

立法會
Legislative Council

LC Paper No. CB(2)503/16-17(02)

Ref : CB2/HS/3/16

**Subcommittee to Prepare for the Operation of the Select Committee
on the Petition Presented at the Council Meeting of 2 November 2016**

Meeting on 5 January 2017

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

Purpose

This paper invites members to consider the membership size of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 ("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 2 November 2016, Hon Kenneth LEUNG and Hon Andrew WAN jointly presented a petition in connection with the receipt of payments by Mr LEUNG Chun-ying from the Australian firm UGL Limited and related issues (**Appendix I**). The request of Hon Andrew WAN for the petition to be referred to a select committee was supported by 28 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 ("RoP").

3. At the House Committee meeting on 11 November 2016, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including making recommendations on terms of reference of the Select Committee to reflect the substance of the petition, the membership size, and the procedure for nominating and electing its Chairman, Deputy Chairman and members for appointment by the President.

Membership size of the Select Committee

4. In accordance with RoP 78(2), 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. The membership size of a select committee is not specified in RoP. Since the First Legislative Council ("LegCo"), a total of seven select committees had been appointed, amongst them five were formed by resolution of the Council and authorized under the relevant resolution to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and two were formed under RoP 20(6). The membership size of these select committees was in the range of 11 to 15 (**Appendix II**).

6. When considering the membership size of the Select Committee, members may wish to give regard to the need to ensure that the membership is balanced and broadly representative of the membership of the Council but not too large as to affect the efficient operation of the Select Committee.

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

7. It is proposed that the procedure adopted by the two select committees previously formed under RoP 20(6) be adopted for the nomination and election of Members for appointment to the Select Committee, with the use of the revamped Electronic Voting System ("EVS") for the casting of votes, which was also used for voting in the elections of Members for appointment to the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure in the Sixth LegCo. 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 nominating Member confirms 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 EVS. A Member may vote for as many nominees as, but not more than, the number required for appointment. 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(s);
- (f) after the nomination and election of members to the Select Committee, the House Committee meeting should be suspended for 10 to 15 minutes to allow the elected 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 III** 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

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 2
Legislative Council Secretariat
29 December 2016



呈
香港特別行政區
立法會主席及全體議員

呈請書
(根據議事規則第 20 條提交)

澳洲媒體於 2014 年 10 月 8 日報導，行政長官梁振英在 2011 年參選特首期間，與澳洲企業 UGL 簽訂秘密協議，收取該企業 400 萬英鎊秘密費用，並於在任期間分兩期收取有關款項。

但事件發生至今，仍有不少疑團仍未解開，包括為何行政長官沒有根據《基本法》第 47 條，透過終審法院首席法官及行政會議利益申報制度，就協議或所收取款項作出申報；協議條款內涉及的酬勞及為商業機構提供服務，會否與行政長官的身份構成利益衝突；以及協議內訂明的酬金中，有那些屬於應繳稅項目。但行政長官及政府當局一直未有提交充足資料，向公眾詳細交待。因此，立法會有必要繼續跟進事件。

我們懇請各位議員支持，在立法會轄下成立一個專責委員會，調查上述事宜。

呈請人：

梁繼昌
尹兆堅

2016 年 10 月 14 日

**Membership size of 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

Name of select committee	Time of formation	Membership size
Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link	2014-2015	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, 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.