

立法會 *Legislative Council*

LC Paper No. COA1/16-17

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Paper for the House Committee Meeting on 14 October 2016

Determination of a date for the election of members of the Committee on Access to the Legislature's Documents and Records

Purpose

This paper invites the House Committee to consider holding an election of members of the Committee on Access to the Legislature's Documents and Records ("CoA") at the House Committee meeting on 28 October 2016.

Background

2. Rule 74A of the Rules of Procedure ("RoP") provides for the terms of reference, membership and practice and procedure of CoA. Rule 74A(2) of RoP provides that CoA 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 House Committee may determine. The Composition and size of membership of CoA are modelled on those of The Legislative Council Commission ("the Commission").

3. At its meeting on 28 March 2014, the House Committee also endorsed the nomination and election procedure for members of CoA which followed that of the Commission. The details are set out in the **Appendix**. The term of office of the elected members of CoA should be one year or until the next House Committee meeting held for the election of members, whichever is the earlier.

4. All members of the Commission were elected to CoA since its establishment in 2014. From experience, common membership between the Commission and CoA helps ensure that access requests for documents and records belonging separately to the Commission and CoA are handled consistently according to established criteria.

Proposal

5. The election of members of the Commission is proposed to be held on 28 October 2016 and the proposal will be considered under Agenda item V at the House Committee meeting on 14 October 2016. Subject to the agreement of the House Committee, it is proposed that the election of members of CoA be held at the same House Committee meeting.

Advice sought

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

Legislative Council Secretariat
12 October 2016

Election of members of the Committee on Access to the Legislature's Documents and Records

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.