

(Summary Translation)

(Letterhead of Secretariat of Legislative Councillors of the Democratic Party)

**The Democratic Party's proposed amendments to the District Councils Bill regarding the eligibility for candidature**

The main function of District Councils (DCs) is to advise the Government on matters affecting the District concerned. DCs are established to allow more people who are concerned about matters within their localities to participate in local administration. Therefore, the Democratic Party (DP) considers that legal provisions on the eligibility of candidates should be lenient rather than rigid in order to enable more people to become eligible for candidature. This, in turn, provides voters with more candidates to choose from in selecting their DC members.

The DP proposes the deletion of the requirements that:

1. candidates must have ordinarily resided in Hong Kong for the 3 years preceding the nomination; and
2. candidates must declare that they will uphold the Basic Law.

The DP proposes the deletion of the statutory requirement regarding the years of residence because such a requirement neither involves criminal matters nor the mental health of candidates which may render the candidates unable to perform his/her duties if elected. On the contrary, it involves subjective judgement and the decision on the required years of residence should not rest with the Government or legislators. Moreover, it is unfair that this statutory requirement is applicable only to elected members but not appointed or ex officio members.

The DP proposes that the number of years of residence in Hong Kong required of candidates should be put to a vote for electors in the district to decide and should not be stipulated in law. It is already adequate that candidates must be Hong Kong permanent residents in order to stand in the election.

Regarding the requirement that candidates must declare that they will uphold the Basic Law, the DP considers it unnecessary because there is no such requirement in the Basic Law and under the Basic Law, DCs are not organs of political power and have no legislative functions so it is unnecessary for DC

members to make such a declaration as Members of the Legislative Council are required to. The DP is also concerned that candidates may not know how to fulfill such an undertaking and therefore they will easily be alleged for making a false declaration.

Given that members of other advisory bodies in the Special Administrative Region are not required to make such a declaration, the DP considers that DC members should not be an exception.

District Council Bill

COMMITTEE STAGE

**Amendments to be moved by**

<u>Clause</u>	<u>Amendment Proposed</u>
20 (1) (e)	Delete the subsection.
33 (1) (b)	Delete "uphold the Basic Law and".