

**立法會**  
***Legislative Council***

LC Paper No. CB(2)105/2022

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**Paper for the House Committee Meeting  
on 25 February 2022**

**Proposed procedure for the nomination and election of Members of the  
Legislative Council to advisory/governing bodies**

This paper invites the House Committee (“HC”) to endorse the proposed procedure for the nomination and election of Members of the Legislative Council (“LegCo”) to the following advisory/governing bodies:

- a. Disaster Relief Fund Advisory Committee;
- b. Po Leung Kuk Advisory Board;
- c. Tung Wah Group of Hospitals Advisory Board;
- d. Council of The Chinese University of Hong Kong; and
- e. Court of the University of Hong Kong.

**Background**

2. At the beginning of each LegCo term, HC will be invited to consider the procedure for the nomination and election of LegCo Members to be members of the above five advisory/governing bodies. Information on the number of Members to be nominated/elected, the terms of offices of members of these advisory/governing bodies and the relevant statutory provision(s) is set out in **Appendix 1**. In accordance with the relevant statutory requirements, LegCo Members so nominated/elected must be nominated/elected by and from among the LegCo Members. That means all LegCo Members are eligible to nominate or be nominated as candidates and to cast their votes at the elections.

3. As HC consisted of all LegCo Members other than the President in each previous LegCo term, HC was accepted by Members as the appropriate forum for conducting the aforesaid elections and those elections

had been held at a HC meeting in accordance with the nomination and election procedure endorsed by HC in previous LegCo terms. With the change of composition of HC in the Seventh LegCo,<sup>1</sup> other arrangements would need to be introduced to enable all LegCo Members to participate in the nomination/election of members of the above five advisory/governing bodies.

### **Proposed procedure for members' consideration and endorsement**

4. To facilitate the nomination and election of members of the above advisory/governing bodies by and from among Members of the Seventh LegCo, it is proposed that the nomination and election procedure set out in **Appendix 2** be adopted. The proposed procedure is similar to that for the nomination and election of members of The Legislative Council Commission, the Public Accounts Committee, Committee on Members' Interests, Committee on Rules of Procedure and Committee on Access to the Legislature's Documents and Records.<sup>2</sup> Under the proposed procedure, the date, time and venue of the elections shall be determined by the President's Deputy referred to in Rule 5 of the Rules of Procedure of LegCo, who is the HC Chairman. All the nominations for the membership of these advisory/governing bodies are required to be submitted via electronic means before a specified deadline. If the number of valid nominations exceeds the required number of Members to serve on an advisory/governing body, a poll will be taken at the scheduled election, at which all LegCo Members may cast their votes by using the Electronic Voting System.

### **Advice sought**

5. Members are invited to endorse the proposed procedure for the nomination and election of LegCo Members to serve on the aforesaid five advisory/governing bodies set out in **Appendix 2**. If the proposed procedure

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<sup>1</sup> In accordance with Rule 75(1) of the Rules of Procedure, HC shall consist of not less than 50 members including the chairman, and the members of HC shall be those Members (other than the President) who signify membership in accordance with the procedure determined by HC.

<sup>2</sup> The proposed resolution on the manner of election of members of The Legislative Council Commission was passed by the Council at its meeting of 19 January 2022. The proposed procedure 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 was endorsed by HC at its meeting on 14 January 2022.

is endorsed, the President and the Members who are not HC members will be informed of that procedure, and the President's Deputy will be invited to determine the date, time and venue of the elections.

Council Business Division 2  
Legislative Council Secretariat  
23 February 2022

## Advisory/governing bodies to which Members of the Legislative Council are to be nominated/elected as member(s)

Advisory / governing bodies	Number of Members to be appointed	Term of office	Relevant statutory provision(s)/Remarks
Disaster Relief Fund Advisory Committee	2	The entire term of the Legislative Council (“LegCo”)	The Disaster Relief Fund was established on 1 December 1993 by resolution under the Public Finance Ordinance (Cap. 2) to provide a mechanism to enable the Government to act quickly to provide aid in relief of disasters that occur outside Hong Kong. The resolution provides, inter alia, for the appointment of the Disaster Relief Fund Advisory Committee (“the Advisory Committee”) to advise the Financial Secretary on disbursements from the Fund. The Advisory Committee is chaired by the Chief Secretary for Administration and comprises, among others, the Secretary for Financial Services and the Treasury, the Secretary for Labour and Welfare, two Members of the Executive Council and two LegCo Members.
Po Leung Kuk Advisory Board	1		The Advisory Board was established under the Po Leung Kuk Ordinance (Cap. 1040) to advise the Po Leung Kuk Board of Directors on matters affecting the Kuk and its administration. The Advisory Board consists of not more than 15 persons and the Chairman is the Secretary for Home Affairs. In accordance with paragraph 18(2)(e) of the Schedule to Cap. 1040, one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.
Tung Wah Group of Hospitals Advisory Board	1		The Tung Wah Group of Hospitals Advisory Board was established under the Tung Wah Group of Hospitals Ordinance (Cap. 1051) to advise the Tung Wah Group of Hospitals Board of Directors on matters affecting the Group and its administration. The Advisory Board consists of not more than 14 persons and the Chairman is the Secretary for Home Affairs. As provided in paragraph 19(2)(c) of the Schedule to Cap. 1051, one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.

Advisory / governing bodies	Number of Members to be appointed	Term of office	Relevant statutory provision(s)/Remarks
Council of The Chinese University of Hong Kong (“CUHK Council”)	3	3 years	According to section 7(a) of The Chinese University of Hong Kong Ordinance (Cap. 1109), the CUHK Council is the governing and executive body of the University. Under Statute 11.1(l) of Cap. 1109, the CUHK Council shall consist of, among others, three persons elected by LegCo Members from among their own number. Statute 11.4(1) provides that the nominated and elected members of the Council shall hold office for 3 years from the date of their nomination or election and shall be eligible for re-nomination or re-election. Statute 11.4(1) also provides that a Member will cease to hold office if he or she ceases to be a LegCo Member.
Court of the University of Hong Kong (“HKU Court”)	5		<p>The HKU Court is the supreme advisory body of the University of Hong Kong. Under Statute XV 1.(d) of the University of Hong Kong Ordinance (Cap. 1053), the University Court shall consist of, among others, five persons elected by LegCo Members from among their own number. In accordance with Statute XV 5 of Cap. 1053, Members elected to serve on the HKU Court shall hold office for three years and shall be eligible for re-election. Statute XV 9(a) also provides that a Member shall be deemed to have resigned from the University Court if he or she ceases to be a LegCo Member.</p> <p>In accordance with a resolution passed by the HKU Council in June 2011, the five Members elected to serve on the HKU Court will make a nomination from among themselves for consideration by the HKU Council for appointment as its member on a personal basis.<sup>Note</sup></p>

Note: According to the resolution, the HKU Council would invite one of the five LegCo Members elected to serve on the HKU Court to be a member of the HKU Council under Statute XVIII 1.(b) of Cap. 1053, i.e. “6 persons, not being students or employees of the University, appointed by the Council”, on the understanding that the appointment should be on a personal basis. While the HKU Council should have full discretion on the Member to be invited from amongst the five LegCo Members for membership appointment, it would take into consideration possible suggestions from these Members in making its decision. According to the practice adopted by the previous LegCo terms, the Secretariat will arrange a time for the five Members to meet and make a nomination.

**Procedure for nomination and election of  
Members of the Seventh Legislative Council to serve on  
advisory/governing bodies**

The procedure for nomination and election of Members of the Seventh Legislative Council (“LegCo”) from among themselves to serve on the five advisory/governing bodies (“the relevant elections”) is as follows:<sup>1</sup>

- (a) the relevant elections 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 relevant elections shall be determined by the President’s Deputy;
- (b) the LegCo Secretariat (“the Secretariat”) shall issue a circular and a nomination form to all Members at least five clear days before the election date, inviting nominations for membership of the five advisory/governing bodies;
- (c) nominations shall be submitted via 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;
- (d) the name of a Member shall not appear on more than one submission of nomination for the office as a member of an advisory/governing body, 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 an advisory/governing body, 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

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<sup>1</sup> The five advisory/governing bodies are, namely, Disaster Relief Fund Advisory Committee, Po Leung Kuk Advisory Board, Tung Wah Group of Hospitals Advisory Board, Council of The Chinese University of Hong Kong and Court of the University of Hong Kong.

nomination and a Member being nominated. The Secretariat shall notify the Member who submitted any invalid nomination(s);

- (e) nominations shall reach the Secretariat at least two clear days before the election date;
- (f) **in the case where the number of nominations received by the deadline for nomination is less than the required number of Members to serve on an advisory/governing body (“required number”)**, the deadline for nominations in respect of the advisory/governing body concerned 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 public holiday. All Members will be so notified by the Secretariat. If the number of nominations received by the extended deadline is still less than the required number, the President’s Deputy will be invited to determine another date for the election in respect of the advisory/governing body concerned;
- (g) **in the case where the number of nominations received by the deadline or extended deadline referred to in (e) or (f) above is equal to the required number**, the nominee(s) shall be deemed to be duly elected as members of the advisory/governing body concerned. In the specific case where the number of nominations for membership received in respect of each of the five advisory/governing bodies is equal to the required number, the President’s Deputy may determine that the relevant elections not be held as scheduled and announce the election results vide a circular to all Members;
- (h) **in the case where the number of nominations received by the deadline or extended deadline referred to in (e) or (f) above exceeds the required number**, a poll shall be taken at the scheduled election. Members shall cast their votes by open ballot with the use of **the Electronic Voting System (“EVS”)**. A Member may vote for as many nominees as, but not more than, the number required for appointment. The nominees who get the highest numbers of votes will be declared elected;

- (i) 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 (h) above;
- (j) if, after a separate poll is held under (i) 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 President's Deputy among such nominees to determine which of them will take up the remaining place/places; and
- (k) Members will be informed of the election results as soon as possible.