

立法會
Legislative Council

LC Paper No. CB(4)199/20-21

Ref: CB(4)/PAC/APP
CB(3)/C/1 (16-21)
CB(4)/CROP/1

**Paper for the House Committee meeting
on 20 November 2020**

**Vacancies in the Public Accounts Committee,
Committee on Members' Interests and
Committee on Rules of Procedure**

Purpose

This paper invites the House Committee ("HC") to endorse the recommendation that Members be elected to fill the vacancies in the Public Accounts Committee ("PAC"), the Committee on Members' Interests ("CMI") and the Committee on Rules of Procedure ("CRoP") arising from:

- (a) the disqualification of Mr Kenneth LEUNG, Mr Dennis KWOK Wing-hang and Mr Alvin YEUNG from being Members of the Legislative Council ("LegCo") on 30 July 2020;
- (b) the resignation of Ms Claudia MO from office as a LegCo Member with effect from 13 November 2020; and
- (c) the withdrawal of Prof Joseph LEE Kok-long from CMI with effect from 11 November 2020, the withdrawal of Mr James TO Kun-sun from CRoP with effect from 13 November 2020, and the withdrawal of Mr LAM Cheuk-ting from PAC and CMI with effect from 13 November 2020.¹

¹ Mr James TO Kun-sun, Prof Joseph LEE Kwok-long and Mr LAM Cheuk-ting have also given notice of resignation from office as a LegCo Member under section 14 of the Legislative Council Ordinance (Cap. 542) which will take effect on 1 December 2020.

Background

2. PAC, CMI and CRoP are committees of LegCo as stipulated in Rules 72, 73 and 74 of the Rules of Procedure respectively. The respective membership sizes of the three committees are as follows:

	PAC	CMI	CRoP
Chairman	1	1	1
Deputy Chairman	1	1	1
Members	5	5	10
Membership size	7	7	12

3. Under the aforesaid rules, members of these three committees shall be appointed by the President in accordance with an election procedure determined by HC, and they serve on these committees until the end of a LegCo term. At its meeting on 14 October 2016, HC endorsed the procedure for the nomination and election of Members for appointment to these three committees, as shown in **Appendix I**. The membership of these three committees is shown in **Appendix II**.

4. As a result of the various circumstances set out in paragraph 1(a) to (c) above, there is a need to elect Members to fill the vacancies as follows:

	PAC	CMI	CRoP
Deputy Chairman	1	1	1
Member(s)	1	2	3
Total no. of vacancies	2	3	4

Recommendation

5. It is recommended that an election be conducted at the HC meeting to be held on 27 November 2020. In accordance with the nomination and election procedure endorsed by HC on 14 October 2016, the election to fill the vacancies is by way of nominations made orally at the meeting of HC. If the number of nominations exceeds that required for appointment, an election by a poll will be conducted.

6. As the positions of deputy chairman of the three committees are vacant, upon completion of the election procedure, the HC meeting will be suspended for 10 to 15 minutes to allow the members (including the newly elected members) of these committees to elect their respective deputy chairmen from amongst themselves in accordance with the procedure for

election of the chairmen and deputy chairmen of the three committees endorsed by HC on 14 October 2016 (**Appendix III**). Upon resumption of the HC meeting, the HC Chairman will invite HC to endorse the results of the elections of the deputy chairmen of the three committees.

7. HC's recommendation in regard to the members elected will then be submitted to the President for appointment.

Decision sought

8. Members are invited to endorse the recommendation in paragraph 5 above.

Council Business Division 4
Legislative Council Secretariat
19 November 2020

Appendix I

Procedure for the nomination and election of Members for appointment to the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure endorsed by the House Committee on 14 October 2016

- (a) the nomination and election of Members for appointment to the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure shall be conducted at a meeting of the House Committee ("HC"), the date of which shall be appointed by HC;
- (b) in making the nominations, Members should have regard to the need to ensure that the committees' membership is balanced and broadly representative of the membership of the Council;
- (c) a valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting when the nomination is made may only do so if the former states that the absent Member's acceptance of the nomination has been secured;
- (d) if the number of nominations exceeds that required for appointment, a poll shall be taken at the HC meeting at which the election is conducted; and Members shall cast their votes by using the Electronic Voting System. A Member may vote for as many nominees as, but not more than, the number required for appointment. If a Member has voted for the number of nominees which exceeds the number required for appointment, all the vote(s) which the Member has cast will not be counted. The nominees who get the highest numbers of votes will be declared elected;
- (e) 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 manner of election provided in paragraph (d) above;

- (f) if, after a separate poll is held under paragraph (e) above, there is still a nominee who would have been elected but for there being one or more other nominees having been given the same number of votes, lots shall be drawn by the HC Chairman among such nominees to determine which of them will take up the remaining place/places;
- (g) upon completion of the elections of members to these committees, the HC meeting will be suspended for 10 to 15 minutes to allow the elected members time to elect their respective chairmen and deputy chairmen from amongst themselves; and
- (h) upon resumption of the HC meeting, the HC Chairman will invite HC to endorse the results of the elections for the chairmen and deputy chairmen of the committees.

**Membership of the Public Accounts Committee,
Committee on Members' Interests and
Committee on Rules of Procedure**

Public Accounts Committee

Chairman	Hon Abraham SHEK Lai-him, GBS, JP
Deputy Chairman	<i>Vacant (Mr Kenneth LEUNG was disqualified from being a Member of the Legislative Council ("LegCo") on 30 July 2020)</i>
Members	Hon Paul TSE Wai-chun, JP
	Hon Steven HO Chun-yin, BBS
	Hon SHIU Ka-fai, JP
	Hon YUNG Hoi-yan, JP
	<i>* 1 vacancy (Hon LAM Cheuk-ting withdrew from the committee with effect from 13 November 2020)</i>

Committee on Members' Interests

Chairman	Hon YIU Si-wing, BBS
Deputy Chairman	<i>Vacant (Ms Claudia MO resigned from office as a Member of LegCo with effect from 13 November 2020)</i>
Members	Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
	Hon Elizabeth QUAT, BBS, JP
	Hon Martin LIAO Cheung-kong, GBS, JP
	<i>* 2 vacancies (Prof Hon Joseph LEE Kok-long, SBS, JP and Hon LAM Cheuk-ting withdrew from the committee with effect from 11 and 13 November 2020 respectively)</i>

Committee on Rules of Procedure

Chairman Hon Paul TSE Wai-chun, JP

**Deputy
Chairman** *Vacant (Mr Kenneth LEUNG was disqualified from being a
Member of LegCo on 30 July 2020)*

Members Hon Tommy CHEUNG Yu-yan, GBS, JP

Hon CHAN Hak-kan, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Hon Michael TIEN Puk-sun, BBS, JP

Hon KWOK Wai-keung, JP

Dr Hon Junius HO Kwan-yiu, JP

Hon CHEUNG Kwok-kwan, JP

** 3 vacancies (Mr Dennis KWOK Wing-hang and Mr Alvin
YEUNG were disqualified from being Members of LegCo on
30 July 2020, and Hon James TO Kun-sun withdrew from the
committee with effect from 13 November 2020)*

**Procedure for election of the chairmen and deputy chairmen of
the Public Accounts Committee,
Committee on Members' Interests and
Committee on Rules of Procedure
endorsed by the House Committee on 14 October 2016**

Election of chairman

Presiding member

For the election of chairman of the committee, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

2. For the election to fill a vacancy in the office of chairman during a term, the deputy chairman shall preside at the election. If the deputy chairman is absent or is being nominated for the office, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

Election procedure

3. At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.

4. If the presiding member is being nominated for the office, he shall be replaced in accordance with paragraph 1 or 2 above, as appropriate, unless otherwise decided by the committee.

5. If there is only one nomination, the presiding member shall declare the nominee elected as chairman.

6. If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order of their nominations made during the election.

7. A member present who wishes to vote shall mark on a ballot paper using a chop with a "✓" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "✓" in the respective boxes opposite two or more nominee numbers shall be discarded.

8. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation.

9. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.

10. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

11. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

Election of deputy chairman

Presiding member

12. The member to preside at the election of the deputy chairman of the committee is the chairman thereof. If the chairman is absent, the member present who has the highest precedence shall preside. If such a member is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

Election procedure

13. The presiding member shall call for nominations for the deputy chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.

14. If there is only one nomination, the presiding member shall declare the nominee elected as deputy chairman.

15. If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order of their nominations made during the election.

16. A member present who wishes to vote shall mark on a ballot paper using a chop with a "✓" in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a "✓" in the respective boxes opposite two or more nominee numbers shall be discarded.

17. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation.

18. The presiding member shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

19. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

20. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as deputy chairman.