

立法會 *Legislative Council*

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Paper for the House Committee Meeting on 14 January 2022

Proposed procedures for the nomination and election of members of the Public Accounts Committee, Committee on Members' Interests, Committee on Rules of Procedure and Committee on Access to the Legislature's Documents and Records

Purpose

This paper invites the House Committee ("HC") to endorse the proposed procedures for the nomination and election of members of the following committees:

- (a) Public Accounts Committee ("PAC");
- (b) Committee on Members' Interests ("CMI");
- (c) Committee on Rules of Procedure ("CRoP"); and
- (d) Committee on Access to the Legislature's Documents and Records ("CoA").

Background

2. PAC, CMI, CRoP and CoA are committees of the Legislative Council ("LegCo") established under Rules 72, 73, 74 and 74A of the Rules of Procedure ("RoP") and their respective terms of reference are set out in **Appendices 1, 2, 3 and 4** to this paper. The composition of each of these four committees is as follows:

	PAC	CMI	CRoP	CoA
Chairman	1	1	1	1
Deputy Chairman	1	1	1	1
Members	5	5	10	Deputy HC Chairman and not more than 10 elected members

3. The chairmen, deputy chairmen and members of PAC, CMI and CRoP are appointed by the President in accordance with the election procedure determined by HC. In the past LegCo terms, they were appointed to serve on the committees until the end of the respective term.

4. CoA consists of the President, who shall be the chairman, the HC Chairman, who shall be the deputy chairman, the HC Deputy Chairman, and **not more than 10 other members** who shall be elected at an HC meeting in such manner as HC may determine. The term of office of the elected CoA members shall be one year or until the next HC meeting held for the election of members, whichever is earlier. According to RoP 74A(4), the chairman and three other members shall constitute a quorum of the committee.

Proposed nomination and election procedures

5. It is proposed that the procedure for the nomination and election of members of: (a) PAC, CMI and CRoP as set out in **Appendix 5**; and (b) CoA as set out in **Appendix 6** to this paper be adopted. Under the proposed procedure, all the nominations for the membership of these four committees are required to be submitted via electronic means before a specified deadline. If the number of valid nominations exceeds the number of seats, an election by a poll will be conducted at a meeting of HC at which HC members shall cast their votes by using the Electronic Voting System.

6. Upon completion of the elections of members of PAC, CMI and CRoP, the HC meeting will be suspended for 10 to 15 minutes to allow time for the elected members to elect their respective chairmen and deputy chairmen from amongst themselves. Regarding the procedure for nomination and election of chairmen and deputy chairmen of these three committees, it is proposed that the procedure as set out in **Appendix 7**

to this paper be adopted. The procedure is based on that adopted in the past LegCo terms. The results of the elections of chairmen, deputy chairmen and members of these three committees shall be endorsed by HC, and then be submitted to the President for appointment.

Advice sought

7. Members are invited to endorse the nomination and election procedures in **Appendices 5, 6 and 7** respectively. Subject to HC's endorsement, it is proposed that, if necessary, the elections of the four committees be conducted at the HC meeting to be held on **28 January 2022**.

Council Business Division 4
Legislative Council Secretariat
12 January 2022

Public Accounts Committee

Terms of Reference

- (1) To consider reports of the Director of Audit –
 - (a) on the accounts of the Government;
 - (b) on such other accounts required to be laid before the Council as the committee may think fit; and
 - (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit;
- (2) To consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention; and
- (3) To make a report upon the report of the Director of Audit within three months of the date on which the Director's report is laid on the Table of the Council.

Committee on Members' Interests

Terms of Reference

- (1) To examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (2) To consider any proposals made by Members or others as to the form and contents of the Register;
- (3) To consider any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so and, if it thinks fit after consideration, investigate such complaint;
- (4) To consider any complaint made in relation to the conduct of Members referred to in Rule 83AA of the Rules of Procedure (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) and, if it thinks fit after consideration, investigate such complaint;
- (5) To consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters; and
- (6) To report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 of the Rules of Procedure (Sanctions relating to Interests, Operating Expenses or Operating Funds).

Committee on Rules of Procedure

Terms of Reference

- (1) To review the Rules of Procedure of the Council and the committee system, and to propose to the Council such amendments or changes as are considered necessary; and
- (2) To examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

Committee on Access to the Legislature's Documents and Records

Terms of Reference

- (1) To determine that a document or record of the Legislature (or its committee) should be made available for access earlier than the expiry of the closure period specified in paragraph (a) of the Policy on Access to the Legislature's Documents and Records in Schedule 2 to the Rules of Procedure of LegCo ("RoP");
- (2) To set guidelines for implementing the Policy;
- (3) To consider any objection against the denial of access to such a document or record by the Clerk under RoP 6(5A)(b) (Duties of the Clerk); and
- (4) To consider any other matter relating to or arising from the Policy.

**Procedure for nomination and election of members of
the Public Accounts Committee, Committee on Members' Interests
and Committee on Rules of Procedure**

The elections of Legislative Council ("LegCo") Members, for appointment by the President, to the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure shall be held at a House Committee ("HC") meeting, the date of which shall be appointed by HC ("election date").

2. The committee clerks shall each issue a circular and a nomination form to LegCo Members at least five clear days before the election date, inviting nominations for appointment to the above three committees.

3. Nominations shall be submitted via electronic means specified by the Legislative Council Secretariat ("Secretariat"). A valid nomination shall be made by a Member, seconded by at least one other Member, and accepted by the Member being nominated.

4. The name of a Member shall not appear on more than one submission of nomination for the office as a member of a committee, 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 submission of nomination received by the Secretariat shall be valid. However, a Member may nominate himself for the office as a member of a committee, 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 submission of 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(s).

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

6. In the case where the number of valid nominations in respect of a committee received by the deadline is less than the number of seats, the deadline will automatically be extended to one clear day before the election date. If such extended deadline for submission of nomination falls on a Saturday or public holiday, then the deadline shall be advanced to the first

preceding day that is not a Saturday or a public holiday. All LegCo Members will be so notified by the Secretariat. If the number of valid nominations received by the extended deadline is still less than the number of seats, HC will be invited to determine another date for the election in respect of that committee.

7. In the case where the number of valid nominations received by the deadline or extended deadline referred to in paragraph 5 or 6 above is equal to the number of seats, the HC Chairman shall declare the nominees duly elected at the HC meeting at which the election is scheduled to be conducted (“the scheduled meeting”).

8. In the case where the number of valid nominations received by the deadline or extended deadline referred to in paragraph 5 or 6 above exceeds the number of seats, a poll shall be taken at the scheduled meeting; and members of HC 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. The nominees who get the highest numbers of votes will be declared elected.

9. In the case 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 8 above.

10. If, after a separate poll is held under paragraph 9 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(s).

11. The voting records, if any, will be uploaded onto the LegCo website after the HC meeting at which the polls are held.

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

The election of members of the Committee on Access to the Legislature's Documents and Records ("CoA") shall be held at a House Committee ("HC") meeting, the date of which shall be appointed by HC ("election date").

2. The committee clerk shall issue a circular and a nomination form to Members of the Legislative Council ("LegCo") at least five clear days before the election date, inviting nominations to be made.

3. Nominations shall be submitted via electronic means specified by the Legislative Council Secretariat ("Secretariat"). A valid nomination shall be made by a Member, seconded by at least one other Member, and accepted by the Member being nominated.

4. The name of a Member shall not appear on more than one submission of nomination for the office as a member of a committee, 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 submission of nomination received by the Secretariat shall be valid. However, a Member may nominate himself for the office as a member of CoA, 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 submission of 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(s).

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

6. In the case where 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 for submission of nomination falls on a Saturday or public holiday, the deadline shall be advanced to the first preceding day that is not a Saturday or a public holiday. All LegCo Members will be so notified by the Secretariat. If there is still no valid

nominations received by the extended deadline, HC will be invited to determine another date for the election.

7. In the case where the number of valid nominations received by the deadline or the extended deadline referred to in paragraph 5 or 6 above is less than or equal to 10, the HC Chairman shall declare the nominees duly elected at the HC meeting at which the election is scheduled to be conducted (“the scheduled meeting”).

8. In the case where the number of valid nominations received by the deadline or the extended deadline referred to in paragraph 5 or 6 above is more than 10, a poll shall be taken at the scheduled meeting; and members of HC 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. The nominees who get the highest numbers of votes will be declared elected.

9. In the case 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 8 above.

10. If, after a separate poll is held under paragraph 9 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(s).

11. The voting records, if any, will be uploaded onto the LegCo website after the HC meeting at which the polls are held.

**Procedure for election of the chairmen and deputy chairmen of
the Public Accounts Committee, Committee on Members' Interests
and Committee on Rules of Procedure**

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.

3. The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 4 to 12 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

Election procedure

4. 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.

5. 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.

6. If there is only one valid nomination, the presiding member shall declare the nominee elected as chairman. However, if there is no valid nomination for the office of chairman, the member who has the highest precedence in the committee shall be deemed to be elected as chairman.

7. If there are two or more valid 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.

8. 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.

9. 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. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

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

11. 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.

12. 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

13. The chairman of the committee shall preside at the election of the deputy chairman of the committee. If he is absent, the member present who has the highest precedence shall preside. 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.

14. The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 15 to 22 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

Election procedure

15. 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.

16. If there is only one valid nomination, the presiding member shall declare the nominee elected as deputy chairman. However, if there is no valid nomination for the office of deputy chairman, the presiding member shall declare that the member who has the highest precedence in the committee shall be deemed to be elected as deputy chairman.

17. If there are two or more valid 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.

18. 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.

19. 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. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

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

21. 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.

22. 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.