

立法會
Legislative Council

LC Paper No. PI 78/13-14

Ref: PI/GEN/28

Paper for the House Committee Meeting on 28 March 2014

**Procedure for the nomination and election of Members to
the Committee on Access to the Legislature's Documents and Records**

Purpose

This paper invites the House Committee to consider the procedure for the nomination and election of Members to the Committee on Access to the Legislature's Documents and Records ("CoA"), and determine the date for holding the election.

Background

2. At its meeting of 19 March 2014, the Legislative Council ("LegCo") passed a resolution to amend the Rules of Procedure ("RoP") to:
 - (a) set out the Policy on Access to the Legislature's Documents and Records ("the Policy") with a view to adopting the maximum records closure periods and periodic declassification reviews;
 - (b) provide for the appointment of CoA which has the primary function to determine whether a document or record of the Legislature should be made available for access earlier than the expiry of the closure period as specified in the Policy; and
 - (c) authorize the Clerk to LegCo to conduct the reviews specified in the Policy and deny access to documents and records in accordance with the guidelines drawn up by CoA.
3. The terms of reference, membership, and practice and procedure of CoA are set out in Rule 74A of RoP.

4. On membership, Rule 74A(2) specifies that 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.

5. Under Rule 74A(3), 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

6. It is recommended that the following nomination and election procedure, which follows that of The Legislative Council Commission, be adopted:
 - (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 LegCo Secretariat ("the Secretariat") shall issue a circular and a nomination form to the Members of LegCo 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 4, 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 4, 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 4, 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.

Date for holding election

7. Subject to Members' endorsement of the nomination and election procedure set out in paragraph 6 above, it is proposed that the election of Members to CoA be conducted at the House Committee meeting on **11 April 2014**.

Advice sought

8. Members are invited to:
 - (a) endorse the procedure for the nomination and election of Members to CoA proposed in paragraph 6; and
 - (b) agree to hold the election of Members to CoA at the House Committee meeting on 11 April 2014.

Legislative Council Secretariat
March 2014