

C022E

A BILL

To Amend the District Councils Ordinance to change the number of members to be elected to the Islands District Council, Sai Kung District Council and Yuen Long District Council and to replace references to outdated terms and expressions in the disqualification provisions; to amend the Legislative Council Ordinance to adjust the cycle for the compilation and publication of electoral registers and accordingly the date on or before which a person must have reached 18 years of age in order to be eligible for registration as an elector; and to amend the Chief Executive Election Ordinance to adjust the cycle for the compilation and publication of registers of voters.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002.

Legislative Council Ordinance

2. Interpretation

Section 3(1) of the Legislative Council Ordinance (Cap. 542) is amended by adding---

""District Council ordinary election" (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils;".

3. Elector to be 18 years of age

Section 29(b) is repealed and the following substituted---

"(b) the person's eighteenth birthday falls---

(i) in any year other than a year in which a District Council ordinary election is to be held, on or before 25 July next following the person's application for registration; or

(ii) in a year in which a District Council ordinary election is to be held, on or before 25 September next following the person's application for registration.".

4. Electoral Registration Officer to

compile and publish electoral registers

Section 32 is amended---

(a) in subsection (1)---

(i) in paragraph (a), by repealing "15 April in each year, compile" and substituting "15 June in each year other than a year in which a District Council

ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)";

(ii) in paragraph (b), by repealing "25 May in each year" and substituting "25 July in each year other than a year in which a District Council ordinary election is to be held";

(b) by adding---

"(1A) The Electoral Registration Officer must---

(a) not later than 15 August in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)---

(i) a provisional register of geographical constituencies; and

(ii) a provisional register of functional constituencies; and

(b) not later than 25 September in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)---

(i) a final register of geographical constituencies; and

(ii) a final register of functional constituencies.".

District Councils Ordinance

5. Disqualification of appointed members

Section 14 of the District Councils Ordinance (Cap. 547) is amended---

(a) in subsection (1)(g), by repealing "composition with the person's creditors or a voluntary arrangement" and substituting "voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors";

(b) in subsection (2), by repealing everything after "if" and substituting "the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs.";

(c) in subsection (3), by repealing "person's unsoundness of mind has ceased" and substituting "person has become capable of managing and administering his or her property and affairs".

6. Disqualification of ex officio members

Section 19 is amended---

(a) in subsection (1)(g), by repealing "composition with the person's creditors or a voluntary arrangement" and substituting "voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors";

(b) in subsection (2), by repealing everything after "if" and substituting "the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs.";

(c) in subsection (3), by repealing "person's unsoundness of mind has ceased" and

substituting "person has become capable of managing and administering his or her property and affairs".

7. When person is disqualified from being nominated as a candidate and from being elected as an elected member

Section 21 is amended---

(a) in subsection (1)(i), by repealing "composition with the person's creditors or a voluntary arrangement" and substituting "voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors";

(b) in subsection (2)---

(i) by repealing ", in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs" and substituting "the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs";

(ii) by repealing "person's unsoundness of mind has ceased" and substituting "person has become capable of managing and administering his or her property and affairs";

(c) in subsection (3)---

(i) by repealing ", in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs" and substituting "the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs";

(ii) by repealing "person's unsoundness of mind has ceased" and substituting "person has become capable of managing and administering his or her property and affairs".

8. Disqualification of elected members

Section 24 is amended---

(a) in subsection (1)(g), by repealing "composition with the person's creditors or a voluntary arrangement" and substituting "voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors";

(b) in subsection (3), by repealing everything after "if" and substituting "the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs.";

(c) in subsection (4), by repealing "person's unsoundness of mind has ceased" and substituting "person has become capable of managing and administering his or her

property and affairs".

9. When an elector is disqualified from voting at an election

Section 30(e) is amended by repealing everything after "is" and substituting "found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or".

10. Schedule 3 amended

Schedule 3 is amended, in Part I---

- (a) in item 10, in column 3, by repealing "7" and substituting "8";
- (b) in item 13, in column 3, by repealing "17" and substituting "20";
- (c) in item 18, in column 3, by repealing "23" and substituting "29".

Chief Executive Election Ordinance

11. Election Committee

The Schedule to the Chief Executive Election Ordinance (Cap. 569) is amended---

(a) in section 11(1)---

(i) in the definition of "existing functional constituencies final register", by repealing "32(1)" and substituting "32(1) or (1A)";

(ii) in the definition of "existing geographical constituencies final register", by repealing "32(1)" and substituting "32(1) or (1A)";

(iii) in the definition of "subsector final register", by repealing "14(1)(b)" and substituting "14(1)(b) or (1A)(b)";

(iv) in the definition of "subsector provisional register", by repealing "14(1)(a)" and substituting "14(1)(a) or (1A)(a)";

(v) by adding---

"District Council ordinary election" (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils;"

(b) in section 14---

(i) in subsection (1)---

(A) in paragraph (a), by repealing "30 November 2001 and not later than 15 April in each subsequent year" and substituting "15 June in each year other than a year in which a District Council ordinary election is to be held";

(B) in paragraph (b), by repealing "14 December 2001 and not later than 25 May in each subsequent year" and substituting "25 July in each year other than a year in which a District Council ordinary election is to be held";

(ii) by adding---

"(1A) The Electoral Registration Officer shall compile and publish in accordance

with the EAC Regulations---

(a) not later than 15 August in each year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and

(b) not later than 25 September in each year in which a District Council ordinary election is to be held, a final register of voters for subsectors.".

Explanatory Memorandum

The objects of this Bill are---

(a) to amend the District Councils Ordinance (Cap. 547)---

(i) to increase the number of seats for elected members of the Islands District Council, Sai Kung District Council and Yuen Long District Council (clause 10); and

(ii) to replace references in the disqualification provisions to terms and expressions previously used, which have already been amended, in the Bankruptcy Ordinance (Cap. 6) and the Mental Health Ordinance (Cap. 136) (clauses 5 to 9);

(b) to amend the Legislative Council Ordinance (Cap. 542)---

(i) to change the respective dates on or before which the Electoral Registration Officer must, in each year, compile and publish the provisional registers and final registers of electors for geographical constituencies and functional constituencies (clause 4); and

(ii) to adjust the date on or before which a person must have reached 18 years of age in order to be eligible to be registered as an elector (clause 3); and

(c) to amend the Chief Executive Election Ordinance (Cap. 569) to change the respective dates on or before which the Electoral Registration Officer must, in each year, compile and publish the provisional register and final register of voters for subsectors constituting the Election Committee (clause 11).