

# 立法會

## *Legislative Council*

LC Paper No. AS 2/98-99

Ref: AM 12/01/12

### **Paper for the House Committee Meeting on 6 July 1998**

#### **Motion on Election of Members of The Legislative Council Commission and their Term of Office**

#### **Purpose**

This paper presents to the House Committee a motion to be introduced into the Legislative Council setting out the manner of election and term of office of members of The Legislative Council Commission.

#### **Background**

2. Section 4(1) of The Legislative Council Commission Ordinance (Cap 443) provides that the Commission shall consist of, in addition to the President of the Legislative Council, and the Chairman and Deputy Chairman of the House Committee of the Council, not more than 10<sup>1</sup> members elected, in such manner as the Council may determine, by and from amongst Members of the Council. Section 4(2) further provides that the Council may by resolution amend the maximum number of non ex-officio members of the Commission. An extract of the relevant provisions of the Ordinance is in **Appendix I**.

3. In addition, under section 5(4) of the Ordinance, the term of office of members elected shall be such period not exceeding one year as may be determined by the Council.

4. On 18 October 1995, the former Legislative Council passed a resolution that election of members of the Commission should be held at a meeting of the House Committee, the date of which shall be appointed by the House Committee. The term of office should be one year from the date of election or until the House Committee meeting held for the next election of Commission members, or until the next dissolution of the Council, whichever is the earlier.

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<sup>1</sup> The number of members to be elected under section 4(1)(e) of the Ordinance was changed from eight to 10 as a result of an amendment to the Ordinance effective from 1 July 1997.

5. Consequent upon amendments to the Ordinance made in July 1997 which changed, inter alia, the maximum number of non ex-officio members to be elected under section 4(1)(e) from eight to 10, it is necessary to pass a new resolution to determine the number of members of the Commission. The opportunity is also taken to seek Members' views on the arrangements for the election to The Legislative Council Commission for the 1998-99 session and subsequent elections.

### **Proposal for the Next and Subsequent Elections**

6. It is proposed that the next election of the Commission members be held as soon as possible at a House Committee meeting, in the manner set out as follows. The procedure should also apply to subsequent elections unless and until the Council determines otherwise.

#### Number of Members and Term of Office

7. Under section 4(1)(e) of the Ordinance, no more than 10 members shall be elected. Unless otherwise determined by the Council, their term of office shall be one year from the date of election or until the House Committee meeting held for the next election of Commission members, or until the next dissolution of the Council, whichever is the earlier.

#### Manner of Election

8. A circular will be issued by the Legislative Council Secretariat at least seven days before the election calling for written nominations from Members (nomination form in **Appendix II**). Each nomination should be proposed by one Member and seconded by another. Nominations should reach the Secretariat at least three clear days before the election. If the number of written nominations received by the deadline is less than 10, nominations may be called from the floor at the meeting of the House Committee at which the election is conducted. In the final event that the total number of nominations received is less than or equal to 10, the nominees shall be declared duly elected.

9. If there are more than 10 nominations, voting will be conducted by secret ballot. Each Member will be issued with a ballot paper and invited to elect no more than 10 members from the nominees. A ballot paper containing more than 10 votes will be regarded as null and void. The election will be conducted in accordance with the "first-past-the-post" system of election, i.e. the 10 candidates who get the highest number of votes will be declared elected.

10. Further round(s) of voting by secret ballot will be conducted in respect of those nominees receiving the same number of votes until all the vacancies are filled.

### **Recommendations**

11. If Members are agreeable to the proposal set out in paragraphs 6 - 10 above, it is recommended that the Chairman of the House Committee will move the motion in **Appendix III** at the Council meeting on 8 July 1998. Subject to the Council's approval by resolution, election of Commission members will be held at the House Committee meeting on 17 July 1998.

### **Advice Sought**

12. Members are invited to endorse the recommendations in paragraph 11.

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Legislative Council Secretariat  
July 1998

節錄自立法局行政管理委員會條例第 443 章  
Extract from The Legislative Council Commission Ordinance (Cap. 443)

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4. 成員

- (1) 管理委員會由以下成員組成—
  - (a) 立法局主席，他並擔任管理委員會主席；
  - (b) 立法局內務委員會主席，他並擔任管理委員會副主席；
  - (c) 立法局內務委員會副主席；
  - (d) 在緊接本條例生效日期之前身為公司的執行委員會成員而並無憑藉(a)、(b)或(c)段成為管理委員會成員的人；
  - (e) 不超過 8 名其他成員，由並非《1917 至 1992 年香港英皇制誥》第 VI 條第(1)(b)款所提述的當然官守議員的立法局議員，按立法局所決定的方式互選產生。
- (2) 立法局可藉決議修訂第(1)(e)款所指的成員人數。

4. Membership

- (1) The Commission shall consist of the following members—
  - (a) the President of the Council, who shall be the Chairman of the Commission;
  - (b) the Chairman of the House Committee of the Council, who shall be the Deputy Chairman of the Commission;
  - (c) the Deputy Chairman of the House Committee of the Council;
  - (d) the persons who are members of the Executive Committee of the Company immediately before the commencement of this Ordinance and who do not become members of the Commission by virtue of paragraph (a), (b) or (c);
  - (e) not more than 8 other members elected, in such manner as the Council may determine, by and from amongst the members of the Council other than the ex officio members referred to in paragraph (1)(b) of Article VI of the Hong Kong Letters Patent 1917 to 1992.
- (2) The Council may by resolution amend the number of members referred to in subsection (1)(e).

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**Appendix II**

**(To be returned by 13 July 1998)**

To : Mrs Angela Lee  
Principal Assistant Secretary (Administration)  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road  
Hong Kong

Fax No. : 2845 2444

**Nomination of Members for  
Election to The Legislative Council Commission**

Nomination Form

(To be completed by the nominating Member)

I wish to nominate \_\_\_\_\_ for election to The Legislative  
Council Commission.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

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(To be completed by the Member seconding the above nomination)

I second the above nomination.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

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(To be completed by the nominee)

I accept the above nomination.

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(Signature)

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(Name)

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(Date)

**THE LEGISLATIVE COUNCIL COMMISSION ORDINANCE**

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**RESOLUTION**

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

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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.