

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 19 January 2022 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 to The Legislative Council Commission (“the Commission”) by and from amongst Members of the Legislative Council (“LegCo”) shall be 10.

Manner of election

2. An election of members referred to in section 4(1)(e) of the Ordinance shall be presided by the President’s Deputy referred to in Rule 5 of the Rules of Procedure of LegCo, who is the Chairman of the House Committee. The date, time and venue of the election shall be determined by the President’s Deputy.

3. The LegCo Secretariat (“the Secretariat”) shall issue a circular and a nomination form to all LegCo Members at least five clear days before the election date, inviting nominations to be made.

4. Nominations shall be submitted by electronic means specified by the Secretariat. A valid nomination shall be made by a Member, seconded by at least one other Member and accepted by the Member being nominated.

5. The name of a Member shall not appear on more than one nomination for the office as a member of the Commission, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination; otherwise, only the first such nomination received by the Secretariat shall be valid. Nevertheless, a Member may nominate himself/herself for the office as a member of the Commission, provided that such nomination is seconded by at least one other Member. In such case, the name of the Member concerned will appear on a nomination in the capacities as a Member making nomination and a Member being nominated. The Secretariat shall notify the Member who submitted any invalid nomination.

6. Nominations shall reach the Secretariat at least two clear days before the election date.

7. If no valid nomination is received by the deadline, the deadline will automatically be extended to one clear day before the election date. If such extended deadline falls on a Saturday or public holiday, the deadline shall be advanced to the first preceding day that is not a Saturday or public holiday. All Members will be so notified by the Secretariat. If there is still no valid nomination received by the extended deadline, the President's Deputy shall determine another date for the election.

8. If the number of valid nominations received by the deadline or the extended deadline referred to in paragraph 6 or 7 is less than or equal to 10, the President's Deputy shall inform all Members in writing that the nominees are duly elected and the election under paragraph 2 will not be held.

9. If the number of valid nominations received by the deadline or extended deadline referred to in paragraph 6 or 7 is more than 10, a poll shall be taken at the election, and Members shall cast their votes by open ballot with the use of the Electronic Voting System. A Member may vote for as many nominees as, but not more than, the number of seats, i.e. 10. The nominees who get the highest numbers of votes will be declared elected.

10. 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 9 above.

11. If, after a separate poll is held under paragraph 10, 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 President's Deputy among such nominees to determine which of them will take up the remaining seat(s).

12. Members will be informed of the election results as soon as possible.

Term of Office

13. Unless otherwise determined by the Council by resolution, the term of office of members elected under section 4(1)(e) of Cap. 443 shall be one year or until the next election of Commission members, or until the next dissolution of LegCo, whichever is the earlier.