

立法會 *Legislative Council*

LC Paper No. AS 17/19-20

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Paper for the House Committee meeting on 22 May 2020

Determination of a date for the elections of members of The Legislative Council Commission and the Committee on Access to the Legislature's Documents and Records

Purpose

This paper invites the House Committee ("HC") to determine the date for holding the elections of members of The Legislative Council Commission ("the Commission") and the Committee on Access to the Legislature's Documents and Records ("CoA") for 2019-2020.

Background

Election procedures

2. According to section 4(1) of The Legislative Council Commission Ordinance (Cap. 443), the Commission shall consist of, in addition to the President of the Legislative Council and the Chairman and Deputy Chairman of HC of the Council who are ex-officio members, not more than 10 other members elected, in such manner as the Council may determine, by and from amongst Members of the Council.
3. According to the resolution passed by the Council on 8 July 1998 (in **Appendix I**), election of members of the Commission shall be held at a meeting of HC, the date of which shall be appointed by HC. The term of office should be one year or until the next HC meeting held for the election of Commission members, or until the next dissolution of the Legislative Council, whichever is the earlier.
4. CoA is a committee of the Council as stipulated in Rule 74A of the Rules of Procedure ("RoP"). The composition, size of membership and term of office of CoA are modelled on those of the Commission. Under RoP 74A(3), the term of office of the elected members to CoA shall be one year or until the next HC meeting held for the election of members, whichever is the earlier. The

procedure for the nomination and election of members of CoA (**Appendix II**), which was endorsed by HC at its meeting on 28 March 2014, also follows that of the Commission.

5. At the HC meeting on 13 October 2017, members approved the following streamlined procedure for determining the dates for the elections of members of the Commission and CoA:¹

- (a) for the first session of a term, the elections of members of the Commission and CoA be held on the date of the fourth meeting of HC;
- (b) for the second or each subsequent session of a term, the elections of members of the Commission and CoA be held at the HC meeting held on the date which falls on or is immediately before the expiry of the one-year term of office of the members of the Commission and CoA; and
- (c) should there be any unforeseen circumstances rendering the elections unable to be held in accordance with (a) or (b) above, HC's advice will be sought on the date for the said elections.

Election of members of the Commission and CoA not held on 25 October 2019

6. The term of office of members of the Commission and CoA for 2018-2019 expired on 25 October 2019. In accordance with paragraph 5(b) above, the Secretariat issued separate circulars on 15 October 2019 (LC Papers Nos. AS 3/19-20 and COA 1/19-20) to invite nominations of Members for election to the Commission and CoA for 2019-2020, and the elections were proposed to be held at the HC meeting on 25 October 2019. However, the elections were not held pending the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. In the circumstances, the nominations received in response to the circulars have lapsed.

Proposal

7. In accordance with paragraph 5(c) above, HC's advice is sought on the date for holding the elections of members of the Commission and CoA for 2019-2020.

8. It is proposed that the elections be held at the HC meeting on 5 June 2020, and if the date of elections cannot be determined on 22 May 2020, the

¹ LC Paper No. AS 3/17-18 refers.

elections be held at the second HC meeting after the meeting at which the election date is determined.² Should there be any unforeseen circumstances rendering the elections unable to be held at the afore-mentioned meetings, it is proposed that the elections be held at the third or fourth HC meeting and so on after the meeting at which the election date is determined, whichever is earlier.

9. Subject to HC's approval of the above proposal, the Secretariat will issue circulars to invite nominations for the elections in due course.

Advice sought

10. Members are invited to approve the proposal in paragraph 8.

Administration Division
Legislative Council Secretariat
May 2020

² According to the nomination and election procedures for members of the Commission and CoA, there shall be at least seven clear days between the issuance of nomination forms and the election date.

THE LEGISLATIVE COUNCIL COMMISSION ORDINANCE

RESOLUTION

(Determination made under sections 4(1)(e) and 5(4)
of The Legislative Council Commission Ordinance (Cap 443))

RESOLVED that with effect from 8 July 1998 the membership of The Legislative Council Commission, the election of members thereof and their term of office, be determined as follows:

Membership

1. In accordance with section 4(1)(e) of The Legislative Council Commission Ordinance ("the Ordinance"), the maximum number of members to be elected shall be 10.

Manner of election

2. An election of members referred to in section 4(1)(e) of the Ordinance shall be held at a meeting of the House Committee, the date of which ("election date") shall be appointed by the House Committee.

3. The Legislative Council Secretariat shall issue a circular and a nomination form to the Members of the Legislative Council at least seven clear days before the election date, inviting nominations to be made.

4. Each nomination form shall be for the nomination of one Member and shall be signed by one Member as the proposer, one Member as the seconder, and by the nominee Member to signify his consent to the nomination.

5. Duly completed nomination forms shall be delivered to the Legislative Council Secretariat at least three clear days before the election date.

6. In cases where the number of nominations received by the Legislative Council Secretariat by the deadline for nomination is less than the number referred to in paragraph 1, further nominations may be proposed, at the House Committee meeting at which the election is conducted, by any Member and seconded by another, with the proposed nominee signifying his consent to the nomination.

7. In cases where the number of nominations received under paragraphs 5 and 6 is less than or equal to the number referred to in paragraph 1, the Chairman of the House Committee shall declare the nominees duly elected.

8. In cases where the number of nominations received under paragraphs 5 and 6 is more than the number referred to in paragraph 1, a poll shall be taken at the House Committee meeting at which the election is conducted; voting at which shall be by secret ballot and counted in accordance with the simple or relative majority system of election (otherwise known as "first-past-the-post" system of election), whereby a Member may vote for as many nominees as the number of vacancies and no more and the nominees who get the highest numbers of votes will be declared elected.

9. 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 system of election mentioned in paragraph 8 above until all the remaining vacancy or vacancies are filled.

Term of Office

10. Unless otherwise determined by the Council by resolution, the term of office of members elected under section 4(1)(e) shall be one year or until the next House Committee meeting held for the election of Commission members, or until the next dissolution of Legislative Council, whichever is the earlier.

**Election of members of
the Committee on Access to the Legislature's Documents and Records**
(Endorsed by the House Committee on 28 March 2014)

Membership

Rule 74A(2) of the Rules of Procedure ("RoP") specifies that the Committee on Access to the Legislature's Documents and Records ("CoA") shall consist of:

- (a) the President, who shall be the Chairman;
- (b) the Chairman of the House Committee, who shall be the Deputy Chairman;
- (c) the Deputy Chairman of the House Committee; and
- (d) not more than 10 other members who shall be elected at a House Committee meeting in such manner as the House Committee may determine.

Term of Office

2. Under Rule 74A(3) of RoP, the term of office of the elected members to CoA should be one year or until the next House Committee meeting held for the election of members, whichever is the earlier.

Nomination and election procedure

3. The nomination and election procedure adopted by the House Committee at its meeting of 28 March 2014 for the election of members of CoA is as follows:

- (a) an election of members of CoA shall be conducted at a meeting of the House Committee, the date of which ("election date") shall be appointed by the House Committee;

- (b) the Legislative Council Secretariat ("the Secretariat") shall issue a circular and a nomination form to the Members of Legislative Council at least seven clear days before the election date, inviting nominations to be made;
- (c) each nomination form shall be for the nomination of one Member and shall be signed by one Member as the proposer, one Member as the seconder, and by the nominee Member to signify his consent to the nomination;
- (d) duly completed nomination forms shall be delivered to the Secretariat at least three clear days before the election date;
- (e) in case where the number of nominations received by the Secretariat by the deadline for nomination is less than the number referred to in paragraph 1, further nominations may be proposed, at the House Committee meeting at which the election is conducted, by any Member and seconded by another, with the proposed nominee signifying his consent to the nomination;
- (f) in case where the number of nominations received under (d) and (e) is less than or equal to the number referred to in paragraph 1, the Chairman of the House Committee shall declare the nominees duly elected;
- (g) in cases where the number of nominations received under (d) and (e) is more than the number referred to in paragraph 1, a poll shall be taken at the House Committee meeting at which the election is conducted; voting at which shall be by secret ballot and counted in accordance with the simple or relative majority system of election (otherwise known as "first-past-the-post" system of election), whereby a Member may vote for as many nominees as the number of vacancies and no more and the nominees who get the highest numbers of votes will be declared elected; and
- (h) 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 system of election mentioned in (g) above until all the remaining vacancy or vacancies are filled.