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Chapter:	443	Title:	<b>THE LEGISLATIVE COUNCIL COMMISSION ORDINANCE</b>	Gazette Number:	115 of 1997 s. 6
Section:	5	Heading:	<b>Office of members</b>	Version Date:	01/07/1997

(1) Subject to subsection (8), a member shall cease to hold office if he ceases to be a member of the Council.  
 (2) Without prejudice to subsection (1), a person who becomes a member by virtue of section 4(1)(d) or (da) shall cease to hold his office upon the election of members under section 4(1)(e) next after the commencement of this Ordinance or the amending Ordinance, as the case may be. (Amended 115 of 1997 s. 6)

(3) Without prejudice to subsection (1), a member elected under section 4(1)(e) shall cease to hold his office as such if-

- (a) he becomes the President of the Council;
- (b) he becomes the Chairman of the House Committee of the Council; or
- (c) he becomes the Deputy Chairman of the House Committee of the Council.

(4) The terms of the office of the members elected under section 4(1)(e) shall be such period not exceeding 1 year as the Council may determine at the time of the election.

(5) Past service is no bar to becoming a member under section 4(1)(a), (b), (c) or (da) or re-election as a member under section 4(1)(e). (Amended 115 of 1997 s. 6)

(6) A member elected under section 4(1)(e) may at any time resign his office by notice in writing to the Chairman, and the resignation shall take effect-

- (a) from the date specified in the notice or on the date of receipt of the notice by the Chairman, whichever is later; or
- (b) if no date is specified in the notice, on receipt of the notice by the Chairman.

(7) Where a member-

- (a) dies;
- (b) ceases to hold office pursuant to subsection (1) or (3); or
- (c) resigns his office under subsection (6),

the Commission may, in such manner as it sees fit, appoint a member of the Council in his place to hold the office until such time when the term of office of the former member would have expired had he not died, ceased to hold office or resigned his office, as the case may be. (Amended 80 of 1997 s. 44; 115 of 1997 s. 6)

(8) Upon a dissolution of the Council-

- (a) the person who becomes the Chairman by virtue of section 4(1)(a) shall remain in office of the Chairman until the election of the President of the Council;
- (b) the person who becomes the Deputy Chairman by virtue of section 4(1)(b) shall remain in office of the Deputy Chairman until the election of the Chairman of the House Committee of the Council;
- (c) the person who becomes a member by virtue of section 4(1)(c) shall remain as a member until the election of the Deputy Chairman of the House Committee of the Council,

next after the commencement of the session of the Council next after such dissolution.

(9) Where the Chairman is unable by reason of absence from Hong Kong or incapacity to perform his functions the Deputy Chairman or, if the office of the Deputy Chairman is vacant or the Deputy Chairman is also unable by reason of absence from Hong Kong or incapacity to perform his functions, the member who becomes a member by virtue of section 4(1)(c), shall act in the place of the Chairman.

(Enacted 1994)

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