

立法會
Legislative Council

(issued by email only)
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Tel : 3919 3300
Date : 10 May 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 12 May 2021

**Debate and voting arrangements for
Public Offices (Candidacy and Taking Up Offices)
(Miscellaneous Amendments) Bill 2021**

Further to LC Paper No. CB(3) 512/20-21 issued on 28 April 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**Public Offices (Candidacy and Taking Up Offices)
(Miscellaneous Amendments) Bill 2021
Debate and voting arrangements**

- Objects of the Bill :** To amend various Ordinances to provide for matters relating to the requirement of oath-taking by certain public officers when assuming office, including:
- (a) the meaning of a reference to “upholding the Basic Law (“BL”) and bearing allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China (“HKSAR”)” when used in legislation;
 - (b) new requirement for members of the District Councils (“DC”) to take an oath when assuming office;
 - (c) arrangement for administration of public officers’ oaths; and
 - (d) legal consequences of declining or neglecting to take an oath and of breach of an oath.

Joint debate	: Clauses with no amendment, and clauses with amendments proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)	– Clauses 1 to 31
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Joint debate on the original clauses and the amendments.

Debate theme : Proposed suspension of functions and duties of a Legislative Council (“LegCo”)/DC member

SCMA’s amendments

Clauses 21 and 26

Arrangements for dealing with corresponding entitlements during suspension of functions and duties

- The Bill proposes to amend section 73 of the Legislative Council Ordinance (Cap. 542) and section 79 of the District Councils Ordinance (Cap. 547) to provide that immediately after proceedings are brought by the Secretary for Justice against a LegCo/DC member on the grounds of the breach of an oath or failure to fulfil the legal requirements and conditions on upholding BL and bearing allegiance to HKSAR, the member’s functions and duties will be suspended. In this regard, the amendments seek to:
 - (a) amend clauses 21(2) and 26(2) to add a proposed paragraph (ba) respectively to the proposed section 73(2C) of Cap. 542 and the proposed section 79(2C) of Cap. 547 to specify that the member concerned must not enjoy any corresponding entitlements, which include remuneration, allowances and various kinds of reimbursement for expenses, during the suspension of functions and duties; and
 - (b) amend clauses 21(3) and 26(3) to add a proposed subsection (4AA) respectively to section 73 of Cap. 542 and section 79 of Cap. 547 to specify that a disqualified member ceased to be entitled to any corresponding entitlements from the date of disqualification.

Other technical and textual amendments

- To add clause 26(1A) and amend clause 26(2) to replace “提出” with “提起” in the Chinese text of the heading of section 79 and the proposed section 79(2A) for consistency of wording; and
- to amend the Chinese text of the proposed section 79(2D) in clause 26(2) to improve the drafting.

Voting order : 1. Clauses with no amendment (i.e. clauses 1 to 20, 22 to 25 and 27 to 31) standing part of the Bill
2. SCMA’s amendments
3. Clauses 21 and 26 with amendments or without amendment standing part of the Bill

SCMA’s amendments

(set out in LC Paper No. CB(3) 512/20-21 issued on 28 April 2021)

Council Business Division 3
Legislative Council Secretariat
10 May 2021