, who was also the Deputy Chairman, from the Select Committee; and
- (b) decide on the date for election of another Member to fill the said vacancy.

Background

2 At the Council meeting of 2 November 2016, Hon Kenneth LEUNG and Hon Andrew WAN jointly presented in accordance with Rule 20(1) of the Rules of Procedure ("RoP") a petition in connection with the receipt of payments by Mr LEUNG Chun-ying from the Australian firm UGL Limited and related issues ("the petition"). The request of Hon Andrew WAN for the petition to be referred to a select committee was supported by 28 Members. The petition was then referred to a select committee under RoP 20(6). RoP 78(2) provides that 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. At the meeting on 20 January 2017, the House Committee decided that the Select Committee should consist of 11 members including the chairman and deputy chairman, and 11 members were subsequently appointed by the President in accordance with the House Committee's recommendations. The previous membership of the Select Committee is in **Appendix I**. Hon Holden CHOW was one of the members and was elected as the Deputy Chairman.

Vacancy in the Select Committee that needs to be filled

3 In the morning of 19 May 2017, Hon Holden CHOW gave notice to the Select Committee in writing of his decision to resign from the Select Committee with immediate effect. At the Select Committee meeting held in the afternoon of the same day, members, having regard to the Select Committee's progress of work and the inputs/contributions to be provided in future by a new member (if elected), agreed to keep the membership size of the Select Committee at 11 and to fill the vacancy in the membership as well as in the office of deputy chairman of the Select Committee, given Hon Holden CHOW's resignation from the Select Committee.

Nomination and election procedure

4 It is proposed that the following procedure be adopted for the nomination and election of a Member for appointment to the Select Committee to fill the vacancy:

- (a) the nomination and election of a Member 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 nominating Member confirms that the absent Member's acceptance of the nomination has been secured;

- (c) if the number of nomination exceeds one, i.e. the number required for appointment, a poll shall be taken at the House Committee meeting at which the election is conducted. Members shall cast their vote by using the Electronic Voting System. A Member may vote for not more than one nominee. The nominee who gets the highest number of votes will be declared elected;
- (d) in case 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 such nominees in accordance with the manner of election mentioned in sub-paragraph (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, lot shall be drawn by the Chairman of the House Committee among such nominees to determine which of them will take up the vacancy;
- (f) after the nomination and election, the House Committee meeting should be suspended for five minutes to allow the Select Committee to elect from amongst its members the new deputy chairman of the Select Committee. The House Committee will then resume its meeting and be asked to endorse the result of election of the deputy chairman of the Select Committee; and
- (g) the election of the deputy chairman of the Select Committee will follow the procedure set out in **Appendix II** to this paper, which is modelled on the procedure for election of the chairman and deputy chairman of a committee given in Appendix IV to the House Rules.

Advice sought

5 The House Committee is invited to:

- (a) endorse the recommendation of the Select Committee to fill the vacancy in both its membership as well as in the office of deputy chairman; and
- (b) decide on the date for election of a Member to fill the vacancy.

Council Business Division 2
Legislative Council Secretariat
25 May 2017

**Select Committee to Inquire into Matters about the Agreement between
Mr LEUNG Chun-ying and the Australian firm UGL Limited**

Membership list

Chairman	Hon Paul TSE Wai-chun, JP
Deputy Chairman	Hon Holden CHOW Ho-ding*
Members	Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon WONG Kwok-kin, SBS, JP Hon MA Fung-kwok, SBS, JP Hon Kenneth LEUNG Hon Alvin YEUNG Hon Andrew WAN Siu-kin Dr Hon Junius HO Kwan-yiu, JP Hon LAM Cheuk-ting Hon YUNG Hoi-yan
Clerk	Miss Josephine SO
Legal adviser	Mr Timothy TSO

* Mr Holden CHOW resigned from the Select Committee with effect from 19 May 2017.

Procedure for election of the deputy chairman of the Select Committee

Election of deputy chairman

Presiding member

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

2. 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.
3. If there is only one nomination, the presiding member shall declare the nominee elected as deputy chairman.
4. 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.
5. 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.

6. 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.

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

8. 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.

9. 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.