

**TABLE B****Comparison of the electoral provisions in the  
District Councils Bill with the Legislative Council Ordinance****(The electoral provisions in the District Councils Bill are based on the  
corresponding provisions in the Legislative Council Ordinance (134 of  
1997))**

Provision of the District Councils Bill  ("DCB")  (Clause Number and Heading)	Provision of the Legislative Council Ordinance  ("LCO")  (Section)	Comments
20 (Who is eligible to be nominated as a candidate)	37(1)	Similar eligibility criteria except that no nationality requirement for a DC candidate.
21 (When person is disqualified from being nominated as a candidate and from being elected as an elected member)	39	Similar disqualification criteria except that an officer of the LegCo or a member of staff of the LegCo Commission will not be disqualified from candidature in DC elections.
22 (How long elected member is to hold office)	12	The duration of the term of office of DC Members is specified in the Bill. The duration of the term of office of Legco Members is not specified in LCO as it has already been specified in the Basic Law.
23 (Elected members to accept office)	13	Similar arrangements. The date for publishing the Gazette notice under LCO will be amended to 21 days.

24 (Disqualification of elected members)	No equivalent	The disqualification criteria are similar to the criteria for disqualification from candidature and being elected. LegCo Members are disqualified from holding office under Article 79 of the Basic Law.
25 (How an elected member can resign)	14	DCB : resignation notice to be submitted to the Designated Officer.  LCO : resignation notice to be submitted to the Clerk to the LegCo.
26 (When elected member's office becomes vacant)	15	DCB : A members's office becomes vacant under the circumstances stipulated in the Bill.  LCO : A member's office becomes vacant if the Member is declared in accordance with Article 79 of the Basic Law to be no longer qualified to hold that office.
27 (Chief Executive to specify dates for holding ordinary elections)	5	No substantive difference.
28 (Who is entitled to vote at an election)	48	No substantive difference.
29 (When an elector is disqualified from voting at an election)	53	No substantive difference.
30 (Electoral Registration Officer to publish register for the first ordinary election)	32	A separate register is required only for the first DC elections. This register is based on the entries in the final register compiled under the LCO.

31 (Vacancy in membership of elected members of a District Council to be declared)	35	No substantive difference.
32 (By-election to be held to fill vacancy in membership of District Councils)	36	No substantive difference.
33 (What requirements are to be complied with by persons nominated as candidates)	40	A DC candidate does not need to make a promissory oath or a declaration on his nationality and right of abode.
34 (Withdrawal of candidate's nomination)	42	No substantive difference.
35 (Candidates entitled to send letters to electors free of postage)	43	DCB : 1 round of free postage.  LCO : 2 rounds of free postage.
36 (When ordinary election can be postponed or adjourned)	44	No substantive difference.
37 (When election proceedings are terminated)	45	No substantive difference.
38 (What is to happen if insufficient candidates are nominated)	46	No substantive difference.

39 System of voting and counting of votes	51	Similar arrangements as a single-member functional constituency specified in Part 3 of Schedule 1 of LCO.
40 (Consequences of noncompliance with requirements of this Ordinance)	54	No substantive difference.
41 (Misnomer or inaccuracy not to affect operation of election document)	55	No substantive difference.
42 (Election to be presumed to be valid)	56	No substantive difference.
43 (Election not to be questioned only because of defect in the appointment of an electoral officer)	57	No substantive difference.
44 (Returning Officer to publish result of election)	58	No substantive difference.
45 (Offences by electoral officers with respect to conduct of election)	59	No substantive difference.
46 (Elector not to be required to disclose how vote was cast)	60	No substantive difference.

47 (Election may be questioned only by election petition made on specified grounds)	61	No substantive difference.
48 (Who may lodge election petition)	62	DCB : an election petition may be lodged by a person claiming to have been <u>a candidate in the relevant constituency</u> .  LCO : an election petition may be lodged by a person claiming to have been <u>a candidate in the election</u> .
49 (Who may be made respondent to election petition)	63	No substantive difference.
50 (Court to have jurisdiction to determine election petitions)	64	No substantive difference.
51 (Period within which election petition is to be lodged)	65	No substantive difference.
52 (Court may direct security to be given for costs)	66	No substantive difference.
53 (Court to determine election petition)	67	DCB : A copy of the court's determination to be sent to the Director of Home Affairs.  LCO : A copy of the court's determination to be sent to the Clerk to the LegCo.
54 (What happens if election petition is withdrawn)	68	DCB : the petitioner is liable to pay the costs of the respondent if the petition is taken to have been withdrawn.  LCO will be amended accordingly.

55 (When an election petition is terminated)	69	No substantive difference.
56 (When respondent can withdraw from election petition proceedings and be substituted)	70	No substantive difference.
57 (Acts of person not invalid if declared not to be elected)	71	DCB : the cut-off point is when the certificate is received by the Designated Officer.  LCO : the cut-off point is when the certificate is received by Secretary for Constitutional Affairs, the Electoral Affairs Commission or the Clerk to the LegCo.
58 (What is to happen if an elected member is determined not to have been duly elected)	72	No substantive difference.
71 (Functions and duties of Electoral Registration Officer and assistants)	75	No substantive difference.
72 (Electoral Registration Officer may specify forms)	76	No substantive difference.
73 (Appointment of Returning Officers and assistants)	78	No substantive difference.
74 (Offence to obstruct or hinder electoral officer)	79	No substantive difference.

<p style="text-align: center;">75</p> <p>(Chief Executive may give directions as to exercise or performance of electoral officers' sanctions and duties)</p>	<p style="text-align: center;">80</p>	<p>No substantive difference.</p>
<p style="text-align: center;">76</p> <p>(Death or incapacity of electoral officer not to terminate authority)</p>	<p style="text-align: center;">81</p>	<p>No substantive difference.</p>
<p style="text-align: center;">78</p> <p>(Period within which complaint or information is to be laid)</p>	<p style="text-align: center;">74</p>	<p>No substantive difference.</p>
<p style="text-align: center;">79</p> <p>(Chief Executive in Council may make regulations)</p>	<p style="text-align: center;">82</p>	<p>No substantive difference.</p>