
District Councils (Amendment) Bill 2013

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A BILL

To

Amend the District Councils Ordinance to abolish the system of appointing members to the District Councils with effect from 1 January 2016; and to make consequential amendments to that Ordinance and certain subsidiary legislation.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the District Councils (Amendment) Ordinance 2013.
- (2) This Ordinance comes into operation on 1 January 2016.

2. Enactments amended

- (1) The District Councils Ordinance (Cap. 547) is amended as set out in Part 2.
- (2) The following subsidiary legislation is amended as set out in Part 3—

-
- (a) the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);
 - (b) the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B);
 - (c) the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B).
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Part 2

Amendments to District Councils Ordinance

3. **Section 2 amended (interpretation)**
 - (1) Section 2, definition of *member*—
Repeal
“, an appointed member”.
 - (2) Section 2—
Repeal the definition of *appointed member*.
4. **Part II heading amended (declaration of districts, establishment of District Councils, declaration of number of elected members and appointed members and declaration of constituencies)**

Part II, heading—
Repeal
“AND APPOINTED MEMBERS”.
5. **Section 5 amended (number of members to be elected to a District Council and the number of members to be appointed to it)**
 - (1) Section 5, heading—
Repeal
“and the number of members to be appointed to it”.
 - (2) Section 5—
Repeal subsection (2).
6. **Section 8 amended (Chief Executive in Council may amend Schedule 1, 2 or 3)**

Section 8(2)(d)—
Repeal

“and the number of members to be appointed to it”.

7. Section 9 amended (District Councils to consist of elected members, appointed members and ex officio members)

(1) Section 9, heading—

Repeal

“, appointed members”.

(2) Section 9(1)—

Repeal paragraph (b).

8. Section 10 amended (an elected member or appointed member taken to have resigned on becoming an ex officio member)

(1) Section 10, heading—

Repeal

“or appointed member”.

(2) Section 10—

Repeal

“or appointed member”.

9. Part IV, Division 1 repealed (appointed members)

Part IV—

Repeal Division 1.

10. Section 72 amended (proceedings of a District Council or a committee not affected by vacancy or defect in membership)

(1) Section 72(2)(b)—

Repeal

“appointment or”.

(2) Section 72(4)(b)—

Repeal

“appointed member or”.

11. Section 83 amended (Designated Officer to give notice of membership)

(1) Section 83—

Repeal

“sections 13 and”

Substitute

“section”.

(2) Section 83—

Repeal

“appointed members and”.

12. Section 84 amended (Designated Officer to give notice of vacancy)

Section 84—

Repeal

“appointed member or”.

13. Schedule 3 amended

(1) Schedule 3—

Repeal

“[ss. 5, 8, 9 & 11]”

Substitute

“[ss. 5, 8 & 9]”.

(2) Schedule 3, Part 1, heading—

Repeal

“and Appointed Members”.

- (3) Schedule 3, Part 1—

Repeal column 4.

14. Schedule 4 amended (forms for acceptance of office)

- (1) Schedule 4—

Repeal

“[ss. 13, 17 & 82]”

Substitute

“[ss. 17 & 82]”.

- (2) Schedule 4—

Repeal Form 1.

Part 3

Amendments Consequential to Repeal of Division 1 of Part IV of District Councils Ordinance

Division 1—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation

15. Section 22 amended (offences and penalties)

(1) Section 22(7)(b)—

Repeal

“14,”.

(2) Section 22(8)(b)—

Repeal

“14,”.

Division 2—Amendments to Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation

16. Section 42 amended (offences and penalties)

(1) Section 42(9)(b)—

Repeal

“14,”.

(2) Section 42(10)(b)—

Repeal

“14,”.

**Division 3—Amendments to Electronic Transactions
(Exclusion) Order**

- 17. Schedule 1 amended (provisions excluded from application of section 5 of Ordinance)**

Schedule 1, item 63—

Repeal

“15(1),”.

- 18. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)**

Schedule 2, item 20—

Repeal

“15(2),”.

Explanatory Memorandum

The object of this Bill is to amend the District Councils Ordinance (Cap. 547) (*the Ordinance*) to abolish the system of appointing members to the District Councils with effect from 1 January 2016, the commencement date of the fifth term of office of the District Councils.

Part 1 of the Bill

2. Clause 1 sets out the short title and provides for commencement.

Part 2 of the Bill

3. Currently, a District Council consists of elected members, appointed members and ex officio members. It is proposed that with effect from 1 January 2016, the system of appointed members be abolished while the system of elected and ex officio members remain unchanged. To give effect to the proposal, amendments are made to the Ordinance—
 - (a) to repeal the definition of *appointed member* in section 2 (clause 3(2));
 - (b) to repeal Division 1 of Part IV and Form 1 of Schedule 4 which provide that the Chief Executive may appoint persons as appointed members of a District Council, set out the eligibility criteria for a person to be appointed as a member of a District Council, require a person appointed as a member to swear acceptance of office (in Form 1 set out in Schedule 4) in order to become a member, and set out the grounds on which a person is disqualified from holding office as an appointed member (clauses 9 and 14(2));
 - (c) to repeal column 4 of Part 1 of Schedule 3 which specifies the maximum number of members to be

appointed to the respective District Councils, and to repeal the references to the number of members to be appointed to a District Council (clauses 5, 6 and 13(3)); and

- (d) to repeal the references to appointed members in the definition of *member* in section 2, the heading of Part II, sections 9, 10, 72, 83 and 84 and the heading of Part 1 of Schedule 3 (clauses 3(1), 4, 7, 8, 10, 11(2), 12 and 13(2)).

Part 3 of the Bill

4. Clause 15 amends section 22(7)(b) and (8)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) as a consequence of the repeal of section 14 of Division 1 of Part IV of the Ordinance.
5. Clause 16 amends section 42(9)(b) and (10)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) as a consequence of the repeal of section 14 of Division 1 of Part IV of the Ordinance.
6. Clauses 17 and 18 respectively amend Schedules 1 and 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) as consequences of the repeal of section 15 of Division 1 of Part IV of the Ordinance.