

立法會

Legislative Council

LC Paper No. AS 338/08-09

Ref. AM 12/01/12 (Pt 4)

Paper for the House Committee Meeting on 9 October 2009

Election of Members of The Legislative Council Commission

Purpose

This paper invites the House Committee to consider holding the election of members of The Legislative Council Commission (the Commission) at the House Committee meeting on 23 October 2009.

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 other members elected, in such manner as the Council may determine, by and from amongst Members of the Council.

3. On 8 July 1998, the Council passed a resolution that election of members of the Commission shall 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 or until the next House Committee meeting held for the election of Commission members, or until the next dissolution of the Legislative Council, whichever is the earlier. A copy of the resolution setting out the membership, the manner of election of members of the Commission and their term of office is in the **Appendix**.

Proposal

4. It is proposed that the election of members of the Commission be held at the House Committee meeting on 23 October 2009.

Advice Sought

5. Members are invited to approve the proposal in paragraph 4.

Legislative Council Secretariat
October 2009

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.