

District Councils (Amendment) Bill 2023

Contents

Clause	Page
Part 1	
Preliminary	
1.	Short title and commencement C1567
2.	Enactments amended C1569
Part 2	
Amendments to District Councils Ordinance (Cap. 547)	
3.	Long title amended C1571
4.	Section 2 amended (interpretation)..... C1571
5.	Part II heading amended (declaration of Districts, establishment of District Councils, declaration of number of elected members and declaration of constituencies) C1581
6.	Sections 4A and 4B added C1581
4A.	Functions of District Councils..... C1581
4B.	Term of office of District Councils..... C1583
7.	Section 5 substituted C1585
5.	Composition of District Councils..... C1585
8.	Section 5A added C1587
5A.	Establishment of District Committees constituencies C1587

Clause	Page
9.	Section 6 amended (declaration of constituencies) C1589
10.	Section 7 substituted C1591
7.	Number of members to be returned for each District Council geographical constituency C1591
11.	Section 8 amended (Chief Executive in Council may amend Schedule 1, 2 or 3) C1591
12.	Part III repealed (composition of a District Council) C1593
13.	Part IIIA added C1593

Part IIIA

District Council Eligibility Review Committee

10A.	Establishment of the District Council Eligibility Review Committee C1595
10B.	Functions of the Eligibility Review Committee C1597
14.	Part IV, Division 1 added C1597

Division 1—Appointed Members

11.	Chief Executive to appoint members C1599
12.	Who is eligible to be appointed as member C1599
13.	Decision on validity of proposals to appoint persons as members C1601
14.	Disqualification from being appointed as members C1605
15.	How an appointed member can resign C1609

Clause	Page
16.	When the office of appointed member becomes vacant and appointment of substitute..... C1611
15.	Section 17 substituted C1611
17.	Who is eligible to be registered as ex officio member C1613
16.	Sections 17A, 17B and 17C added..... C1613
17A.	How to register as ex officio members C1613
17B.	Decision on validity of registration..... C1615
17C.	Member taken to have resigned on becoming ex officio member C1619
17.	Section 18 repealed (when the office of ex officio member becomes vacant)..... C1621
18.	Section 19 amended (disqualification of ex officio members) C1621
19.	Section 19A added..... C1625
19A.	When the office of ex officio member becomes vacant..... C1627
20.	Part IV, Division 3 heading amended (elected members)..... C1627
21.	Section 20 amended (who is eligible to be nominated as a candidate) C1629
22.	Section 21 amended (when person is disqualified from being nominated as a candidate and from being elected as an elected member)..... C1629

Clause	Page
23.	Section 22 amended (how long elected member is to hold office)..... C1631
24.	Section 23 amended (elected members to accept office) C1633
25.	Section 24 repealed (disqualification of elected members)..... C1635
26.	Section 25 amended (how an elected member can resign) C1635
27.	Section 26 amended (when elected member's office becomes vacant)..... C1637
28.	Part IV, Division 4 added C1639

Division 4—Disqualification of Members

26A.	Disqualification from holding office as members..... C1639
29.	Section 27 amended (Chief Executive to specify dates for holding ordinary elections) C1645
30.	Section 29 amended (who is entitled to vote at an election) C1645
31.	Section 30 amended (when an elector is disqualified from voting at an election) C1647
32.	Section 31 repealed (Electoral Registration Officer to publish register for the first ordinary election)..... C1649
33.	Section 31A added..... C1649
31A.	Electoral Registration Officer to compile and publish District Committees constituencies register..... C1649

Clause	Page
34.	Section 32 amended (vacancy in membership of elected members of a District Council to be declared)..... C1649
35.	Section 33 amended (by-election to be held to fill vacancy in membership of District Councils)..... C1651
36.	Section 34 amended (what requirements are to be complied with by persons nominated as candidates) C1653
37.	Section 36 amended (who are validly nominated candidates) C1655
38.	Section 37 amended (candidates entitled to send letters to electors free of postage)..... C1661
39.	Sections 39, 40 and 41 substituted C1661
39.	What is to happen if insufficient candidates are nominated C1661
40.	Death or disqualification of validly nominated candidate on date of election C1663
41.	How election is to be conducted C1665
40.	Sections 41A and 41B added C1667
41A.	System of voting and counting of votes: District Committees constituencies C1667
41B.	System of voting and counting of votes: District Council geographical constituencies..... C1669
41.	Section 43 amended (misnomer or inaccuracy not to affect operation of election document)..... C1673

Clause	Page
42.	Section 46 amended (Returning Officer to publish result of election)..... C1673
43.	Section 49 amended (election may be questioned only by election petition made on specified grounds)..... C1675
44.	Sections 50 and 51 substituted..... C1675
50.	Who may lodge election petition..... C1677
51.	Who may be made respondent to election petition..... C1677
45.	Section 55 amended (Court to determine election petition) C1679
46.	Section 58B amended (Court of Final Appeal's determination) C1679
47.	Section 59 amended (acts of person not invalid if determined not duly elected)..... C1679
48.	Section 60 amended (what is to happen if an elected member is determined not to have been duly elected) C1681
49.	Section 60A amended (interpretation: Part VA) C1681
50.	Section 60C amended (eligibility for financial assistance)..... C1685
51.	Section 60D amended (amount payable as financial assistance)..... C1687
52.	Section 60E amended (entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated)..... C1687

Clause	Page
53.	Part VI heading amended (functions, Chairman and Vice Chairman and procedure of a District Council)..... C1689
54.	Part VI, Division 1 heading repealed (functions of a District Council) C1689
55.	Section 61 repealed (functions of a District Council)..... C1689
56.	Part VI, Division 2 heading repealed (Chairman and Vice Chairman of a District Council)..... C1689
57.	Section 62 substituted C1689
62.	District Officer to be Chairman C1691
58.	Sections 63, 64 and 65 repealed C1691
59.	Sections 66 and 67 substituted..... C1691
66.	Chairman to preside at meetings..... C1691
67.	Chairman to have a casting vote..... C1691
60.	Part VI, Division 3 heading repealed (procedure of a District Council) C1691
61.	Section 68 amended (District Council may make standing orders)..... C1691
62.	Section 69 amended (District Council may appoint secretary)..... C1693
63.	Section 71 amended (District Council may appoint committees)..... C1695
64.	Section 71A added..... C1697

Clause		Page
71A.	Chairman may require members to collect views.....	C1697
65.	Section 72 amended (proceedings of a District Council or a committee not affected by vacancy or defect in membership etc.).....	C1697
66.	Part VIA added	C1697

Part VIA

Misconduct and Sanctions

72A.	Interpretation: Part VIA	C1699
72B.	Secretary may issue guidelines on performance of members	C1699
72C.	Investigation on misconduct of members	C1701
72D.	Secretary may impose sanctions etc.	C1703
72E.	Appeal against sanctions.....	C1705
67.	Section 74 substituted	C1707
74.	Designated Officer and Electoral Registration Officer may specify forms.....	C1707
68.	Section 75 amended (appointment of Returning Officers and assistants).....	C1707
69.	Section 76 amended (offence to obstruct or hinder electoral officer)	C1709
70.	Section 79 amended (proceedings against persons on grounds of disqualification).....	C1709

Clause	Page
71.	Part IX heading amended (Chief Executive in Council to make regulations and amend Schedule 4, 5 or 7)..... C1709
72.	Section 81 amended (Chief Executive in Council may make regulations)..... C1711
73.	Section 82 amended (Chief Executive in Council may amend Schedule 4, 5 or 7) C1711
74.	Section 83 repealed (Designated Officer to give notice of membership) C1713
75.	Section 84 amended (Designated Officer to give notice of vacancy) C1713
76.	Section 86A added C1713
	86A. Offence of false declaration C1713
77.	Section 87 repealed (transitional: application of section 28 to first ordinary election) C1715
78.	Schedule 3 amended..... C1715
79.	Schedule 3A added C1723
	Schedule 3A Establishment of District Committees Constituencies C1725
80.	Schedule 4 repealed (forms for acceptance of office)..... C1729
81.	Schedule 4A added C1729
	Schedule 4A District Committees Constituencies Register C1731

Clause	Page
82.	Schedule 5 repealed (voting procedure under section 65 of this Ordinance)..... C1749
83.	Schedule 7 amended (financial assistance: specified rate) C1749
84.	Schedule 8 added C1749
	Schedule 8 District Council Geographical Constituencies for Seventh Term of Office of District Councils C1751

Part 3

**Amendments to Subsidiary Legislation under District Councils Ordinance
(Cap. 547)**

**Division 1—District Councils (Subscribers and Election Deposit for Nomination)
Regulation (Cap. 547 sub. leg. A)**

85.	Section 1 amended (interpretation)..... C1791
86.	Sections 3 and 4 substituted..... C1791
	3. Return of deposit on invalid nomination etc. C1791
	4. Disposal of deposit after publication of election result or declaration of failure of election..... C1795
87.	Section 5 amended (disposal of deposit in case of death of candidate)..... C1799
88.	Section 6 amended (notifications in specified form) C1799
89.	Section 7 substituted C1801

Clause	Page
7.	Number and qualifications of subscribers required for nomination form C1801
90.	Section 8 added..... C1803
8.	How many nomination forms can a subscriber subscribe to C1803

Division 2—District Councils (Election Petition) Rules (Cap. 547 sub. leg. C)

91.	Schedule substituted C1809
	Schedule Election Petition C1809

**Division 3—Declaration of Constituencies (District Councils) Order 2018
(Cap. 547 sub. leg. H)**

92.	Declaration of Constituencies (District Councils) Order 2018 repealed C1817
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Part 4

Related Amendments

Division 1—Electoral Affairs Commission Ordinance (Cap. 541)

93.	Long title amended C1819
94.	Section 2 amended (interpretation)..... C1819
95.	Section 8 amended (report on elections)..... C1819
96.	Section 17 amended (definitions) C1821
97.	Section 18 amended (report on boundaries) C1823
98.	Section 19 amended (provisional recommendations) C1823

Clause	Page
99. Section 20 amended (criteria for making recommendations).....	C1823

**Division 2—Electoral Affairs Commission (Registration of Electors)
(Legislative Council Geographical Constituencies) (District Council
Constituencies) Regulation (Cap. 541 sub. leg. A)**

100. Title amended	C1829
101. Section 2 amended (interpretation).....	C1829
102. Section 3 amended (form of register)	C1831
103. Section 8 amended (Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection)	C1833
104. Section 10 amended (Electoral Registration Officer to publish a notice that omissions list is available for inspection by specified persons).....	C1835
105. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for inspection by specified persons).....	C1835
106. Section 22 amended (offences and penalties).....	C1835

**Division 3—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)**

107. Section 2 amended (interpretation).....	C1837
108. Section 42 amended (offences and penalties).....	C1837

Clause	Page
Division 4—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)	
109.	Section 2 amended (interpretation)..... C1839
Division 5—Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541 sub. leg. E)	
110.	Section 1 amended (interpretation)..... C1841
111.	Section 6 amended (procedure relating to applications by Returning Officers) C1841
Division 6—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)	
112.	Section 2 amended (interpretation)..... C1843
113.	Section 2A amended (effect of inclement weather warning on date and period)..... C1851
114.	Part 2, Division 1 repealed (publication of register for the first ordinary election) C1851
115.	Section 8 amended (Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms) C1851
116.	Section 9 amended (Chief Electoral Officer to determine nomination period) C1855
117.	Section 10 amended (Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 33 of the District Councils Ordinance)..... C1855

Clause	Page
118.	Section 12 amended (how to nominate a candidate for a constituency)..... C1857
119.	Section 16 amended (Returning Officer to decide whether candidates are validly nominated)..... C1859
120.	Section 17 amended (Returning Officer to have regard to advice of Nominations Advisory Committee) C1867
121.	Section 18 amended (Returning Officer may give opportunity to rectify a nomination form) C1867
122.	Section 19 amended (Returning Officer to endorse invalid nomination forms) C1869
123.	Section 21 amended (no nomination for more than one constituency)..... C1871
124.	Section 22 amended (Returning Officer to publish a notice of particulars of validly nominated candidates)..... C1873
125.	Section 23 amended (Returning Officer to publish a notice for the purposes of section 39(1) of the District Councils Ordinance) C1875
126.	Section 24 amended (Returning Officer to notify and declare if a validly nominated candidate is proved to have died)..... C1877
127.	Section 25 amended (Returning Officer to vary decision if a validly nominated candidate is proved to be disqualified) C1879
128.	Section 25A added..... C1883

Clause	Page
25A.	No poll upon death or disqualification of candidate under certain circumstances..... C1883
129.	Section 31 amended (designation of polling stations, counting stations and ballot paper sorting stations)..... C1885
130.	Section 33 amended (Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors)..... C1887
131.	Section 34 amended (Chief Electoral Officer to send poll cards to electors)..... C1889
132.	Section 35 amended (Chief Electoral Officer may allocate special polling stations)..... C1891
133.	Section 36 amended (persons to vote at the correct polling station)..... C1893
134.	Section 38 amended (Chief Electoral Officer to supply candidates with copy or extract of final register)..... C1893
135.	Section 39 amended (Chief Electoral Officer to supply Returning Officer with copy or extract of final register) C1895
136.	Section 40 amended (Chief Electoral Officer to carry out other duties relating to polling stations) C1897
137.	Section 52 amended (form of ballot paper and order of appearance of names of candidates on ballot papers)..... C1899
138.	Section 54 amended (questions to be asked from persons applying for a ballot paper) C1903

Clause	Page
139.	Section 56 amended (Presiding Officer to issue only one ballot paper to an elector) C1907
140.	Section 56A amended (elector who has not cast vote may return to cast vote with permission) C1907
141.	Section 57 amended (procedure for voting) C1907
142.	Section 57A added C1911
	57A. How DCC ballot papers are to be marked C1911
143.	Section 58 amended (how ballot papers are to be marked) C1913
144.	Section 59 amended (marking of ballot papers for or by incapacitated person) C1913
145.	Section 64 amended (Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers) C1913
146.	Section 75B added C1915
	75B. Counting of votes for District Committees constituencies C1915
147.	Section 76 amended (counting of votes) C1917
148.	Section 78 amended (votes recorded on invalid ballot papers not to be counted) C1919
149.	Section 79 amended (Presiding Officer to make decisions on questionable ballot papers) C1921
150.	Section 80A amended (result of the counting of votes and re-count: one counting station) C1923

Clause	Page
151.	Section 80B amended (result of the counting of votes and re-count: 2 or more counting stations)..... C1925
152.	Section 80C amended (determination of result in the event of equality of votes)..... C1925
153.	Section 81 amended (Returning Officer to declare election result)..... C1927
154.	Section 90 amended (Returning Officer may perform functions through Assistant Returning Officers)..... C1929
155.	Section 95 repealed (procedure after election proceedings are terminated)..... C1929
156.	Section 96 amended (procedure in case of death or disqualification of candidate after close of poll) C1929
157.	Section 98 amended (publication and display of notices, etc.) C1931
158.	Section 100 amended (Commission to specify forms)..... C1931
159.	Section 104 amended (offence of false declaration)..... C1931
160.	Section 110 amended (interpretation (Part 8))..... C1933
161.	Schedule 2 substituted C1933
	Schedule 2 Forms of Ballot Papers for an Ordinary Election/By-election C1935
162.	“界別或選區” substituted for “選區”..... C1945
163.	“選民冊” substituted for “選民登記冊” C1947
164.	“選民冊電子文本” substituted for “登記冊電子文本” C1949

Clause	Page
Division 7—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)	
165.	Section 1 amended (interpretation)..... C1951
Division 8—Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M)	
166.	Section 2 amended (interpretation)..... C1951
167.	Section 2A amended (application) C1953
168.	Section 3 amended (request by candidate for LC geographical constituency, LC functional constituency or DC constituency) C1955
Division 9—Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541 sub. leg. N)	
169.	Section 2 amended (interpretation)..... C1955
Division 10—Legislative Council Ordinance (Cap. 542)	
170.	Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member)..... C1957
171.	Section 40 amended (what requirements are to be complied with by persons nominated as candidates) C1957
Division 11—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)	
172.	Section 1 amended (interpretation)..... C1957

Clause	Page
173.	Section 1A amended (effect of inclement weather warning on date and period)..... C1957
174.	Section 6 amended (review of rulings by Revising Officer)..... C1959
Division 12—Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)	
175.	Section 2 amended (interpretation)..... C1959
176.	Section 4 amended (what elections do this Ordinance apply to)..... C1959
177.	Section 37 amended (candidate to lodge election return with appropriate authority)..... C1961
178.	Section 41 amended (appropriate authority to keep election returns) C1961
179.	Schedule amended (limit prescribed for election concerned for purposes of section 37A) C1963
Division 13—Maximum Amount of Election Expenses (District Council Election) Regulation (Cap. 554 sub. leg. C)	
180.	Section 1A added..... C1963
181.	1A. Interpretation C1963
182.	Section 2 repealed (application)..... C1963
183.	Section 3 amended (maximum amount of election expenses)..... C1965
183.	Section 3A added..... C1965

Clause	Page
3A.	Maximum amount of election expenses for District Council geographical constituency..... C1965
184.	Schedule added C1965
	Schedule Maximum Amount of Election Expenses for District Council Geographical Constituencies ... C1967
Division 14—Chief Executive Election Ordinance (Cap. 569)	
185.	Section 14 amended (disqualification from being nominated)..... C1971
186.	Schedule, section 5M amended (when a person is disqualified from being registered as an ex-officio member)..... C1971
187.	Schedule, section 9 amended (when a person is disqualified from being a nominee)..... C1973
188.	Schedule, section 18 amended (when a person is disqualified from being a subsector candidate)..... C1973
Division 15—Other Miscellaneous Amendments	
Subdivision 1—Post Office Regulations (Cap. 98 sub. leg. A)	
189.	Regulation 6 amended C1973
Subdivision 2—Hong Kong Court of Final Appeal Ordinance (Cap. 484)	
190.	Section 22 amended (civil appeals) C1975

Clause	Page
Subdivision 3—Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B)	
191.	Schedule 1 amended (provisions excluded from application of section 5 of Ordinance) C1975
192.	Schedule 2 amended (provisions excluded from application of section 6 of Ordinance) C1977

A BILL

To

Amend the District Councils Ordinance to revise the functions and composition of District Councils; to establish the District Council Eligibility Review Committee; to provide for the mechanism for sanctioning misconduct of members of District Councils; to provide for related matters; and to make minor technical amendments.

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 2023.
- (2) This Ordinance—
 - (a) comes into operation on the day on which it is published in the Gazette for the purpose only of enabling arrangements to be made for the constitution of the seventh term of office of the District Councils; and

- (b) in so far as it has not come into operation under paragraph (a), comes into operation on 1 January 2024.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to District Councils Ordinance (Cap. 547)

3. Long title amended

- (1) The long title—

Repeal

“composition and functions”

Substitute

“functions and composition”.

- (2) The long title, after “procedure for”—

Add

“appointment, registration and”.

- (3) The long title, after “Councils;”—

Add

“to provide for the mechanism for sanctioning misconduct of members of District Councils;”.

4. Section 2 amended (interpretation)

- (1) Section 2, definition of *by-election*—

Repeal

“an elected”

Substitute

“a”.

- (2) Section 2, definition of *candidate*—

Repeal

“an elected”

Substitute

“a”.

- (3) Section 2, definition of *committee*—

Repeal

“it”

Substitute

“the Chairman of the District Council”.

- (4) Section 2, definition of *District Council*, before “means”—

Add

“, in relation to a District,”.

- (5) Section 2, definition of *District Council*, after “Ordinance”—

Add

“for the District”.

- (6) Section 2, definition of *District Officer*—

Repeal

“means, in relation to a District Council,”

Substitute

“, in relation to a District, means”.

- (7) Section 2, definition of *District Officer*—

Repeal

“for which that District Council is established”.

- (8) Section 2, definition of *existing final register*—

Repeal

“*existing final register* (現有的正式選民登記冊)”

Substitute

“*existing GC register* (現有的地方選區選民登記冊)”.

- (9) Section 2, definition of *ex officio member*—

Repeal

“section 9(1)(c)”

Substitute

“Division 2 of Part IV”.

- (10) Section 2, definition of *ordinary election*, paragraph (a)—

Repeal

“the elected”.

- (11) Section 2, definition of *ordinary election*, paragraph (b)—

Repeal

“elected members of”.

- (12) Section 2, English text, definition of *the regulations*—

Repeal

“Ordinance;”

Substitute

“Ordinance.”.

- (13) Section 2—

- (a) definition of *constituency*;
- (b) definition of *corrupt conduct*;
- (c) definition of *elected member*;
- (d) definition of *elector*;
- (e) definition of *illegal conduct*;

- (f) definition of *member*;
- (g) definition of *Vice Chairman*—

Repeal the definitions.

(14) Section 2—

Add in alphabetical order

“*constituency* (界別或選區) means—

- (a) a District Committees constituency; or
- (b) a District Council geographical constituency;

***corrupt or illegal conduct* (舞弊或非法行為) means corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);**

***District Committee* (地區委員會), in relation to a District, means—**

- (a) an Area Committee established in the District;
- (b) the District Fight Crime Committee established in the District; or
- (c) the District Fire Safety Committee established in the District;

***District Committees constituencies register* (地區委員會界別選民名冊) means a register of electors for District Committees constituencies compiled and published under section 31A;**

***District Committees constituency* (地區委員會界別), in relation to a District Council, means the District Committees constituency established for the District Council under section 5A;**

***District Council geographical constituency* (區議會地方選區), in relation to a District Council, means an area declared or specified to be a District Council**

geographical constituency for the District Council under section 6;

elector (選民)—

- (a) in relation to a District Committees constituency, means a person whose name is included in the existing DCC register; or
- (b) in relation to a District Council geographical constituency, means a person whose name is included in the existing GC register;

Eligibility Review Committee (資格審查委員會) means the District Council Eligibility Review Committee established under section 10A;

existing DCC register (現有的地區委員會界別選民名冊) means a District Committees constituencies register that is currently in force;

member (議員) means—

- (a) a person appointed under Division 1 of Part IV as a member of a District Council;
- (b) a person elected at an election under Part V as a member of a District Council; or
- (c) a person registered under Division 2 of Part IV as an ex officio member of a District Council;

specified oath (指明誓言) means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China;”.

5. Part II heading amended (declaration of Districts, establishment of District Councils, declaration of number of elected members and declaration of constituencies)

Part II, heading—

Repeal

everything after “**Establishment**”

Substitute

“, **Functions and Composition of District Councils, etc.**”.

6. Sections 4A and 4B added

After section 4—

Add

“4A. Functions of District Councils

The functions of a District Council of a District are—

- (a) to be consulted by the Government on the district affairs affecting the livelihood and living environment in the District and well-being of the people in the District;
- (b) to collect the views of the people in the District in respect of an issue specified by the Chairman of the District Council, and to submit to the Government a summary of the views collected and the suggested corresponding measures;
- (c) to establish a regular communication mechanism with the people in the District, to meet with them and listen to their views regularly;

- (d) to support, and assist in, the promotion of laws and Government policies in the District, and assist the Government in carrying out various consultation, publicity and liaison activities, such as district forum;
- (e) to assist in the smooth delivery of cultural, recreational, environmental sanitary and other services relating to the interests of the people in the District under the coordination of the Government;
- (f) to apply for funding for projects and activities such as—
 - (i) those for the purpose of promotion of sports, arts and culture;
 - (ii) local events and celebration events; and
 - (iii) greening and volunteer work;
- (g) to provide services for people in the District, such as consultation and case referral services;
- (h) to cooperate with other consultation and service organizations in the District under the coordination of the Government to achieve the best results in serving the people in the District; and
- (i) to undertake any other matters as commissioned by the Government from time to time.

4B. Term of office of District Councils

- (1) The term of office of a District Council is 4 years.
- (2) Each term of office of a District Council is to begin on 1 January next following an ordinary election.”.

7. Section 5 substituted

Section 5—

Repeal the section

Substitute

“5. Composition of District Councils

- (1) The District Council of each District is to consist of—
 - (a) the District Officer of the District;
 - (b) the persons appointed under Division 1 of Part IV as members of the District Council;
 - (c) the persons elected under Part V as members for the District Committees constituency of the District Council;
 - (d) the persons elected under Part V as members for the District Council geographical constituencies of the District Council; and
 - (e) if there is one or more Rural Committees in the District—the persons registered under Division 2 of Part IV as ex officio members of the District Council.
- (2) For the purposes of subsection (1)(b), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 3 of that Part opposite to the District Council is the maximum number of members to be appointed to that Council.
- (3) For the purposes of subsection (1)(c), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 4 of that Part opposite to the District Council is the number

of members to be returned for the District Committees constituency of that Council.

- (4) For the purposes of subsection (1)(d), in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 5 of that Part opposite to the District Council is the number of members to be returned for the District Council geographical constituencies of that Council.
- (5) For the purposes of subsection (1)(e)—
 - (a) in relation to a District Council specified in column 2 of Part 1 of Schedule 3, the number specified in column 6 of that Part opposite to the District Council is the number of ex officio members of that Council; and
 - (b) a Rural Committee specified in column 5 of Part 2 of Schedule 3 is taken to be in the District specified opposite to the Rural Committee in column 2 of that Part.
- (6) Subsection (5)(b) and Part 2 of Schedule 3 are without prejudice to any other law governing Rural Committees.”.

8. Section 5A added

After section 5—

Add

“5A. Establishment of District Committees constituencies

- (1) A District Committees constituency having the name specified in column 3 of Schedule 3A is established for each District Council specified opposite to it in column 2 of that Schedule for the purpose of

returning members of the District Council at elections for that constituency.

- (2) The District Committees constituency of a District Council is composed of all members of all the District Committees in the District for which the District Council is established.”.

9. Section 6 amended (declaration of constituencies)

- (1) Section 6, heading, after “**of**”—

Add

“District Council geographical”.

- (2) Section 6(1)—

Repeal paragraph (a)

Substitute

“(a) declare any area within a District to be a District Council geographical constituency for the purpose of returning members of the District Council of that District at elections for that constituency; and”.

- (3) After section 6(1)—

Add

“(1A) The number of District Council geographical constituencies in each District is to be half of the number of members to be returned for the District Council geographical constituencies for the District Council of that District.”.

- (4) After section 6(2)—

Add

“(2A) For the seventh term of office of the District Councils—

- (a) the areas that form the District Council geographical constituencies and the names of those constituencies are specified in Schedule 8; and
 - (b) no order is to be made under subsection (1).”.
- (5) Section 6(3), after “this section”—
Add
“, or Schedule 8,”.
- (6) Section 6(3) and (5)—
Repeal
“a constituency”
Substitute
“a District Council geographical constituency”.

10. Section 7 substituted

Section 7—

Repeal the section

Substitute

“7. Number of members to be returned for each District Council geographical constituency

The number of members to be returned for each District Council geographical constituency is 2.”.

11. Section 8 amended (Chief Executive in Council may amend Schedule 1, 2 or 3)

- (1) Section 8, heading—

Repeal

“or 3”

Substitute

“, 3 or 3A”.

(2) Section 8(1)—

Repeal

“or 3”

Substitute

“, 3 or 3A”.

(3) Section 8(2)(d)—

Repeal

“elected to”

Substitute

“appointed to, or returned for the District Committees constituency or a District Council geographical constituency of,”.

12. Part III repealed (composition of a District Council)

Part III—

Repeal the Part.

13. Part IIIA added

Before Part IV—

Add

“Part IIIA

District Council Eligibility Review Committee

10A. Establishment of the District Council Eligibility Review Committee

- (1) A District Council Eligibility Review Committee is established for the purposes of this Ordinance and such other purposes as may be prescribed by any other Ordinance.
- (2) The Eligibility Review Committee is to consist of the following members—
 - (a) the chairperson;
 - (b) at least 2 but not more than 4 official members; and
 - (c) at least 1 but not more than 3 non-official members.
- (3) Each member of the Eligibility Review Committee is to be appointed by the Chief Executive by notice published in the Gazette.
- (4) Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment under subsection (3) as the chairperson or an official member referred to in subsection (2)(a) or (b).
- (5) Only a person who is not a public officer is eligible for appointment under subsection (3) as a non-official member referred to in subsection (2)(c).
- (6) The Chief Executive must report any appointment made under subsection (3) to the Central People’s Government for the record.

10B. Functions of the Eligibility Review Committee

- (1) The Eligibility Review Committee is to review and confirm the eligibility of—
 - (a) any person proposed to be appointed under Division 1 of Part IV as a member;
 - (b) any person proposed to be registered under Division 2 of Part IV as an ex officio member; or
 - (c) any person nominated under Part V as a candidate.
- (2) In deciding the eligibility of a person under subsection (1)—
 - (a) the Eligibility Review Committee is to seek the opinion of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (*CSNS*) as to whether the person fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China; and
 - (b) if an opinion is given by *CSNS*—the Eligibility Review Committee must make the decision in accordance with the opinion.”.

14. Part IV, Division 1 added

Part IV, before Division 2—

Add

“Division 1—Appointed Members**11. Chief Executive to appoint members**

- (1) The Chief Executive may appoint as members of a District Council a number of persons not exceeding the number specified in column 3 of Part 1 of Schedule 3 in relation to that District Council.
- (2) The Chief Executive may only appoint a person as a member under subsection (1) if the proposal to appoint the person is decided as valid by the Eligibility Review Committee under section 13.
- (3) If the Chief Executive appoints a person as a member under subsection (1), the Designated Officer must issue a letter of appointment to the person.
- (4) A person appointed as a member holds office from the date specified in the letter of appointment and vacates office on 31 December of the year in which an ordinary election is next held after the appointment.
- (5) The Designated Officer must, within 21 days after the date of the letter of appointment, publish in the Gazette the person’s name and his or her term of office as a member.

12. Who is eligible to be appointed as member

- (1) A person is eligible to be appointed as a member only if the person—
 - (a) has reached 21 years of age;
 - (b) is registered as an elector in the existing GC register;
 - (c) is not disqualified from voting at an election;

- (d) is not disqualified from being appointed as a member by virtue of section 14 or any other law; and
- (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the appointment.
- (2) A person elected at an election as a member for a term of office of a District Council is not eligible to be appointed as a member in that term of office.
- (3) A person who is holding office as the Chairman of a Rural Committee is not eligible to be appointed as a member.

13. Decision on validity of proposals to appoint persons as members

- (1) The Designated Officer may submit a proposal to appoint a person as a member to the Eligibility Review Committee.
- (2) The Eligibility Review Committee must, as soon as practicable after receiving a proposal submitted by the Designated Officer, decide whether or not the proposal is valid.
- (3) Without prejudice to sections 12 and 14, the Eligibility Review Committee may decide a proposal to appoint a person to be invalid if and only if—
 - (a) the Eligibility Review Committee is satisfied that the person fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China;

- (b) the Eligibility Review Committee is satisfied that the person is not eligible to be, or disqualified from being, appointed as a member; or
 - (c) the Eligibility Review Committee is satisfied that the person is dead.
- (4) In deciding whether a proposal to appoint a person is valid, the Eligibility Review Committee—
 - (a) may require the Designated Officer to furnish any information in the possession of the Officer that relates to any of the matters specified in subsection (5);
 - (b) may require the person to furnish any other information that the Committee considers appropriate for enabling the Committee to be satisfied as to the validity of the proposal; and
 - (c) may require the Designated Officer to obtain any other information that relates to any of the matters specified in subsection (5) from any person.
- (5) The matters specified for subsection (4)(a) and (c) are—
 - (a) whether the proposal is valid;
 - (b) whether the person is eligible to be appointed as a member under section 12;
 - (c) whether the person is disqualified from being so appointed under section 14; and
 - (d) whether the person is dead.
- (6) If the Eligibility Review Committee decides that a proposal to appoint a person is invalid—

- (a) the Committee must inform the Designated Officer of the decision and the reasons for it; and
- (b) the Designated Officer must, as soon as practicable, inform the person and the Chief Electoral Officer of the decision and the reasons in writing.

14. Disqualification from being appointed as members

- (1) A person is disqualified from being appointed as a member if the person—
 - (a) is—
 - (i) a judicial officer; or
 - (ii) a prescribed public officer;
 - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (c) has been convicted of treason;
 - (d) on the date of submission of the proposal to appoint the person, is serving a sentence of imprisonment;
 - (e) without limiting paragraph (b), where the proposal to appoint the person is submitted within 5 years after the date of the person's conviction, has been convicted—

- (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct;
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iv) of any offence prescribed by section 86A, section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
- (f) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (g) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (h) is an undischarged bankrupt or, within 5 years before the date of submission of the proposal to appoint the person, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.

- (2) A person is also disqualified from being appointed as a member if, within 5 years before the date of submission of the proposal to appoint the person—
 - (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
 - (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (3) A person is also disqualified from being appointed as a member if 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.
- (4) Subsection (3) does not prevent a person from being eligible for appointment as a member if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs.

15. How an appointed member can resign

- (1) A person appointed as a member may at any time resign from office as a member by giving written notice of resignation to the Designated Officer.
- (2) A notice of resignation is not effective unless it is signed by the member concerned.

- (3) A notice of resignation takes effect—
 - (a) on the date on which the notice is received by the Designated Officer; or
 - (b) if a later date is specified in the notice, on that later date.

16. When the office of appointed member becomes vacant and appointment of substitute

- (1) The office of a member appointed under this Division becomes vacant if—
 - (a) the member dies;
 - (b) the member resigns in accordance with section 15 or is taken to have resigned under section 17C;
 - (c) the member is disqualified under section 26A from holding office as a member; or
 - (d) the member's appointment is revoked by the Chief Executive.

Note—

See section 42 of the Interpretation and General Clauses Ordinance (Cap. 1).

- (2) When the office of a member appointed under this Division becomes vacant under subsection (1), the Chief Executive may appoint another person to hold office as a member in that member's place under section 11.”.

15. Section 17 substituted

Section 17—

Repeal the section

Substitute

“17. Who is eligible to be registered as ex officio member

A person who is holding office as the Chairman of a Rural Committee specified in column 5 of Part 2 of Schedule 3 is eligible to be registered in accordance with this Division as an ex officio member of the District Council specified opposite to the Rural Committee in column 3 of that Part.”.

16. Sections 17A, 17B and 17C added

After section 17—

Add**“17A. How to register as ex officio members**

- (1) A person who is holding office as the Chairman of a Rural Committee may be registered as an ex officio member only if the person submits a registration form that complies with this section to the Designated Officer.
- (2) The registration form must be in the specified form.
- (3) The registration form must contain—
 - (a) a declaration by the person to the effect that the person—
 - (i) is holding office as the Chairman of a Rural Committee; and
 - (ii) is not disqualified from being registered as an ex officio member; and
 - (b) a declaration by the person to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

- (4) The registration form must be signed by the person.
- (5) The registration form must contain other particulars (if any) required to be furnished on that form.
- (6) The Designated Officer may require a person to be registered under this section to furnish any other information to enable the Eligibility Review Committee to decide whether or not the registration is valid.
- (7) For the purpose of constituting the seventh term of office of the District Councils, the registration form must be submitted to the Designated Officer by 1 December 2023.

17B. Decision on validity of registration

- (1) The Designated Officer must, as soon as practicable after receiving a registration form, forward the form to the Eligibility Review Committee.
- (2) The Eligibility Review Committee must, as soon as practicable after receiving a registration form forwarded by the Designated Officer, decide whether or not the registration is valid.
- (3) Without prejudice to sections 17, 17A and 19, the Eligibility Review Committee may decide a registration of a person to be invalid if and only if—
 - (a) the registration form has not been completed or signed as required under section 17A;
 - (b) the Eligibility Review Committee is satisfied that the person is disqualified from being registered as an ex officio member; or
 - (c) the Eligibility Review Committee is satisfied that the person is dead.

- (4) In deciding whether a registration of a person is valid, the Eligibility Review Committee—
 - (a) may require the Designated Officer to furnish any information in the possession of the Officer that relates to any of the matters specified in subsection (5);
 - (b) may require the person to furnish any other information that the Committee considers appropriate for enabling the Committee to be satisfied as to the validity of the registration; and
 - (c) may require the Designated Officer to obtain any other information that relates to any of the matters specified in subsection (5) from any person.
- (5) The matters specified for subsection (4)(a) and (c) are—
 - (a) whether sections 17 and 17A are complied with in relation to the person;
 - (b) whether the registration of the person is valid;
 - (c) whether the registration form has been completed or signed as required under section 17A;
 - (d) whether the person is disqualified from being registered as an ex officio member; and
 - (e) whether the person is dead.
- (6) If the Eligibility Review Committee decides that a registration of a person is invalid—
 - (a) the Committee must endorse on the relevant registration form the decision and the reasons for it; and

- (b) the Designated Officer must, as soon as practicable, inform the Chief Electoral Officer of the decision and the reasons in writing.
- (7) After the Eligibility Review Committee has made a decision on the validity of a registration of a person—
 - (a) the Designated Officer must, as soon as practicable, inform the person of the decision in writing; and
 - (b) if the registration of the person is decided as valid—
 - (i) the Committee must, as soon as practicable, publish in the Gazette a notice declaring the registration as valid; and
 - (ii) the Designated Officer must, within 21 days after the decision, publish in the Gazette the person's name and his or her term of office as an ex officio member.

17C. Member taken to have resigned on becoming ex officio member

If—

- (a) a person is holding office as a member of a District Council (otherwise than being an ex officio member) (*first office*); and
- (b) the person becomes eligible to be registered as an ex officio member of the same or another District Council (*second office*),

the person is taken to have resigned from the first office with effect immediately before the date on which the person commences to hold the second office.”.

17. Section 18 repealed (when the office of ex officio member becomes vacant)

Section 18—

Repeal the section.

18. Section 19 amended (disqualification of ex officio members)

(1) Section 19, heading—

Repeal

“of”

Substitute

“from being registered as”.

(2) Section 19(1)—

Repeal

“holding office”

Substitute

“being registered”.

(3) Section 19(1)(d)—

Repeal

“term of office is to begin”

Substitute

“registration form is submitted”.

(4) Section 19(1)(d)—

Repeal

“, or is convicted after the beginning of the term of office”.

(5) Section 19(1)(d)(ii)—

Repeal

“in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)”.

- (6) Section 19(1)(d)(iv), after “by”—

Add

“section 86A, section 7 of Schedule 4A or”.

- (7) Section 19(1)(g)—

Repeal

“the previous 5 years”

Substitute

“5 years before the date of submission of the registration form”.

- (8) Section 19—

Repeal subsection (1A)

Substitute

“(1A) A person is also disqualified from being registered as an ex officio member if, within 5 years before the date of submission of the registration form—

- (a) the person has vacated an office, or has been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
- (b) the person has been declared or decided in accordance with any law—
 - (i) to be in breach of a specified oath; or

(ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.”.

(9) Section 19—

Repeal subsection (1B).

(10) Section 19(2)—

Repeal

“An ex officio member”

Substitute

“A person”.

(11) Section 19(2)—

Repeal

“holding office”

Substitute

“being registered as an ex officio member”.

(12) Section 19(3)—

Repeal

“holding office”

Substitute

“being registered”.

(13) Section 19—

Repeal subsections (4), (5), (6) and (7).

19. Section 19A added

Part IV, Division 2, after section 19—

Add

“19A. When the office of ex officio member becomes vacant

- (1) The office of an ex officio member becomes vacant if—
 - (a) the member dies;
 - (b) the member’s term of office as Chairman of a Rural Committee ends;
 - (c) the member otherwise ceases to hold office as Chairman of a Rural Committee; or
 - (d) the member is disqualified under section 26A from holding office as a member.
- (2) For the purpose of constituting the seventh term of office of the District Councils, if a person who is an ex officio member of the sixth term of office of a District Council fails to submit a registration form in accordance with section 17A, the office of the ex officio member becomes vacant at the end of the sixth term of office of the District Council.
- (3) If the office of an ex officio member becomes vacant under subsection (1) or (2), the person or the person’s successor as the Chairman of the Rural Committee (as the case requires) may be registered as an ex officio member in accordance with this Division.”.

20. Part IV, Division 3 heading amended (elected members)

Part IV, Division 3, heading—

Repeal

“Elected Members”

Substitute

“Members Returned at Election”.

21. Section 20 amended (who is eligible to be nominated as a candidate)

(1) Section 20(1)(b)—

Repeal

“an elector”

Substitute

“registered as an elector in the existing GC register”.

(2) Section 20(1)(d)—

Repeal

“an elected”

Substitute

“a”.

(3) Section 20(4), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

22. Section 21 amended (when person is disqualified from being nominated as a candidate and from being elected as an elected member)

(1) Section 21, heading—

Repeal

“an elected”

Substitute

“a”.

- (2) Section 21(1)—

Repeal

“an elected member”

Substitute

“a member at an election”.

- (3) Section 21(1)(e)(ii)—

Repeal

“in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)”.

- (4) Section 21(1)(e)(iv), after “by”—

Add

“section 7 of Schedule 4A or”.

- (5) Section 21(1)(f)—

Repeal

“an elected member”

Substitute

“a member at an election”.

- (6) Section 21(1A) and (3)—

Repeal

“an elected member”

Substitute

“a member at an election”.

- (7) Section 21—

Repeal subsection (4).

23. Section 22 amended (how long elected member is to hold office)

- (1) Section 22, heading—

Repeal

“elected member”

Substitute

“member elected at election”.

- (2) Section 22(1)—

Repeal

“An elected member”

Substitute

“A member elected at an ordinary election”.

- (3) Section 22(2)—

Repeal

“an elected member’s (*first elected member*) office becoming vacant”

Substitute

“a member’s office becoming vacant under section 26”.

- (4) Section 22(2)—

Repeal

“on the day the first elected member would have vacated office had that member served the full term”

Substitute

“at the end of the term of office of the District Council during which the by-election was held”.

24. Section 23 amended (elected members to accept office)

- (1) Section 23, heading—

Repeal

“Elected members to accept office”

Substitute

“Members elected at election taken to have accepted office”.

- (2) Section 23(1)—

Repeal

“to be a member”

Substitute

“as a member at an election”.

- (3) Section 23(3)—

Repeal

“an elected”

Substitute

“a”.

25. Section 24 repealed (disqualification of elected members)

Section 24—

Repeal the section.

26. Section 25 amended (how an elected member can resign)

- (1) Section 25, heading—

Repeal

“an elected member”

Substitute

“a member returned at election”.

- (2) Section 25(1)—

Repeal

“An elected member”

Substitute

“A member returned at an election”.

- (3) Section 25(1)—

Repeal

“an elected”

Substitute

“a”.

27. Section 26 amended (when elected member’s office becomes vacant)

- (1) Section 26, heading—

Repeal

“elected member’s office”

Substitute

“the office of a member returned at election”.

- (2) Section 26—

Repeal

“An elected member’s office”

Substitute

“The office of a member returned at an election”.

- (3) Section 26(b)—

Repeal

“10”

Substitute

“17C”.

- (4) Section 26(c)—

Repeal

“24 from holding office as an elected”

Substitute

“26A from holding office as a”.

28. Part IV, Division 4 added

Part IV, after Division 3—

Add

“Division 4—Disqualification of Members

26A. Disqualification from holding office as members

- (1) A member is disqualified from holding office if the member—
 - (a) becomes—
 - (i) a judicial officer; or
 - (ii) a prescribed public officer;
 - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
 - (c) has been convicted of treason;
 - (d) without limiting paragraph (b), is convicted—
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;

- (ii) of having engaged in corrupt or illegal conduct;
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iv) of any offence prescribed by section 86A, section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
 - (e) becomes a representative or a salaried functionary of the government of a place outside Hong Kong;
 - (f) becomes a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
 - (g) becomes an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.
- (2) A member is also disqualified from holding office if the member—
- (a) is in breach of an oath taken under section 19A of the Oaths and Declarations Ordinance (Cap. 11); or

- (b) fails, or is declared or decided in accordance with any law to have failed, to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (3) A member is also disqualified from holding office if the member 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.
- (4) Subsection (3) does not prevent a person from being eligible to be appointed or registered as a member, or to be a candidate at an election, if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person has become capable of managing and administering his or her property and affairs.
- (5) Subject to subsection (7), a member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months (*disqualifying period*) without obtaining the consent of the Council before the end of that period.
- (6) The disqualifying period under subsection (5) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.
- (7) If during the disqualifying period no meetings are held or only 1 meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

- (8) A member is also disqualified from holding office if the member was not eligible to be appointed as a member or nominated as a candidate under section 12 or 20 (as the case requires).”.

29. Section 27 amended (Chief Executive to specify dates for holding ordinary elections)

- (1) Section 27(4)—

Repeal

“elected members”

Substitute

“District Councils”.

- (2) After section 27(4)—

Add

- “(5) The Chief Executive may specify different dates for holding an ordinary election to return each of the following classes of members—

- (a) the members to be returned for each District Committees constituency; and
- (b) the members to be returned for all District Council geographical constituencies.”.

30. Section 29 amended (who is entitled to vote at an election)

- (1) Section 29(1)—

Repeal

“only if the person is an elector”

Substitute

“for a District Committees constituency or a District Council geographical constituency only if the person is an elector for the constituency”.

(2) Section 29—

Repeal subsections (2) and (3).

(3) Section 29(4)—

Repeal

“is entitled to vote only once”

Substitute

“for a constituency is entitled to vote only once in respect of the constituency”.

(4) Section 29—

Repeal subsection (5).

(5) Section 29(6)—

Repeal

“In any subsequent election, an”

Substitute

“An”.

(6) Section 29(6)—

Repeal

“final”

Substitute

“GC”.

(7) Section 29(7)—

Repeal

“(5) or”.

31. Section 30 amended (when an elector is disqualified from voting at an election)

(1) Section 30—

Renumber the section as section 30(1).

- (2) After section 30(1)—

Add

- “(2) An elector of a District Committees constituency is also disqualified from voting at an election for the constituency if the elector has ceased to be a member of a District Committee in the District concerned.”.

- 32. Section 31 repealed (Electoral Registration Officer to publish register for the first ordinary election)**

Section 31—

Repeal the section.

- 33. Section 31A added**

Part V, at the end of Division 2—

Add

“31A. Electoral Registration Officer to compile and publish District Committees constituencies register

- (1) The Electoral Registration Officer must compile and publish a register of electors for District Committees constituencies in accordance with Schedule 4A.
- (2) Schedule 4A also has effect in relation to the inspection of the register and use of information in the register.”.

- 34. Section 32 amended (vacancy in membership of elected members of a District Council to be declared)**

- (1) Section 32, heading—

Repeal

“elected members of a District Council”

Substitute

“members returned at election”.

(2) Section 32(1)—

Repeal

“an elected member”

Substitute

“a member returned at an election”.

(3) Section 32(2)—

Repeal

“an elected”

Substitute

“a”.

35. Section 33 amended (by-election to be held to fill vacancy in membership of District Councils)

(1) Section 33(1)—

Repeal paragraph (b).

(2) Section 33(1)(c), after “the election”—

Add

“or because the number of validly nominated candidates for the election was less than the number of members to be returned for the constituency”.

- (3) Section 33(1)(d), after “the election”—

Add

“or because the number of candidates returned at the election was less than the number of members to be returned for the constituency due to the death or disqualification of a successful candidate”.

- (4) Section 33(2)—

Repeal

“elected”.

36. Section 34 amended (what requirements are to be complied with by persons nominated as candidates)

Section 34—

Repeal subsection (1)

Substitute

- “(1) A person is to be nominated as a candidate for an election by submitting a nomination form in accordance with this section and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (1A) The nomination form must—
- (a) be subscribed in accordance with the regulations;
 - (b) be accompanied by a deposit; and

- (c) include or be accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.”.

37. Section 36 amended (who are validly nominated candidates)

- (1) Section 36(1)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (2) After section 36(1)—

Add

“(1A) The Eligibility Review Committee must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publish a notice stating which persons are validly nominated as candidates.”.

- (3) Section 36(2)—

Repeal

“after the Returning Officer”

Substitute

“after the Eligibility Review Committee”.

- (4) Section 36(2)—

Repeal

everything after “(Cap. 541)”

Substitute

“, give notice of the death of the candidate.”.

- (5) Section 36(2), Chinese text—

Repeal

“某選區”

Substitute

“某界別或選區”.

- (6) After section 36(2)—

Add

“(2A) If a notice under subsection (1A) has been published, the Returning Officer must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)—

- (a) publicly declare that the candidate has died; and
- (b) further declare which candidate or candidates are validly nominated for election for the constituency.”.

- (7) Section 36(3)—

Repeal

“Subsection (2) does”

Substitute

“Subsections (2) and (2A) do”.

- (8) Section 36(3)—

Repeal

“an elected”

Substitute

“a”.

- (9) Section 36—

Repeal subsection (4)

Substitute

- “(4) If, after the Eligibility Review Committee has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, proof is given to the satisfaction of the Committee that the candidate is disqualified from being nominated as a candidate—
- (a) the Committee must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), vary the decision to the effect that the candidate is not validly nominated; and
 - (b) after the Committee so varies the decision, the Returning Officer must, in accordance with those regulations, give notice of the variation of the decision.
- (4A) If a notice under subsection (1A) has been published, the Eligibility Review Committee must also, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)—
- (a) publicly declare that the decision has been varied; and
 - (b) further declare which candidate or candidates are validly nominated for election for the constituency.”.

(10) Section 36(5)—

Repeal

“Subsection (4) does”

Substitute

“Subsections (4) and (4A) do”.

(11) Section 36(5)—

Repeal

“an elected”

Substitute

“a”.

38. Section 37 amended (candidates entitled to send letters to electors free of postage)

Section 37(1), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

39. Sections 39, 40 and 41 substituted

Sections 39, 40 and 41—

Repeal the sections

Substitute

“39. What is to happen if insufficient candidates are nominated

- (1) If, after the close of nomination of candidates for election for a constituency, the number of validly nominated candidates is no more than the number of members to be returned for the constituency, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the candidate or candidates to be duly elected as a member or members.

- (2) If, after the close of nomination of candidates for election for a constituency, no candidate was validly nominated or the number of validly nominated candidates was less than the number of members to be returned for the constituency, the Returning Officer must, by notice published in the Gazette, declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated was less than the number of members to be returned.

40. Death or disqualification of validly nominated candidate on date of election

- (1) Subsections (2) and (3) apply if, on the date of an election but before the result of the election is declared—
 - (a) proof is given to the satisfaction of the Returning Officer that a validly nominated candidate for election for a constituency has died; or
 - (b) proof is given to the satisfaction of the Eligibility Review Committee that a validly nominated candidate for election for a constituency is disqualified from being elected.
- (2) In the circumstances mentioned in subsection (1)(a) or (b)—
 - (a) the proceedings for the election for the constituency are not to be terminated at that stage;

- (b) if the polling for the election has not begun or is being conducted, the polling is to begin or to continue as if the death or disqualification had not occurred; and
 - (c) if the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.
- (3) If, after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the election, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the election—
 - (a) to have failed; or
 - (b) (where more than one member is to be returned at the election for the constituency and there is another candidate or there are other candidates elected for the constituency) to have failed to the extent that the number of candidates returned at the election for the constituency was less than the number of members to be returned for the constituency.

41. How election is to be conducted

- (1) At every contested election to return a member for a constituency—
 - (a) a poll is to be taken of the electors of the constituency; and
 - (b) the voting at the poll is to be by secret ballot.

- (2) A poll is to be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (3) The Returning Officer appointed for a constituency is responsible for supervising an election for the constituency in accordance with this Ordinance and the Electoral Affairs Commission Ordinance (Cap. 541).”.

40. Sections 41A and 41B added

After section 41—

Add

“41A. System of voting and counting of votes: District Committees constituencies

- (1) Voting and counting of votes at a poll for the return of members for a District Committees constituency is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” voting system) whereby an elector of the District Committees constituency is entitled to vote for a number of candidates that is equal to the number of vacancies.
- (2) At an election, an elector for a District Committees constituency is entitled to cast the same number of votes as the number of members to be returned for the constituency at that election.
- (3) The votes cast by an elector for a District Committees constituency at an election are valid only if the elector has cast all the votes under the elector’s entitlement for that election as specified in subsection (2) and no more.

- (4) The candidates to be returned as members for a District Committees constituency at an election are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is returned for the constituency at that election.
- (5) If, after the counting is finished at an election for a District Committees constituency, a member or members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes—
 - (a) the Returning Officer must determine the result of the election for the purpose of returning the member or members still to be returned by drawing lots; and
 - (b) the candidate or candidates on whom the lot falls is or are to be returned at the election.
- (6) Subject to subsection (7), as soon as practicable after determining the result of an election for a District Committees constituency, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.
- (7) If a candidate referred to in section 40(1)(a) or (b) was successful at the election for the constituency, the Returning Officer must not declare the candidate as elected.

41B. System of voting and counting of votes: District Council geographical constituencies

- (1) Voting and counting of votes at a poll for the return of members for a District Council geographical constituency is to be conducted in accordance with

the simple or relative majority system of election (otherwise known as the “first past the post” voting system) whereby an elector of the District Council geographical constituency is entitled to vote for 1 candidate.

- (2) The candidates to be returned as members for a District Council geographical constituency at an ordinary election are the 2 candidates who obtain the greatest and next greatest numbers of votes.
- (3) Subsection (2) applies with any necessary modifications to a by-election to fill vacancies among the members to be returned for a District Council geographical constituency.
- (4) If, after the counting is finished at an election for a District Council geographical constituency, 1 or 2 members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes—
 - (a) the Returning Officer must determine the result of the election for the purpose of returning the member or members still to be returned by drawing lots; and
 - (b) the candidate or candidates on whom the lot falls is or are to be returned at the election.
- (5) Subject to subsection (6), as soon as practicable after determining the result of an election for a District Council geographical constituency, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

- (6) If a candidate referred to in section 40(1)(a) or (b) was successful at the election for the constituency, the Returning Officer must not declare the candidate as elected.”.

41. Section 43 amended (misnomer or inaccuracy not to affect operation of election document)

Section 43(2)—

Repeal

“nomination paper”

Substitute

“nomination form”.

42. Section 46 amended (Returning Officer to publish result of election)

(1) Section 46(1)—

Repeal

“an elected member”

Substitute

“a member or members”.

(2) Section 46(1)—

Repeal

“returned at the election is the elected member”

Substitute

“or candidates returned at the election is or are the members”.

43. Section 49 amended (election may be questioned only by election petition made on specified grounds)

(1) Section 49(1)—

Repeal

“return an elected”

Substitute

“return a”.

(2) Section 49(1)(a)—

Repeal

“an elected”

Substitute

“a”.

(3) Section 49(2)—

Repeal

“an elected”

Substitute

“a”.

(4) Section 49(3), definition of *election*, after “of”—

Add

“the Eligibility Review Committee,”.

(5) Section 49(3)—

Repeal the definition of *corrupt or illegal conduct*.

44. Sections 50 and 51 substituted

Sections 50 and 51—

Repeal the sections

Substitute

“50. Who may lodge election petition

- (1) An election petition may be lodged in respect of an election for a District Committees constituency—
 - (a) by 3 or more electors entitled to vote in the constituency; or
 - (b) by a person claiming to have been a candidate in the constituency.
- (2) An election petition may be lodged in respect of an election for a District Council geographical constituency—
 - (a) by 10 or more electors entitled to vote in the constituency; or
 - (b) by a person claiming to have been a candidate in the constituency.

51. Who may be made respondent to election petition

- (1) The following persons may be made a respondent to an election petition—
 - (a) a person whose election is questioned by the petition;
 - (b) the Returning Officer in respect of the election; and
 - (c) if grounds for the petition relate to a decision of the Eligibility Review Committee—the Eligibility Review Committee.
- (2) 2 or more candidates at an election may be made respondents to the same election petition and their cases may be tried at the same time, but for the purposes of this Part, and in relation to any order for giving security for costs, the petition is taken to

be a separate election petition against each respondent.”.

45. Section 55 amended (Court to determine election petition)

(1) Section 55(1)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

(2) Section 55(1), English text—

Repeal

“that Officer”

Substitute

“the Returning Officer”.

46. Section 58B amended (Court of Final Appeal’s determination)

Section 58B(a)(i)(A)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

47. Section 59 amended (acts of person not invalid if determined not duly elected)

Section 59—

Repeal

“an elected” (wherever appearing)

Substitute

“a”.

48. Section 60 amended (what is to happen if an elected member is determined not to have been duly elected)

(1) Section 60, heading—

Repeal

“an elected”

Substitute

“a”.

(2) Section 60(1), (1A), (2), (3), (4) and (5)—

Repeal

“an elected” (wherever appearing)

Substitute

“a”.

49. Section 60A amended (interpretation: Part VA)

(1) Section 60A(1), definition of *disqualified candidate*—

Repeal

“Returning Officer under section 40(2)”

Substitute

“Eligibility Review Committee under section 40(1)(b)”.

(2) Section 60A(1)—

(a) **Repeal the definition of *elected as an elected member*;**

(b) **Add in alphabetical order**

“*elected as a member* (當選為議員), in relation to a candidate, means—

(a) a candidate who is declared to be duly elected in a notice published under section

- 46, unless he or she is determined under section 55(1) or (2) or 58B to be not duly elected;
- (b) a deceased candidate who is found to be successful at the election under section 40(3), unless proof is given to the satisfaction of the Eligibility Review Committee under section 40(1)(b) that he or she is disqualified from being elected; or
 - (c) a candidate who becomes a member under section 60(2);”.
- (3) Section 60A(2)(a) and (b), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

- (4) Section 60A—

Repeal subsection (3)**Substitute**

“(3) For section 60D(2)(a)—

- (a) the number of electors for a District Committees constituency is the number of electors for the constituency as shown in the District Committees constituencies register that is in force at the time the election is held; and
- (b) the number of electors for a District Council geographical constituency is the number of electors registered for that constituency as shown in the final register of geographical constituencies compiled and published by the

Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap. 542) that is in force at the time the election is held.”.

50. Section 60C amended (eligibility for financial assistance)

- (1) Section 60C, English text—

Repeal

“he is”

Substitute

“the candidate”.

- (2) Section 60C(a)—

Repeal

“a candidate who is elected as an elected”

Substitute

“is elected as a”.

- (3) Section 60C(b)—

Repeal

“a candidate who is not elected as an elected member but who”

Substitute

“is not elected as a member but”.

- (4) Section 60C, Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

- (5) Section 60C, Chinese text—

Repeal

“他” (wherever appearing)

Substitute

“該候選人”.

51. Section 60D amended (amount payable as financial assistance)

- (1) Section 60D(1), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 60D(2)(a)—

Repeal

“registered”.

- (3) Section 60D(2), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

52. Section 60E amended (entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated)

- (1) Section 60E, heading—

Repeal

“, but financial assistance not payable if election proceedings are terminated”.

- (2) Section 60E—

Repeal subsection (2).

- 53. Part VI heading amended (functions, Chairman and Vice Chairman and procedure of a District Council)**

Part VI, heading—

Repeal

“Functions, Chairman and Vice Chairman”

Substitute

“Chairman”.

- 54. Part VI, Division 1 heading repealed (functions of a District Council)**

Part VI, Division 1, heading—

Repeal the heading.

- 55. Section 61 repealed (functions of a District Council)**

Section 61—

Repeal the section.

- 56. Part VI, Division 2 heading repealed (Chairman and Vice Chairman of a District Council)**

Part VI, Division 2, heading—

Repeal the heading.

- 57. Section 62 substituted**

Section 62—

Repeal the section

Substitute

“62. District Officer to be Chairman

The District Officer of a District is to be the Chairman of the District Council of the District.”.

58. Sections 63, 64 and 65 repealed

Sections 63, 64 and 65—

Repeal the sections.

59. Sections 66 and 67 substituted

Sections 66 and 67—

Repeal the sections

Substitute

“66. Chairman to preside at meetings

The Chairman of a District Council is to preside at meetings of the District Council.

67. Chairman to have a casting vote

At a meeting of a District Council, the Chairman is to have an original vote and a casting vote if the votes are equal.”.

60. Part VI, Division 3 heading repealed (procedure of a District Council)

Part VI, Division 3, heading—

Repeal the heading.

61. Section 68 amended (District Council may make standing orders)

(1) Section 68, heading—

Repeal

“District Council”

Substitute

“Chairman”.

(2) Section 68—

Repeal subsection (1)

Substitute

“(1) The Chairman of a District Council may make standing orders for regulating the procedure of the District Council and its committees.”.

(3) Section 68—

Repeal subsection (3)

Substitute

“(3) The standing orders of a District Council must provide for the quorum of its committees.”.

62. Section 69 amended (District Council may appoint secretary)

(1) Section 69, heading—

Repeal

“District Council”

Substitute

“Chairman”.

(2) Section 69(1)—

Repeal

“its functions, a”

Substitute

“the functions of a District Council, the Chairman of the”.

(3) Section 69(2)—

Repeal

“A”

Substitute

“The Chairman of a”.

63. Section 71 amended (District Council may appoint committees)

- (1) Section 71, heading—

Repeal

“**District Council may appoint committees**”

Substitute

“**Committees of a District Council**”.

- (2) Section 71(1)—

Repeal

“its functions, a District Council may”

Substitute

“the functions of a District Council, the Chairman of the District Council must”.

- (3) Section 71(2)—

Repeal

“A District Council may appoint to a”

Substitute

“The Chairman of a District Council may appoint to the”.

- (4) Section 71(3)—

Repeal

“A committee of a District Council is to elect”

Substitute

“The Chairman of a District Council is to appoint”.

64. Section 71A added

After section 71—

Add

“71A. Chairman may require members to collect views

The Chairman of a District Council may require members of the District Council to collect the views of the people in the District concerned in respect of an issue specified by the Chairman.”.

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

(1) Section 72(2)(b), after “the”—

Add

“appointment, registration or”.

(2) Section 72—

Repeal subsection (4)

Substitute

“(4) For the purposes of this section, a vacancy in the membership of a District Council includes a vacancy in its membership when it first meets after an ordinary election.”.

66. Part VIA added

After Part VI—

Add

“Part VIA

Misconduct and Sanctions

72A. Interpretation: Part VIA

In this Part—

Secretary (局長) means the Secretary for Home and Youth Affairs.

72B. Secretary may issue guidelines on performance of members

- (1) For the purposes of this Part, the Secretary may issue guidelines indicating—
 - (a) the standard of performance required of a member; and
 - (b) the misconduct that may constitute grounds for imposing sanction.
- (2) The Secretary must—
 - (a) publish the guidelines in a way appropriate to bring them to the notice of the members; and
 - (b) make copies of the guidelines available to the public.
- (3) Guidelines issued under this section are not subsidiary legislation.
- (4) The Secretary may amend or revoke any of the guidelines. Subsections (2) and (3) apply to an amendment or revocation of guidelines in the same way as they apply to the guidelines.
- (5) A person does not incur any civil or criminal liability only because the person has contravened any of the guidelines.

- (6) If, in any legal proceedings, the court is satisfied that a provision of the guidelines is relevant to the determination of a matter that is in issue in the proceedings—
 - (a) the guidelines are admissible in evidence in the proceedings; and
 - (b) proof that the person contravened, or did not contravene, the provision may be relied on by a party to the proceedings as tending to establish or negate the matter.

72C. Investigation on misconduct of members

- (1) An investigation on an alleged misconduct of a member of a District Council may be initiated by—
 - (a) the Chairman and 3 or more members of the District Council; or
 - (b) a motion passed by more than half of the members present in a meeting of the District Council.
- (2) If an investigation is initiated under subsection (1), the Secretary must appoint a supervisory committee that consists of the following persons to conduct the investigation—
 - (a) 1 person who is not a member of any District Council; and
 - (b) 4 members of any District Council that is not the District Council mentioned in subsection (1).
- (3) The supervisory committee is to conduct the investigation to—
 - (a) establish whether the facts on which the allegation is based are true;

- (b) give its opinion on whether the established facts constitute grounds for imposing sanction under section 72D; and
 - (c) if there is ground for imposing sanction—give its opinion on the appropriate sanction to be imposed on the member concerned.
- (4) The supervisory committee must submit a written report to the Secretary as soon as practicable after the completion of the investigation stating the established facts and its opinion mentioned in subsection (3).

72D. Secretary may impose sanctions etc.

- (1) The Secretary may, after considering the report of a supervisory committee on a member under section 72C, issue a letter of persuasion to, or impose any of the following sanctions on, the member as the Secretary considers appropriate—
 - (a) warning;
 - (b) financial penalty;
 - (c) suspension of the member's functions and duties as a member.
- (2) The amount of financial penalty imposed under subsection (1)(b) is to be—
 - (a) determined by the Secretary; and
 - (b) deducted from the member's remuneration to which the member is entitled.
- (3) If a person's functions and duties as a member are suspended under subsection (1)(c), during the period of suspension, the person—
 - (a) must not act as a member;

- (b) must not do anything for the purpose of carrying into effect the provisions of this Ordinance or any other enactment conferring functions on a District Council;
 - (c) must not enjoy any corresponding entitlement; and
 - (d) is not to be regarded as a member for the purposes of section 86.
- (4) Despite subsection (3)(c), the person is entitled to be reimbursed the operating expenses incurred by the person during the period of suspension.
- (5) If a person's functions and duties as a member are suspended under subsection (1)(c) and the person is absent from a meeting of a District Council during the suspension, the person is not to be regarded as being absent from that meeting for the purposes of section 26A(5).
- (6) The Secretary must, as soon as practicable after imposing a sanction on a member under subsection (1), inform the member in writing.
- (7) If a person acts, or claims to be entitled to act, as a member while his or her functions and duties as a member are suspended under subsection (1)(c), the Secretary for Justice may apply to the Court for an interim injunction restraining the person from so acting or claiming.

72E. Appeal against sanctions

- (1) A member who is aggrieved by a decision of the Secretary under section 72D may appeal to the Chief Secretary for Administration.

- (2) The appeal must be made within 14 days after the date of the decision.
- (3) The appeal does not suspend the decision unless the Chief Secretary for Administration decides otherwise.
- (4) On an appeal under subsection (1) against a decision, the Chief Secretary for Administration may confirm, vary or reverse the decision.
- (5) The Chief Secretary for Administration must issue a notice of decision made under subsection (3) or (4) to the member who made the appeal.”.

67. Section 74 substituted

Section 74—

Repeal the section

Substitute

“74. Designated Officer and Electoral Registration Officer may specify forms

- (1) The Designated Officer may specify the form of any registration, notice or other document required for the purposes of Part IV.
- (2) The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of Part V.”.

68. Section 75 amended (appointment of Returning Officers and assistants)

Section 75(1), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

69. Section 76 amended (offence to obstruct or hinder electoral officer)

(1) Section 76, heading, after “**officer**”—

Add

“**or Eligibility Review Committee**”.

(2) Section 76, after “**officer**”—

Add

“**or the Eligibility Review Committee**”.

(3) Section 76—

Repeal

“level 2”

Substitute

“level 5”.

70. Section 79 amended (proceedings against persons on grounds of disqualification)

Section 79(2D)—

Repeal

“sections 19(4) and 24(5)”

Substitute

“section 26A(5)”.

71. Part IX heading amended (Chief Executive in Council to make regulations and amend Schedule 4, 5 or 7)

Part IX, heading—

Repeal

“4, 5”

Substitute

“4A”.

72. Section 81 amended (Chief Executive in Council may make regulations)

Section 81(2)(a)—

Repeal

“paper”

Substitute

“form”.

73. Section 82 amended (Chief Executive in Council may amend Schedule 4, 5 or 7)

(1) Section 82, heading—

Repeal

“4, 5”

Substitute

“4A”.

(2) Section 82—

Repeal

“4, 5”

Substitute

“4A”.

74. Section 83 repealed (Designated Officer to give notice of membership)

Section 83—

Repeal the section.

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

Section 84, after “membership of”—

Add

“a member appointed under Division 1 of Part IV or”.

76. Section 86A added

After section 86—

Add

“86A. Offence of false declaration

- (1) A person commits an offence if the person—
 - (a) makes a statement that the person knows to be false in a material particular in a specified document;
 - (b) recklessly makes a statement that is incorrect in a material particular in a specified document; or
 - (c) knowingly omits a material particular from a specified document.
- (2) A person commits an offence if the person, directly or indirectly, by himself or herself or by another person on his or her behalf, conspires with, incites, compels, induces, coerces, intimidates or persuades another person to—

- (a) make a false statement in a specified document;
or
- (b) provide information that the person knows to
be wrong in a material particular in a specified
document.
- (3) A person who commits an offence under subsection
(1) or (2) is liable on conviction to a fine at level 2
and to imprisonment for 6 months.
- (4) An offence under this section is to be an offence
prescribed for the purposes of sections 14, 19 and
26A.
- (5) In this section—
specified document (指明文件) means a registration form,
declaration or any other document required or used
for the purposes of Division 1 or 2 of Part IV.”.

**77. Section 87 repealed (transitional: application of section 28 to
first ordinary election)**

Section 87—

Repeal the section.

78. Schedule 3 amended

(1) Schedule 3—

Repeal

“Schedule 3

[ss. 5, 8 & 9]”

Substitute

“Schedule 3

[ss. 5, 8, 11 & 17]

Composition of District Councils”.

(2) Schedule 3—

Repeal Part 1

Substitute

“Part 1

Number of Members

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
1.	Central and Western District Council	8	8	4	0

District Councils (Amendment) Bill 2023

Part 2
Clause 78

C1719

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
2.	Eastern District Council	12	12	6	0
3.	Kowloon City District Council	8	8	4	0
4.	Kwun Tong District Council	16	16	8	0
5.	Sham Shui Po District Council	8	8	4	0
6.	Southern District Council	8	8	4	0
7.	Wan Chai District Council	4	4	2	0

District Councils (Amendment) Bill 2023

Part 2
Clause 78

C1721

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
8.	Wong Tai Sin District Council	8	8	4	0
9.	Yau Tsim Mong District Council	8	8	4	0
10.	Islands District Council	4	4	2	8
11.	Kwai Tsing District Council	13	12	6	1
12.	North District Council	8	8	4	4
13.	Sai Kung District Council	12	12	6	2

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Item	District Council	Number of appointed members	Number of members to be returned for District Committees constituencies	Number of members to be returned for District Council geographical constituencies	Number of ex officio members
14.	Sha Tin District Council	17	16	8	1
15.	Tai Po District Council	8	8	4	2
16.	Tsuen Wan District Council	8	8	4	2
17.	Tuen Mun District Council	13	12	6	1
18.	Yuen Long District Council	16	16	8	6”.

79. Schedule 3A added
After Schedule 3—
Add

“Schedule 3A

[ss. 5A & 8]

**Establishment of District Committees
Constituencies**

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
1.	Central and Western District Council	Central and Western District Committees constituency
2.	Eastern District Council	Eastern District Committees constituency
3.	Kowloon City District Council	Kowloon City District Committees constituency
4.	Kwun Tong District Council	Kwun Tong District Committees constituency
5.	Sham Shui Po District Council	Sham Shui Po District Committees constituency
6.	Southern District Council	Southern District Committees constituency

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
7.	Wan Chai District Council	Wan Chai District Committees constituency
8.	Wong Tai Sin District Council	Wong Tai Sin District Committees constituency
9.	Yau Tsim Mong District Council	Yau Tsim Mong District Committees constituency
10.	Islands District Council	Islands District Committees constituency
11.	Kwai Tsing District Council	Kwai Tsing District Committees constituency
12.	North District Council	North District Committees constituency
13.	Sai Kung District Council	Sai Kung District Committees constituency
14.	Sha Tin District Council	Sha Tin District Committees constituency

Column 1	Column 2	Column 3
Item	Name of District Council	Name of District Committees Constituencies
15.	Tai Po District Council	Tai Po District Committees constituency
16.	Tsuen Wan District Council	Tsuen Wan District Committees constituency
17.	Tuen Mun District Council	Tuen Mun District Committees constituency
18.	Yuen Long District Council	Yuen Long District Committees constituency”.
80.	Schedule 4 repealed (forms for acceptance of office) Schedule 4— Repeal the Schedule.	
81.	Schedule 4A added Before Schedule 5— Add	

“Schedule 4A

[ss. 14, 19, 21, 26A,
31A & 82]

District Committees Constituencies Register

1. When must a District Committees constituencies register be compiled

The Electoral Registration Officer must compile a District Committees constituencies register for an election not later than 7 days before the beginning of the nomination period for the election as determined under regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

2. Form of register

- (1) A District Committees constituencies register is to be divided into parts by reference to District Committees constituencies so that there is a separate part in the register for the District Committees constituency of the District Council of each District.
- (2) Each part of the register must be further divided into 3 sections corresponding to the 3 District Committees in the District concerned so that there is a separate section for each District Committee.
- (3) For the purposes of subsection (2), if there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District.
- (4) Subject to subsection (6), each section of the register must contain an entry for each member of the

District Committee concerned who is registered as an elector in the existing GC register and no more.

- (5) An entry in the register relating to a member of a District Committee must show—
 - (a) the name of the member as shown in the entry relating to the member in the existing GC register; and
 - (b) the principal residential address of the member as shown in the entry relating to the member in the existing GC register.
- (6) Subject to subsection (7), if a person is a member of 2 or more District Committees, the entry relating to the person may only be included under 1 section of the register in the following way—
 - (a) among the sections of the register that correspond to those District Committees, the entry is to be included in the section with the fewest number of entries (*specified section*); and
 - (b) if there are more than one specified section, the Electoral Registration Officer must decide the section under which the entry is to be included by drawing lots.
- (7) If there are 2 or more persons who are members of 2 or more District Committees, the Electoral Registration Officer must decide the order in which the entries relating to those persons are to be included in the register by the alphabetical order of their respective surnames in English.
- (8) Subject to this section, the Electoral Registration Officer may determine the form of the register.

3. Electoral Registration Officer may request information for compiling register

- (1) For the purpose of compiling a District Committees constituencies register, the Electoral Registration Officer may request the Designated Officer to furnish the name, identity document number and sex of each member of each District Committee.
- (2) If the Electoral Registration Officer makes a request under subsection (1), the Designated Officer must furnish the information within 7 days.
- (3) The Electoral Registration Officer may, in a particular case, extend the period referred to in subsection (2) as the Officer considers appropriate.
- (4) If the period is extended under subsection (3), the Designated Officer must furnish the information within the extended period.

4. Electoral Registration Officer to publish notice of register

- (1) The Electoral Registration Officer must, as soon as practicable after a District Committees constituencies register is compiled under section 1 of this Schedule, publish a notice that complies with subsection (2) in—
 - (a) the Gazette;
 - (b) at least one Chinese language daily newspaper in circulation in Hong Kong; and
 - (c) at least one English language daily newspaper in circulation in Hong Kong.
- (2) A notice under subsection (1) must specify—

- (a) that a copy of the register is available for inspection by specified persons during ordinary business hours; and
 - (b) the place or places at which a copy of the register may be so inspected.
- (3) The register takes effect on the date of publication of the notice under subsection (1) in relation to the register and continues to have effect until the conclusion of the election.

5. Electoral Registration Officer must make the register available for inspection by specified persons

- (1) The Electoral Registration Officer must make available for inspection in accordance with this section by specified persons a copy of a District Committees constituencies register at the place or places specified in the notice published under section 4 of this Schedule in respect of the register (*specified places*) during ordinary business hours free of charge.
- (2) The Electoral Registration Officer may make available for inspection in accordance with this section by specified persons, a copy of a specific part of the register at a place additional to the specified places, if the Officer considers appropriate.
- (3) The Electoral Registration Officer may determine the period during which and the times at which it may be so inspected under subsection (2).
- (4) For the purposes of subsections (2) and (3), the Electoral Registration Officer may further make available for inspection in accordance with this section by specified persons an additional copy of the register or an additional copy of a specific part

of the register, in which entries are arranged in a way that the Officer considers appropriate for such inspection.

- (5) The Electoral Registration Officer must, in a copy of the register, or a copy of any part of the register, that is made available for inspection by specified persons under this section, show the name of each person registered in a way that—
 - (a) if the person's name is recorded in Chinese—only the first Chinese character of the name is identifiable; or
 - (b) if the person's name is recorded in English—only the first word of the name is identifiable.
- (6) Subsection (5) does not affect the way in which any other particulars of a person registered in the register may be shown.
- (7) A person who is a validly nominated candidate for a District Committees constituency at a coming election may, in that capacity, inspect under this section only a copy of the part of the register that relates to the constituency.
- (8) The Electoral Registration Officer must also, in a way the Officer considers appropriate, make available for inspection by a person registered in a register an extract from the register showing only the entry relating to that person in full.
- (9) The Electoral Registration Officer may require a person who wishes to inspect under this section a copy of, or an extract from, a register, or a copy of any part of a register, to—

- (a) produce to the Officer the identity document of the person; and
- (b) complete a form furnished by the Officer.

(10) In this section—

coming election (下一個選舉), in relation to a register, means an election that is held within 1 year after the publication date;

previous election (先前的選舉), in relation to a register, means—

- (a) the last ordinary election that was held before the publication date; or
- (b) any by-election that was held after the election mentioned in paragraph (a) and before the publication date;

publication date (刊登日期), in relation to a register, means the date on which a notice relating to the register is published under section 4(1) of this Schedule;

specified person (指明的人) means—

- (a) a person who is a subscriber to the Government News and Media Information System maintained by the Director of Information Services;
- (b) a body or organization that is incorporated, or is registered or exempt from registration, under any law of Hong Kong and—
 - (i) was provided an extract under section 6 of this Schedule for a purpose related to a previous election;
 - (ii) was represented by a validly nominated candidate at a previous election; or

- (iii) has publicly declared an intention to arrange for any person (including a person yet to be specified) to stand as a candidate at a coming election; or
- (c) a person who is a validly nominated candidate for a District Committees constituency at a coming election.

6. Electoral Registration Officer may make available extracts of register to specified persons for purposes of an election

- (1) The Electoral Registration Officer may, at any time after the publication of a District Committees constituencies register, make available an extract from such published register for any purpose related to an election to a specified person.
- (2) The Electoral Registration Officer may, before making available an extract, arrange the entries in the extract in a form that the Officer considers appropriate for the purposes of this section.
- (3) When the Electoral Registration Officer makes available an extract under subsection (1), the Officer must specify the particular election for which it may be used.
- (4) A person to whom an extract is made available under this section must not, in relation to that extract, do any act specified in section 7(1)(a), (c) or (d) of this Schedule for a purpose other than a purpose related to the election for which it may be used under subsection (3).
- (5) In an extract made available under this section, the Electoral Registration Officer may include (by way of a note or other means that the Officer considers

appropriate) information as to whether any person whose particulars are included in that extract is entitled to vote at an election.

(6) In this section—

specified person (指明的人) means a person falling within paragraph (b) or (c) of the definition of *specified person* in section 5(10) of this Schedule.

7. Offences for using information in a register for purposes unrelated to an election

(1) A person who—

- (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a District Committees constituencies register or an extract from a District Committees constituencies register;
- (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a District Committees constituencies register;
- (c) uses or permits another person to use any information relating to a person contained in a District Committees constituencies register or an extract from a District Committees constituencies register; or
- (d) imparts to any other person any information referred to in paragraph (a), (b) or (c),

for a purpose other than a purpose related to an election, commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

- (2) Despite anything to the contrary in subsection (1), a person who contravenes section 6(4) of this Schedule commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.
- (3) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of—
 - (a) sections 14, 19, 21 and 26A;
 - (b) sections 39 and 40 of the Legislative Council Ordinance (Cap. 542); and
 - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap. 569) and sections 5M, 9 and 18 of the Schedule to that Ordinance.

8. Electoral Registration Officer may amend register

- (1) The Electoral Registration Officer may, during the period in which a District Committees constituencies register takes effect, amend the register in accordance with section 2 of this Schedule if—
 - (a) the Designated Officer informs the Electoral Registration Officer of any change in the membership of a District Committee; or
 - (b) a member of a District Committee becomes, or ceases to be, registered as an elector in the existing GC register.
- (2) If the Electoral Registration Officer amends the register under subsection (1), the Officer must, as soon as practicable after the amendment, publish, in accordance with section 4 of this Schedule, a notice to the effect that the register has been so amended.

- (3) The Electoral Registration Officer may also amend the register so as to rectify any clerical or printing error or any incorrect or outdated name, address or other personal particulars of a person who is recorded in the register.”.

82. Schedule 5 repealed (voting procedure under section 65 of this Ordinance)

Schedule 5—

Repeal the Schedule.

83. Schedule 7 amended (financial assistance: specified rate)

- (1) Schedule 7, paragraph (a)—

Repeal

“2019—\$14”

Substitute

“2023—\$15”.

- (2) Schedule 7, paragraph (b)—

Repeal

“\$15”

Substitute

“\$16”.

84. Schedule 8 added

After Schedule 7—

Add

“Schedule 8

[s. 6]

District Council Geographical Constituencies for Seventh Term of Office of District Councils

1. Interpretation

In this Schedule—

approved map (獲批准地圖) means a map approved by the Chief Executive in Council on 30 May 2023 that, in relation to a District, is the map or any of the maps specified for the District in column 3 of the Table in section 2 of this Schedule;

constituency boundary (選區分界), in relation to a District Council geographical constituency specified in this Schedule, means the boundary delineating the constituency represented on the relevant approved map by a green line described in the map legend as—

- (a) where it coincides with a red line described in the map legend as “District Boundary”—“2023 District Council Geographical Constituency Boundary (coincides with District Boundary)”; and
- (b) where it does not coincide with a red line mentioned in paragraph (a)—“2023 District Council Geographical Constituency Boundary”.

2. Specification of District Council geographical constituencies

- (1) Each area delineated and marked on an approved map as described in column 3 of the Table is specified to be a District Council geographical

constituency for the purpose of returning members for the seventh term of office of the District Council of the District specified for that area in column 2 of the Table at an election.

- (2) The name of the District Council geographical constituency is specified in column 4 of the Table opposite the relevant area.

Table

District Council Geographical Constituencies

Column 1	Column 2	Column 3	Column 4
			Name of District Council Geographical Constituency
Item	Name of District	Delineation of Area	
1.	Central and Western District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/A and marked with the code A1.	Central

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code A2.	Western
2.	Eastern District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/C and marked with the code C1.	Tai Pak

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code C2.	Hong Wan
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code C3.	Chai Wan
3.	Kowloon City District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/G and marked with the code G1.	Kowloon City North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code G2.	Kowloon City South
4.	Kwun Tong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/J and marked with the code J1.	Kwun Tong Southeast
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code J2.	Kwun Tong Central

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code J3.	Kwun Tong North
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code J4.	Kwun Tong West
5.	Sham Shui Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/F and marked with the code F1.	Sham Shui Po West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code F2.	Sham Shui Po East
6.	Southern District	(1) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCGC/R/2023/D1 and DCGC/R/2023/D2 and marked with the code D1.	Southern District Southeast

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/D1 and marked with the code D2.	Southern District Northwest
7.	Wan Chai District	That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/B and marked with the code B1.	Wan Chai

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
8.	Wong Tai Sin District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/H and marked with the code H1.	Wong Tai Sin East
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code H2.	Wong Tai Sin West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
9.	Yau Tsim Mong District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/E and marked with the code E1.	Yau Tsim Mong South
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code E2.	Yau Tsim Mong North

District Councils (Amendment) Bill 2023

Part 2
Clause 84

C1771

Column 1	Column 2	Column 3	Column 4
			Name of District Council
Item	Name of District	Delineation of Area	Geographical Constituency
10.	Islands District	That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/T and marked with the code T1.	Islands
11.	Kwai Tsing District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/S and marked with the code S1.	Tsing Yi
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code S2.	Kwai Chung East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code S3.	Kwai Chung West
12.	North District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/N1 and marked with the code N1.	Wu Tip Shan

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCGC/R/2023/N1 and DCGC/R/2023/N2 and marked with the code N2.	Robin's Nest
13.	Sai Kung District	(1) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCGC/R/2023/Q1 and DCGC/R/2023/Q2 and marked with the code Q1.	Sai Kung and Hang Hau

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/Q2 and marked with the code Q2.	Tseung Kwan O South
		(3) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/Q2 and marked with the code Q3.	Tseung Kwan O North

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
14.	Sha Tin District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/R and marked with the code R1.	Sha Tin West
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code R2.	Sha Tin East
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code R3.	Sha Tin South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code R4.	Sha Tin North
15.	Tai Po District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/P1 and marked with the code P1.	Tai Po South

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on the approved maps identified as Plan Nos. DCGC/R/2023/P1 and DCGC/R/2023/P2 and marked with the code P2.	Tai Po North
16.	Tsuen Wan District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/K and marked with the code K1.	Tsuen Wan Northwest

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code K2.	Tsuen Wan Southeast
17.	Tuen Mun District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/L and marked with the code L1.	Tuen Mun East
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code L2.	Tuen Mun West

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code L3.	Tuen Mun North
18.	Yuen Long District	(1) That area delineated by the relevant constituency boundary on the approved map identified as Plan No. DCGC/R/2023/M and marked with the code M1.	Yuen Long Town Centre
		(2) That area delineated by the relevant constituency boundary on that approved map and marked with the code M2.	Yuen Long Rural East

Column 1	Column 2	Column 3	Column 4
Item	Name of District	Delineation of Area	Name of District Council Geographical Constituency
		(3) That area delineated by the relevant constituency boundary on that approved map and marked with the code M3.	Tin Shui Wai South and Ping Ha
		(4) That area delineated by the relevant constituency boundary on that approved map and marked with the code M4.	Tin Shui Wai North”.

Part 3

Amendments to Subsidiary Legislation under District Councils Ordinance (Cap. 547)

Division 1—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A)

85. Section 1 amended (interpretation)

Section 1(3), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

86. Sections 3 and 4 substituted

Sections 3 and 4—

Repeal the sections

Substitute

“3. Return of deposit on invalid nomination etc.

(1) The deposit lodged by or on behalf of a person in respect of the person’s nomination as a candidate for a constituency at an election must be returned in accordance with this section if—

(a) a decision is made under section 36(1) of the Ordinance that the person is not validly nominated as a candidate for that constituency;

- (b) the person withdraws the person's nomination as a candidate for election in respect of that constituency under section 35 of the Ordinance; or
 - (c) a decision has been made under section 36(1) of the Ordinance that the person is validly nominated as a candidate for a constituency, and subsequently—
 - (i) a declaration that the person has died is made under section 36(2A)(a) of the Ordinance; or
 - (ii) the decision under section 36(1) of the Ordinance is varied under section 36(4) of the Ordinance to the effect that the person is not validly nominated.
- (2) The Returning Officer for the constituency concerned must, as soon as practicable after the following event, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of the candidate concerned is returnable to that candidate, or to the person who lodged the deposit on behalf of that candidate, as the case may be—
- (a) for a case mentioned in subsection (1)(a) or (b)—the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of that constituency; or
 - (b) for a case mentioned in subsection (1)(c)—
 - (i) if no declarations mentioned in section 36(2A) or (4A) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or

- variation of decision—the publication under the appropriate regulations of a notice containing particulars of the candidates validly nominated in respect of that constituency; or
- (ii) if declarations mentioned in section 36(2A) or (4A) of the Ordinance are to be made in accordance with the appropriate regulations in relation to the death or variation of decision—the making of those declarations.
- (3) The Director of Accounting Services must, as soon as practicable after receiving a notification under subsection (2), return the amount of the deposit to the candidate, or to the person who lodged the deposit on behalf of that candidate, as specified in the notification.

4. Disposal of deposit after publication of election result or declaration of failure of election

- (1) Subject to subsection (2), the deposit lodged by or on behalf of each candidate for a constituency at an election must, unless it is to be returned in accordance with section 3, be returned in accordance with this section after the following declaration is made—
- (a) a declaration under section 39(1) of the Ordinance that a candidate is duly elected as a member in respect of that constituency;
- (b) a declaration under section 41A(6) or 41B(5) of the Ordinance that a candidate is elected as a member in respect of that constituency; or

- (c) a declaration under section 40(3)(a) of the Ordinance that the election for that constituency has failed.
- (2) The deposit lodged in respect of an unsuccessful candidate's nomination must be forfeited to the general revenue in accordance with this section if, as determined by a counting of the votes and any re-count, the total number of ballot papers containing valid votes in favour of the candidate is less than 3% of the total number of ballot papers containing valid votes received in the constituency concerned.
- (3) Subject to subsection (5), the Returning Officer for the constituency concerned must, as soon as practicable after the following event, notify the Director of Accounting Services in writing that the deposit lodged by or on behalf of the candidate concerned is returnable to that candidate, or to the person who lodged the deposit on behalf of that candidate, as the case may be—
 - (a) for a case mentioned in subsection (1)(a)—the publication under the appropriate regulations of a notice declaring that the candidate is duly elected in respect of that constituency;
 - (b) for a case mentioned in subsection (1)(b)—the publication under the appropriate regulations of a notice of the result of the election for that constituency; or
 - (c) for a case mentioned in subsection (1)(c)—the publication under the appropriate regulations of a notice declaring that the election for that constituency has failed.

- (4) The Director of Accounting Services must, as soon as practicable after receiving a notification under subsection (3), return the amount of the deposit to the candidate, or to the person who lodged the deposit on behalf of that candidate, as specified in the notification.
- (5) The Returning Officer for the constituency concerned must, as soon as practicable after the publication of the notice mentioned in subsection (3)(b) or (c), notify the Director of Accounting Services in writing that, in relation to any unsuccessful candidate mentioned in subsection (2), the deposit lodged in respect of the candidate's nomination for the constituency concerned at the relevant election is to be forfeited to the general revenue.”.

87. Section 5 amended (disposal of deposit in case of death of candidate)

Section 5(1), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

88. Section 6 amended (notifications in specified form)

Section 6—

Repeal

everything after “Regulation”

Substitute

“must be in a form specified by the Electoral Affairs Commission.”.

89. Section 7 substituted

Section 7—

Repeal the section

Substitute

“7. Number and qualifications of subscribers required for nomination form

- (1) The nomination form of a person seeking nomination in respect of the District Committees constituency of the District Council of a District must be subscribed by electors for the District Committees constituency as follows—
 - (a) there must be not less than 3 but not more than 6 electors in each of the District Committees in the District; and
 - (b) the electors must not be the person seeking the nomination.
- (2) The nomination form of a person seeking nomination in respect of a District Council geographical constituency of the District Council of a District—
 - (a) must be subscribed by electors for the District Council geographical constituency as follows—
 - (i) the number of electors subscribing must be not less than 50 but not more than 100; and
 - (ii) the electors must not be the person seeking the nomination; and
 - (b) must be subscribed by electors for the District Committees constituency of the District Council as follows—

- (i) there must be not less than 3 but not more than 6 electors in each of the District Committees in the District; and
 - (ii) the electors must not be the person seeking the nomination.
- (3) For the purposes of subsections (1)(a) and (2)(b)(i), if there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District.
- (4) A person whose signature as a subscriber to a nomination form is in surplus having regard to the required number of subscribers for the purposes of subsection (1)(a), (2)(a)(i) or (b)(i) must be regarded as not having subscribed the nomination form.”.

90. Section 8 added

After section 7—

Add

“8. How many nomination forms can a subscriber subscribe to

- (1) A person is entitled to subscribe at an election—
 - (a) if the person is subscribing as an elector for a District Committees constituency for the purposes of section 7(1)(a)—a number of nomination forms in respect of the District Committees constituency up to the number of members to be returned for the constituency at the election;

- (b) if the person is subscribing as an elector for a District Council geographical constituency for the purposes of section 7(2)(a)(i)—1 nomination form in respect of the District Council geographical constituency; and
 - (c) if the person is subscribing as an elector for a District Committees constituency of a District Council for the purposes of section 7(2)(b)(i)—1 nomination form in respect of each District Council geographical constituency of the District Council.
- (2) If a person subscribes more nomination forms than the number the person is entitled to subscribe under subsection (1)(a), (b) or (c) in a particular capacity (*specified number*), the person's signature is inoperative on any nomination form subscribed in that capacity delivered after the delivery of the specified number of nomination form so subscribed by that person.
- (3) Despite subsection (2)—
 - (a) a person who has subscribed the nomination form of another person (*nominee*) as a candidate for a constituency (*previous nomination form*) in a particular capacity may subscribe in accordance with this section another nomination form (*next nomination form*) in that capacity if—
 - (i) a decision is made under section 36(1) of the Ordinance that the nominee is not validly nominated as a candidate for that constituency; or

- (ii) the nominee withdraws the nomination under section 35 of the Ordinance; and
- (b) for the purposes of paragraph (a)—
 - (i) the person's signature is not to be inoperative on the next nomination form only because the person has subscribed the previous nomination form; and
 - (ii) if the person subscribes more than one nomination form as the next nomination form, the person's signature is inoperative on any nomination form so subscribed other than the first one delivered.
- (4) To avoid doubt, even if the number of nomination forms subscribed by a person in a particular capacity has reached the number the person is entitled to subscribe under subsection (1)(a), (b) or (c), the person is not prevented from subscribing in accordance with this section the same or another nomination form in another capacity.
- (5) A person is disqualified from subscribing a nomination form as an elector for a District Committees constituency if the person is disqualified from voting at an election for that constituency.
- (6) A person is disqualified from subscribing a nomination form as an elector for a District Council geographical constituency if the person is disqualified from being registered as such an elector or from voting at an election for that constituency.”.

Division 2—District Councils (Election Petition) Rules (Cap. 547 sub. leg. C)

91. Schedule substituted

The Schedule—

Repeal the Schedule

Substitute

“Schedule

[r. 4]

Election Petition

IN THE HIGH COURT OF HONG KONG

ORIGINAL JURISDICTION

In the Matter of the District Councils Ordinance (Cap. 547)

and

In the Matter of a District Council election for the
*(*name of District Committees constituency*) District
Committees Constituency/(*name of District Council
geographical constituency*) District Council Geographical
Constituency held on (*date of election*).

1. The Election Petition of (*name of Petitioner or
names of Petitioners*) states—

*(a) that the Petitioner was a candidate at the above
election;

- (or) *(a) that the Petitioners are electors who were entitled to vote at the above election;
- *(b) in an election which was not contested, that **(name of candidate)* was a candidate at the election/*(name of each candidate)* were candidates at the election, and on *(date on which that candidate was declared elected or those candidates were declared elected)* the Returning Officer for the above-mentioned Constituency declared, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), **that candidate/those candidates* to be elected for the above-mentioned Constituency in a notice published in the Gazette on *(date of publication in Gazette of that notice)* in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and
- (or) *(b) in a contested election, that the poll was held on the above day, that *(name of each candidate)* were candidates at the election, and on *(date on which the successful candidate was declared elected or successful candidates were declared elected)* the Returning Officer for the above-mentioned Constituency declared *(name of successful candidate or names of successful candidates)* to be elected for the above-mentioned Constituency in a notice of result of election prepared in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), and that that notice was published in the Gazette on *(date of publication in Gazette of notice of result of election)* in

accordance with regulations in force under that Ordinance; and

- (c) that (*ground under section 49(1) of the District Councils Ordinance (Cap. 547) on which the election is questioned and on which relief is to be sought and the facts on which the Petitioner relies or the Petitioners rely*).

*2. The *Petitioner/Petitioners therefore *requests/request, in the case of an election which was not contested, the Court to determine—

- (a) whether any decision of the District Council Eligibility Review Committee as to the validity of any nomination in the notice of nominations published in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) (as read with the definition of *election* in section 49(3) of the District Councils Ordinance (Cap. 547)) was correct;
- (b) if the Court determines that the decision of the District Council Eligibility Review Committee was not correct, whether the *candidate/candidates declared by the Returning Officer to have been elected for the above-mentioned Constituency in the notice published for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) *was/were duly elected; and
- (c) any further or other relief as may be just.

- (or) *2. The Petitioner therefore requests, in the case of a contested election, the Court to determine—
- (a) whether *the candidate (*to be named*)/some other candidate (*to be named*) declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice was duly elected;
 - (b) if the Court determines that that person was not duly elected, whether *the Petitioner/some other candidate (*to be named*) was duly elected in that person's place; and
 - (c) any further or other relief as may be just.
- (or) *2. The Petitioners therefore request, in the case of a contested election, the Court to determine—
- (a) whether *the candidate (*to be named*)/some other candidate (*to be named*)/the candidates (*to be named*) declared by the Returning Officer for the above-mentioned Constituency to be elected in the notice *was/were duly elected;
 - (b) if the Court determines that *that person/those persons *was/were not duly elected, whether *the other candidate (*to be named*)/some other candidate (*to be named*)/the candidates (*to be named*) *was/were duly elected in *his/her/their place; and
 - (c) any further or other relief as may be just.

Dated this day of 20

Signed

*Petitioner/Petitioners

(or) *Solicitors

*This Election Petition is lodged by the *Petitioner/
Petitioners.

(or) *This Election Petition is lodged by (*name of solicitors*),
Solicitors acting for and on behalf of the *Petitioner/
Petitioners.

The address for service is (*address to be stated*).

It is proposed to serve a copy of this Election Petition on
(*name of Respondent or names of Respondents*) and on the
Secretary for Justice.

* Delete whichever is inapplicable.”.

Division 3—Declaration of Constituencies (District Councils) Order 2018 (Cap. 547 sub. leg. H)

92. Declaration of Constituencies (District Councils) Order 2018 repealed

Declaration of Constituencies (District Councils) Order 2018—
Repeal the Order.

Part 4

Related Amendments

Division 1—Electoral Affairs Commission Ordinance (Cap. 541)

93. Long title amended

The long title—

Repeal

“geographical constituencies and District Council”

Substitute

“Legislative Council geographical constituencies and District Council geographical”.

94. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *District Council constituency*—

Repeal

“constituency within the meaning of”

Substitute

“District Council geographical constituency as defined by”.

- (2) Section 2(1), definition of *geographical constituency*—

Repeal

“, subject to section 17,”.

95. Section 8 amended (report on elections)

- (1) Section 8(1)—

Repeal

“and (6A)”

Substitute

“, (6A) and (6B)”.

- (2) After section 8(6A)—

Add

“(6B) If the Chief Executive specifies under section 27(5) of the District Councils Ordinance (Cap. 547) different dates for holding an ordinary election for the District Committees constituencies (as defined by section 2 of that Ordinance) and the District Council constituencies, the period within which the report in relation to that election is to be made under subsection (1) begins only on the conclusion of the election for all the constituencies.”.

96. Section 17 amended (definitions)

- (1) Section 17(1), definition of *population quota*—

Repeal

everything after “in relation to”

Substitute

“a general election, means the total population of Hong Kong divided by the total number of members to be returned for all the geographical constituencies in that election.”.

- (2) Section 17(1)—

Repeal the definition of *geographical constituency*.

- (3) Section 17(1)—

Add in alphabetical order

“***District*** (地方行政區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

(4) Section 17—

Repeal subsection (2)

Substitute

“(2) In this Part—

- (a) a reference to the population of Hong Kong is to be construed as a reference to the population of Hong Kong as estimated by the Commission under section 20(6); and
- (b) a reference to the population of a District is to be construed as a reference to the population of the District as estimated by the Commission under section 20(6).”.

97. Section 18 amended (report on boundaries)

After section 18(5)—

Add

- “(6) Despite subsection (1)(b), the Commission is not required to submit a report under that subsection in relation to the ordinary election for the seventh term of office of the District Councils.”.

98. Section 19 amended (provisional recommendations)

Section 19—

Repeal subsection (9).

99. Section 20 amended (criteria for making recommendations)

(1) Section 20(1)(c)—

Repeal

everything after “as near”

Substitute

“as is practicable to the number calculated in accordance with the formula set out in subsection (1A) (*relevant number*);”.

- (2) Section 20(1)(d)—

Repeal

“population quota”

Substitute

“relevant number applicable to that constituency”.

- (3) After section 20(1)—

Add

“(1A) For the purposes of subsection (1)(c) and (d), the formula is—

$$\frac{A}{B} \times C$$

where—

A is the total population of the District in which the proposed District Council constituency is situated;

B is the total number of members to be returned for all the District Council constituencies in the District pursuant to any electoral law; and

C is the number of members to be returned by the proposed District Council constituency pursuant to any electoral law.”.

- (4) Section 20(4A)—

Repeal

“elected to a District Council”

Substitute

“returned for a District Council constituency”.

- (5) Section 20(4B)(c)—

Repeal

“elected to a District Council”

Substitute

“returned for a District Council constituency”.

- (6) Section 20(4B)—

Repeal

“to be elected as”

Substitute

“as”.

- (7) Section 20(6)(a)—

Repeal

“or any proposed constituency”

Substitute

“, any District, any proposed geographical constituency or any proposed District Council constituency”.

- (8) Section 20(6)(b), after “Hong Kong,”—

Add

“the District,”.

- (9) Section 20—

Repeal subsection (7).

Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

100. Title amended

The title, after “**District Council**”—

Add

“Geographical”.

101. Section 2 amended (interpretation)

Section 2(1)—

Repeal the definition of *District Council constituency*

Substitute

“*District Council constituency* (區議會選區)—

- (a) in relation to the compilation of a register for 2023 or any subsequent year before the specified year mentioned in paragraph (b)—means an area that is specified to be a District Council geographical constituency (as defined by section 2 of the District Councils Ordinance (Cap. 547)) (*DCGC*) in Schedule 8 to that Ordinance; or
- (b) in relation to the compilation of a register for the year in which the first order made under section 6(1)(a) of that Ordinance after 2023 comes into operation (*specified year*) or any subsequent year—means an area that is declared to be a DCGC in the last order made under that section immediately before the date by which the register must be compiled under

section 32(1) of the Legislative Council Ordinance (Cap. 542) for that year;”.

102. Section 3 amended (form of register)

- (1) Section 3(5)(a)(ii)—

Repeal

“or”.

- (2) Section 3(5)(a)(iii)—

Repeal the semicolon

Substitute

“; or”.

- (3) After section 3(5)(a)(iii)—

Add

“(iv) an elector for a District Committees constituency;”.

- (4) Section 3(5)(c)—

Repeal

“and”.

- (5) Section 3(5)(d)—

Repeal the full stop

Substitute

“; and”.

- (6) After section 3(5)(d)—

Add

“(e) the District Committees constituency for which a person is an elector.”.

- (7) Section 3(8)—

Repeal the definition of *elector*

Substitute

“*elector* (選民)—

- (a) in relation to a functional constituency—means a person who is registered in a register of electors for functional constituencies compiled under section 32 of the Legislative Council Ordinance (Cap. 542); or
- (b) in relation to a District Committees constituency—means a person whose name is included in a register of electors for District Committees constituencies compiled and published under section 31A of the District Councils Ordinance (Cap. 547);”.

(8) Section 3(8)—

Add in alphabetical order

“*District Committees constituency* (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

103. Section 8 amended (Electoral Registration Officer to determine whether persons registered in the existing final register are registered in the appropriate section and subsection)

(1) Section 8(1)(d), after “that Ordinance”—

Add

“or Schedule 8 to that Ordinance”.

(2) Section 8(2), after “subsection (1)” —

Add

“(specified information) or make the specified information available to that person in any way the Electoral Registration Officer considers appropriate”.

104. Section 10 amended (Electoral Registration Officer to publish a notice that omissions list is available for inspection by specified persons)

- (1) Section 10(5), definition of *coming election*, paragraph (d), after “by-election”—

Add

“for a District Council constituency”.

- (2) Section 10(5), definition of *previous election*, paragraph (d), after “by-election”—

Add

“for a District Council constituency”.

105. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for inspection by specified persons)

- (1) Section 20(7), definition of *coming election*, paragraph (d), after “by-election”—

Add

“for a District Council constituency”.

- (2) Section 20(7), definition of *previous election*, paragraph (d), after “by-election”—

Add

“for a District Council constituency”.

106. Section 22 amended (offences and penalties)

- (1) Section 22(7)(b)—

Repeal

“19, 21, 24”

Substitute

“14, 19, 21, 26A”.

- (2) Section 22(7)(c), before “9 and”—

Add

“5M,”.

- (3) Section 22(8)(b)—

Repeal

“19, 21 and 24”

Substitute

“14, 19, 21 and 26A”.

- (4) Section 22(8)(c), before “9 and”—

Add

“5M,”.

**Division 3—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)**

107. Section 2 amended (interpretation)

Section 2(1), definition of *GC Register Regulation*, after
“District Council”—

Add

“Geographical”.

108. Section 42 amended (offences and penalties)

- (1) Section 42(9)(b)—

Repeal

“19, 21, 24”

Substitute

“14, 19, 21, 26A”.

- (2) Section 42(9)(c), before “9 and”—

Add

“5M,”.

- (3) Section 42(10)(b)—

Repeal

“19, 21 and 24”

Substitute

“14, 19, 21 and 26A”.

- (4) Section 42(10)(c), before “9 and”—

Add

“5M,”.

Division 4—Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D)

109. Section 2 amended (interpretation)

Section 2(1), definition of *geographical constituencies final register*, after “District Council”—

Add

“Geographical”.

**Division 5—Electoral Affairs Commission (Nominations
Advisory Committees (District Councils)) Regulation (Cap.
541 sub. leg. E)**

110. Section 1 amended (interpretation)

- (1) Section 1(1), definition of *nomination form*—

Repeal

“an elected member”

Substitute

“a member of a District Council”.

- (2) Section 1(1)—

(a) definition of *constituency*;

(b) definition of *elected member*—

Repeal the definitions.

- (3) Section 1(1)—

Add in alphabetical order

“*constituency* (界別或選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

**111. Section 6 amended (procedure relating to applications by
Returning Officers)**

Section 6(5), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

Division 6—Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F)

112. Section 2 amended (interpretation)

- (1) Section 2(1), definition of *candidate*—

Repeal

“an elected”

Substitute

“a”.

- (2) Section 2(1)—

Repeal the definition of *election day*

Substitute

“*election day* (選舉日), in relation to a constituency, means the date on which an election for the constituency is to be held;”.

- (3) Section 2(1)—

Repeal the definition of *elector*

Substitute

“*elector* (選民) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);”.

- (4) Section 2(1), definition of *geographical constituencies final register*, after “District Council”—

Add

“Geographical”.

- (5) Section 2(1)—

Repeal the definition of *nomination period*

Substitute

“***nomination period*** (提名期) means—

- (a) in relation to nominations for a constituency, the period specified under section 8(2)(b); and
 - (b) for a by-election for a constituency, the period specified under section 10(5)(a);”.
- (6) Section 2(1), definition of ***notice appointing the election day***—

Repeal

everything after “Ordinance”

Substitute

“(Cap. 547)—

- (a) to hold an election to return members for District Committees constituencies; or
 - (b) to hold an election to return members for District Council geographical constituencies;”.
- (7) Section 2(1), definition of ***ordinary business hours***, paragraph (b)(ii)—

Repeal

“or termination”.

- (8) Section 2(1)—

Repeal the definition of *registered residential address*

Substitute

“***registered residential address*** (登記住址), in relation to a person, means the address recorded in the particulars of that person in the final register;”.

- (9) Section 2(1)—

Repeal the definition of *validly nominated candidate*

Substitute

“***validly nominated candidate*** (獲有效提名的候選人)—

- (a) subject to paragraph (b), means a person whom the Eligibility Review Committee has decided under section 16 to be validly nominated; or
- (b) in case a declaration under section 24(2) or 25(2) is made, means a person who is stated to be validly nominated in the declaration;”.

(10) Section 2(1), Chinese text—

- (a) definition of **指明地點**;
- (b) definition of **提名表格**;
- (c) definition of **選票**—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

(11) Section 2(1), Chinese text, definition of **點票區**—

Repeal

“圍。”

Substitute

“圍；”.

(12) Section 2(1)—

- (a) definition of ***constituency***;
- (b) definition of ***elected member***;
- (c) definition of ***final register***—

Repeal the definitions.

(13) Section 2(1)—

Add in alphabetical order

“*constituency* (界別或選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

DCC ballot paper (地區委員會界別選票) means a ballot paper to vote for a candidate standing for election for a District Committees constituency;

District Committees constituencies register (地區委員會界別選民名冊) means the register of electors for District Committees constituencies compiled and published under section 31A of the District Councils Ordinance (Cap. 547) that is in effect;

District Committees constituency (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

District Council geographical constituency (區議會地方選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

Eligibility Review Committee (資格審查委員會) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

final register (正式選民冊) means—

- (a) the District Committees constituencies register; or
- (b) the geographical constituencies final register;

GC ballot paper (地方選區選票) means a ballot paper to vote for a candidate standing for election for a District Council geographical constituency;

member (議員) means a person elected at an election under Part V of the District Councils Ordinance (Cap. 547) as a member of a District Council;”.

(14) Section 2(2)(a) and (b)—

Repeal

“an elected”

Substitute

“a”.

(15) Section 2(3)(b) and (4), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

113. Section 2A amended (effect of inclement weather warning on date and period)

Section 2A(1), definition of *working day*, paragraph (b)(ii)—

Repeal

“or termination”.

114. Part 2, Division 1 repealed (publication of register for the first ordinary election)

Part 2—

Repeal Division 1.

115. Section 8 amended (Chief Electoral Officer to publish a notice specifying a period and place for submitting nomination forms)

(1) Section 8(1)—

Repeal

“day, the Chief Electoral Officer must publish in the Gazette a”

Substitute

“day for a constituency, the Chief Electoral Officer must publish in the Gazette, for the constituency, a”.

- (2) Section 8(2)—

Repeal

“, in relation to each constituency”.

- (3) Section 8(2)—

Repeal paragraph (a)

Substitute

“(a) the name of the constituency and the name of the relevant District;”.

- (4) After section 8(2)(a)—

Add

“(ab) the number of members to be returned for the constituency;”.

- (5) Section 8(2)(b), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (6) Section 8(2)(e), after “election”—

Add

“for the constituency”.

- (7) Section 8(2)—

Repeal paragraph (f)

Substitute

“(f) that a poll will be held on the date referred to in paragraph (e) for the constituency, if the number of validly nominated candidates for election for the constituency exceeds the number of members to be returned for the constituency.”.

116. Section 9 amended (Chief Electoral Officer to determine nomination period)

Section 9(1), after “period”—

Add

“for a constituency”.

117. Section 10 amended (Chief Electoral Officer to publish by-election notice if a by-election is to be held under section 33 of the District Councils Ordinance)

(1) Section 10(2)—

Repeal

everything after “by-election is to be”

Substitute

“held—

- (a) the name of the constituency and the name of the relevant District; and
- (b) the number of members to be returned for the constituency at the by-election.”.

(2) Section 10(3), after “to be held”—

Add

“for the constituency”.

(3) Section 10(4)—

Repeal

everything after “subsection (3) if”

Substitute

“the number of validly nominated candidates for election for the constituency exceeds the number of members to be returned for the constituency at the by-election.”.

118. Section 12 amended (how to nominate a candidate for a constituency)

- (1) Section 12, Chinese text, heading—

Repeal

“選區”.

Substitute

“界別或選區”.

- (2) Section 12(1), after “candidate”—

Add

“for a constituency”.

- (3) Section 12(4)—

Repeal

“34(1)(b)”

Substitute

“34(1A)(c)”.

- (4) Section 12(5)(a), after “candidate”—

Add

“for the constituency”.

- (5) Section 12(6)(a), Chinese text—

Repeal

“登記冊內的資料”

Substitute

“冊內的詳情”.

- (6) Section 12(10)—

Repeal

everything after “considers appropriate”

Substitute

“for enabling the Eligibility Review Committee to be satisfied—

- (a) that the candidate is eligible to be nominated as a candidate for a constituency; or
- (b) otherwise as to the validity of the nomination.”.

119. Section 16 amended (Returning Officer to decide whether candidates are validly nominated)

- (1) Section 16, heading—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (2) Section 16—

Repeal subsection (1)

Substitute

- “(1) The Returning Officer must, as soon as practicable after receiving a nomination form, forward the form to the Eligibility Review Committee.

(1A) The Eligibility Review Committee must, as soon as practicable after receiving a nomination form forwarded by the Returning Officer, decide whether a candidate is validly nominated.”.

(3) Section 16(2)(a)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

(4) Section 16(3)—

Repeal

“Returning Officer may”

Substitute

“Eligibility Review Committee may”.

(5) Section 16(3)(c) and (d)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

(6) Section 16(3)(d), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

(7) After section 16(3)—

Add

- “(3A) In deciding whether a candidate is validly nominated for a constituency, the Eligibility Review Committee—
- (a) may require the Returning Officer to advise the Committee, and have regard to such advice of the Returning Officer, as to any of the matters specified in subsection (3B); and
 - (b) may require the candidate to furnish any other information the Committee considers appropriate to be satisfied—
 - (i) that the candidate is eligible to be nominated as a candidate for the constituency concerned; or
 - (ii) otherwise as to the validity of the nomination.
- (3B) The matters specified for subsection (3A)(a) are—
- (a) whether, in the opinion of the Returning Officer, section 12 is complied with in relation to the candidate;
 - (b) subject to subsection (3C), whether, in the opinion of the Returning Officer, sections 20, 21 and 34 of the District Councils Ordinance (Cap. 547) are complied with in relation to the candidate;
 - (c) whether, in the opinion of the Returning Officer, the nomination form of the candidate is valid;
 - (d) whether the candidate has withdrawn candidature for that constituency;
 - (e) whether the nomination form of the candidate has been signed by the prescribed number of subscribers qualified to subscribe to the

- nomination form under the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A);
- (f) whether the nomination form of the candidate has been completed or signed as required under this Regulation;
- (g) in the opinion of the Returning Officer—
- (i) whether the candidate is eligible to be nominated as a candidate under the District Councils Ordinance (Cap. 547); and
- (ii) whether the candidate is disqualified from being nominated as a candidate under that Ordinance;
- (h) whether the candidate has been nominated for another constituency in the same election and, if so, whether the other candidature has been withdrawn;
- (i) whether the candidate has lodged the appropriate deposit; and
- (j) whether, according to the information available to the Returning Officer, the candidate is dead.
- (3C) For the purposes of subsection (3B)(b), the Returning Officer is not to advise the Eligibility Review Committee on whether a candidate has complied with section 34(1A)(c) of the District Councils Ordinance (Cap. 547).”.
- (8) After section 16(4)—

Add

- “(5) In this section, a reference to section 20, 21 or 34 of the District Councils Ordinance (Cap. 547) being complied with in relation to a candidate for a constituency is to be construed as follows—
- (a) for section 20 of that Ordinance—that the candidate is eligible to be nominated as a candidate at an election for that constituency under that section;
 - (b) for section 21 of that Ordinance—that the candidate is not disqualified from being nominated as a candidate at an election for that constituency under that section; and
 - (c) for section 34 of that Ordinance—that the candidate has complied with that section.”.

120. Section 17 amended (Returning Officer to have regard to advice of Nominations Advisory Committee)

Section 17—

Repeal

“deciding under section 16”

Substitute

“forming an opinion for the purposes of section 16(3A)(a) and (3B)(g) as to”.

121. Section 18 amended (Returning Officer may give opportunity to rectify a nomination form)

Section 18(1)—

Repeal

“making a decision under section 16”

Substitute

“forming an opinion for the purposes of section 16(3A)(a) and (3B)(c) as to whether the nomination form is valid”.

122. Section 19 amended (Returning Officer to endorse invalid nomination forms)

- (1) Section 19, heading—

Repeal

“Returning Officer to endorse invalid nomination forms”

Substitute

“Eligibility Review Committee to endorse invalid nomination forms and Returning Officer to notify candidates of decision as to validity of nomination”.

- (2) Section 19—

Repeal subsection (1)

Substitute

“(1) If the Eligibility Review Committee decides that the nomination of a candidate is invalid, the Committee must endorse on the nomination form the decision and the reasons for it.”.

- (3) Section 19(2)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (4) After section 19(2)—

Add

“(2A) The Eligibility Review Committee must, after deciding whether a person is validly nominated—

- (a) inform the Returning Officer of the decision;
and
 - (b) return the nomination form to the Returning Officer for retention.”.
- (5) Section 19(3), after “decision”—
Add
“of the Eligibility Review Committee”.
- (6) After section 19(3)—
Add
“(3A) The Returning Officer must also send a notice of a decision of the Eligibility Review Committee that a person is not validly nominated to the Director of Home Affairs.”.

123. Section 21 amended (no nomination for more than one constituency)

- (1) Section 21, Chinese text, heading—
Repeal
“選區”
Substitute
“界別或選區”.
- (2) Section 21(1) and (2), Chinese text—
Repeal
“選區” (wherever appearing)
Substitute
“界別或選區”.
- (3) Section 21(2), Chinese text—
Repeal

“選區”

Substitute

“界別或選區”.

124. Section 22 amended (Returning Officer to publish a notice of particulars of validly nominated candidates)

- (1) Section 22, heading—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (2) Section 22(1)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (3) Section 22(2)—

Repeal

“constituencies”

Substitute

“District Committees constituencies and District Council geographical constituencies”.

- (4) Section 22(3)—

Repeal

everything after “(2)”

Substitute

“—

- (a) separate notices may be published for each District Committees constituency and each District Council geographical constituency;
 - (b) 1 notice may be published for all the District Committees constituencies and all the District Council geographical constituencies in 1 District; or
 - (c) 1 notice may be published for all the District Committees constituencies and 1 notice may be published for all the District Council geographical constituencies.”.
- (5) Section 22(4), Chinese text—
- Repeal**
- “選區” (wherever appearing)
- Substitute**
- “界別或選區”.
- (6) Section 22—
- Repeal subsection (6).**

125. Section 23 amended (Returning Officer to publish a notice for the purposes of section 39(1) of the District Councils Ordinance)

- (1) Section 23—
- Repeal subsection (1)**
- Substitute**
- “(1) If, for a constituency, no more candidates have been validly nominated than the number of members to be returned for that constituency, the Returning Officer must, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), declare in a notice the candidate or candidates as being duly

elected as a member or members for that constituency.”.

- (2) Section 23(2)—

Repeal

“separate”.

- (3) Section 23(2)(b)—

Repeal

“an elected”

Substitute

“a”.

126. Section 24 amended (Returning Officer to notify and declare if a validly nominated candidate is proved to have died)

- (1) Section 24(1)—

Repeal

“but after that Officer”

Substitute

“for the constituency but after the Eligibility Review Committee”.

- (2) Section 24(2), (4)(b) and (c), (5)(b) and (c) and (7), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (3) Section 24—

Repeal subsections (8), (9) and (10).

127. Section 25 amended (Returning Officer to vary decision if a validly nominated candidate is proved to be disqualified)

- (1) Section 25, heading—

Repeal

“vary decision”

Substitute

“notify, and Eligibility Review Committee to declare,”.

- (2) Section 25—

Repeal subsections (1) and (2)

Substitute

“(1) If the disqualification of a candidate is proved to the satisfaction of the Eligibility Review Committee before the election day for the constituency but after the Committee has decided that the candidate is validly nominated, the Returning Officer must notify the Chief Electoral Officer as soon as possible.

(2) The Eligibility Review Committee must, as soon as practicable, declare that the Committee’s decision under section 16 is varied to the effect that the candidate is not validly nominated. The Committee must further declare which candidates are validly nominated for election for the relevant constituency.”.

- (3) Section 25(3)(d)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (4) Section 25(4)(b), Chinese text—

Repeal

“該選區”

Substitute

“有關界別或選區”.

- (5) Section 25(4)(c)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

- (6) Section 25(4)(d) and (5)(b) and (c), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (7) Section 25—

Repeal subsection (6)

Substitute

“(6) The Eligibility Review Committee must endorse on the nomination form of the disqualified candidate that the Committee’s decision under section 16 in relation to that candidate is varied and the reasons for it. The Committee must sign the endorsement.”.

- (8) Section 25(7), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (9) Section 25—

Repeal subsections (8), (9) and (10).

128. Section 25A added

Part 2, Division 2, after section 25—

Add

“25A. No poll upon death or disqualification of candidate under certain circumstances

- (1) If, after the death referred to in section 24(1) or the disqualification referred to in section 25(1)—
 - (a) the number of candidates remaining validly nominated for election for the constituency concerned is equal to the number of members to be returned for that constituency;
 - (b) no candidate remains validly nominated for election for the constituency concerned; or
 - (c) the number of candidates remaining validly nominated for election for the constituency concerned is less than the number of members to be returned for that constituency,the Returning Officer must, by such means as that Officer considers appropriate in the circumstances, declare that no poll is to be held for the constituency.
- (2) The Returning Officer must in the notice under section 24(3)(a) or 25(3)(a), if any, or in a separate notice—
 - (a) for subsection (1)(a)—declare, for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate or candidates as being duly elected as a member or members;

- (b) for subsection (1)(b)—declare, for the purposes of section 39(2) of the District Councils Ordinance (Cap. 547), the election to have failed;
- (c) for subsection (1)(c), declare—
 - (i) for the purposes of section 39(1) of the District Councils Ordinance (Cap. 547), the remaining candidate or candidates as being duly elected as a member or as members; and
 - (ii) for the purposes of section 39(2) of that Ordinance, the election to have failed to the extent that the number of candidates remaining validly nominated for election is less than the number of members to be returned.
- (3) A separate notice containing a declaration under subsection (2)(a) or (c)(i) must—
 - (a) be published in the Gazette as soon as practicable;
 - (b) state the name and address of each candidate declared to be duly elected as a member; and
 - (c) be in the specified form.
- (4) A separate notice containing a declaration under subsection (2)(b) or (c)(ii) must comply with section 97(1).”.

129. Section 31 amended (designation of polling stations, counting stations and ballot paper sorting stations)

- (1) Section 31(1B), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

- (2) Section 31(1C), after “must”—

Add

“, in relation to a District Council geographical constituency,”.

- (3) Section 31(1CA), after “must”—

Add

“, in relation to a constituency,”.

- (4) Section 31(1D), Chinese text—

Repeal

everything before “須指定”

Substitute

“(1D) 如就某一界別或選區而言，有 2 個或多於 2 個的投票站被指定而其中至少有一個是小投票站、特別投票站或專用投票站，則總選舉事務主任”.

- (5) Section 31(1E), after “may”—

Add

“, in relation to a District Council geographical constituency,”.

130. Section 33 amended (Chief Electoral Officer to assign polling stations for constituencies and to allocate polling stations to electors)

- (1) Section 33, Chinese text, heading—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 33(1), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

- (3) Section 33(2)—

Repeal

everything after “Officer”

Substitute

“__

- (a) must allocate to each elector a polling station to cast the vote he or she is entitled to cast at an election; and
 - (b) if an elector is entitled to cast more than one vote at an election—may allocate to the elector one polling station or more than one polling station to cast the person’s votes.”.
- (4) Section 33(3)(a), after “an elector”—

Add

“for a District Council geographical constituency”.

131. Section 34 amended (Chief Electoral Officer to send poll cards to electors)

- (1) Section 34(2)(b), Chinese text—

Repeal

“登記”.

- (2) After section 34(2A)—

Add

“(2B) If an elector is entitled to cast more than one vote at an election, the Chief Electoral Officer may send separate poll cards for each vote or send one poll card for all the votes.”.

- (3) Section 34(3)—

Repeal

everything after “poll card”

Substitute

“or each poll card the polling station or stations at which the elector must cast his or her vote or votes.”.

132. Section 35 amended (Chief Electoral Officer may allocate special polling stations)

- (1) Section 35(1), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 35(6), after “constituency”—

Add

“or constituencies”.

133. Section 36 amended (persons to vote at the correct polling station)

Section 36(1), English text, after “station”—

Add

“or stations”.

134. Section 38 amended (Chief Electoral Officer to supply candidates with copy or extract of final register)

(1) Section 38, Chinese text, heading—

Repeal

“登記”.

(2) Before section 38(1)—

Add

“(1A) The Chief Electoral Officer must supply to each candidate for a District Committees constituency a copy or extract of the part of the District Committees constituencies register relating to the constituency for which that candidate is nominated.”.

(3) Section 38(1)—

Repeal

everything after “each candidate”

Substitute

“for a District Council geographical constituency a copy or extract of the part of the geographical constituencies final register relating to the constituency for which that candidate is nominated.”.

(4) Section 38—

Repeal subsection (3).

(5) Section 38(4)—

Repeal

“An extract under subsection (1)(b)”

Substitute

“A copy or extract under this section”.

135. Section 39 amended (Chief Electoral Officer to supply Returning Officer with copy or extract of final register)

- (1) Section 39, Chinese text, heading—

Repeal

“登記”.

- (2) Before section 39(1)—

Add

“(1A) The Chief Electoral Officer must supply to the Returning Officer for a District Committees constituency a copy or extract of the part of the District Committees constituencies register relating to the constituency for which the Returning Officer is appointed.”.

- (3) Section 39(1)—

Repeal

everything after “to the Returning Officer”

Substitute

“for a District Council geographical constituency a copy or extract of the part of the geographical constituencies final register relating to the constituency for which the Returning Officer is appointed.”.

- (4) Section 39—

Repeal subsection (3).

- (5) Section 39(4)—

Repeal

“subsection (1)(b)”

Substitute

“this section”.

136. Section 40 amended (Chief Electoral Officer to carry out other duties relating to polling stations)

- (1) Section 40(2)—

Repeal

“24 or 25”

Substitute

“24(2) or 25(2)”.

- (2) Section 40(2), Chinese text—

Repeal

“選區進行投票之用，總選舉事務主任必須向該投票站的投票站主任提供其認為是該選區所需數目的選票。總選舉事務主任必”

Substitute

“界別或選區進行投票之用，總選舉事務主任須向該投票站的投票站主任提供其認為是該界別或選區所需數目的選票。總選舉事務主任”。

- (3) Section 40(3)—

Repeal

everything after “Presiding Officer”

Substitute

“a copy or extract of the appropriate part of the final register.”.

- (4) Section 40—

Repeal subsection (4).

- (5) Section 40(5)—

Repeal

“(3)(b)”

Substitute

“(3)”.

- (6) Section 40(7)—

Repeal

everything after “polling station”

Substitute

“—

- (a) materials; and

- (b) if the polling station is assigned for conducting the poll for a District Council geographical constituency or for conducting a poll for a by-election for the District Committees constituency in relation to which the Commission has made a direction under section 57A(2)—chops bearing the mark “√”, with or without any design,

that are necessary to enable electors to mark the ballot papers.”.

137. Section 52 amended (form of ballot paper and order of appearance of names of candidates on ballot papers)

- (1) Section 52—

Repeal subsection (1)

Substitute

- “(1) A ballot paper to be used to vote for a District Committees constituency is to be in Form 1 in Schedule 2.
- (1AA) A ballot paper to be used to vote for a District Council geographical constituency is to be in Form 2 in Schedule 2.
- (1AAB) If the Commission has made a direction under section 57A(2) in relation to a by-election for a District Committees constituency, a ballot paper to be used to vote at that by-election is to be in Form 3 in Schedule 2.”.
- (2) Section 52(1A), after “Schedule 2”—

Add

“(except Forms 1 and 3 in that Schedule)”.

- (3) After section 52(2)(b)—

Add

“(ba) to have different types of ballot paper printed in different colours or with different colour patterns;”.

- (4) Section 52(2)(c)—

Repeal

“paper; or”

Substitute

“paper;”.

- (5) Section 52(2)(d)—

Repeal the full stop

Substitute

“; or”.

- (6) After section 52(2)(d)—

Add

“(e) to have different designs printed on the back of different types of ballot papers.”.

- (7) Section 52(3) and (9), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

138. Section 54 amended (questions to be asked from persons applying for a ballot paper)

- (1) After section 54(1)—

Add

“(1A) When asking the questions, the Presiding Officer must have regard to whether the ballot paper applied for is a DCC ballot paper or a GC ballot paper, and that Officer must choose, frame, adjust or modify the questions accordingly.”.

- (2) Section 54—

Repeal subsection (2)

Substitute

“(2) The questions referred to in subsection (1) are—

- (a) “Are you the person registered in the final register now in effect for this District Committees constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final

register supplied to that Officer)?” or “你是否已登記在對本地區委員會界別有效的正式選民冊上的人，並且有關記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?”;

- (b) “Are you the person registered in the final register now in effect for this District Council geographical constituency, as follows (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?” or “你是否已登記在對本區議會地方選區有效的正式選民冊上的人，並且有關記項一如以下所述 (the Presiding Officer to read the whole entry as it is recorded in the copy or extract of the final register supplied to that Officer)?”;
- (c) “Have you already voted for this or any other District Committees constituency in this election?” or “在這次選舉中，你是否已經就本地區委員會界別或任何其他地區委員會界別投票?”;
- (d) “Have you already voted for this or any other District Council geographical constituency in this election?” or “在這次選舉中，你是否已經就本區議會地方選區或任何其他區議會地方選區投票?”.

(3) Section 54(4), Chinese text—

Repeal

“將向該人”

Substitute

“向該人”.

139. Section 56 amended (Presiding Officer to issue only one ballot paper to an elector)

- (1) Section 56, heading, after “**elector**”—

Add

“**for a constituency**”.

- (2) Section 56(1), after “a ballot paper”—

Add

“for a constituency”.

- (3) Section 56(2) and (3)(a) and (b), Chinese text—

Repeal

“選民登記冊”

Substitute

“選民冊”.

- (4) Section 56(3)(b), Chinese text—

Repeal

“登記冊電子文本” (wherever appearing)

Substitute

“選民冊電子文本”.

140. Section 56A amended (elector who has not cast vote may return to cast vote with permission)

Section 56A(1)(a) and (5)(a), after “ballot paper”—

Add

“for a constituency”.

141. Section 57 amended (procedure for voting)

- (1) Section 57(1), after “a ballot paper”—

Add

“for a constituency”.

(2) Section 57(2)—

Repeal

everything after “elector must”

Substitute

“, before leaving the voting compartment, conceal the mark on it as directed by the Commission under subsection (2A).”.

(3) Section 57—

Repeal subsection (2A)

Substitute

“(2A) The Commission may direct, in a way it considers appropriate, the elector—

- (a) to put the ballot paper, unfolded, into the ballot box with the marked side facing down;
- (b) to—
 - (i) fold the ballot paper so that the marked side is inside; and
 - (ii) put the folded ballot paper into the ballot box;
- (c) to—
 - (i) put the ballot paper, unfolded, into an envelope provided at the polling station; and
 - (ii) put the ballot paper contained in the envelope into the ballot box; or
- (d) to—
 - (i) fold the ballot paper so that the marked side is inside;

- (ii) put the folded ballot paper into an envelope provided at the polling station; and
- (iii) put the ballot paper contained in the envelope into the ballot box.”.

142. Section 57A added

After section 57—

Add

“57A. How DCC ballot papers are to be marked

- (1) An elector voting for a District Committees constituency must mark the ballot paper by filling in black the ovals on it opposite the names of the candidates of the elector’s choice.
- (2) However, the Commission may, in relation to a by-election for a District Committees constituency, direct that the ballot paper must be marked with a chop provided for that purpose by the Chief Electoral Officer at the polling station and bearing the mark “✓”, with or without any design.
- (3) If the Commission makes a direction under subsection (2) in relation to a by-election—
 - (a) an elector voting at the by-election must mark the ballot paper with the chop provided under section 40(7) for the purpose; and
 - (b) the chop is to be affixed to give a single “✓” in each of the circles opposite the names of the candidates of the elector’s choice on the ballot paper.

- (4) An elector voting for a District Committees constituency must vote for a number of candidates that is equal to the number of members to be returned for the constituency at the election.”.

143. Section 58 amended (how ballot papers are to be marked)

- (1) Section 58, heading, before “**ballot**”—

Add

“**GC**”.

- (2) Section 58(1), after “elector”—

Add

“voting for a District Council geographical constituency”.

144. Section 59 amended (marking of ballot papers for or by incapacitated person)

Section 59(2)—

Repeal

“section 58”

Substitute

“section 57A or 58 (as applicable)”.

145. Section 64 amended (Presiding Officer to prepare a ballot paper account for each packet of sealed ballot papers)

- (1) Section 64(1) and (2), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 64(3)(a) and (4)—

Repeal

“District”

Substitute

“constituency”.

146. Section 75B added

After section 75A—

Add

“75B. Counting of votes for District Committees constituencies

- (1) This section applies to the counting of the votes for a District Committees constituency.
- (2) The Presiding Officer of a main counting station must, at the counting zone, count in accordance with this section.
- (3) The Presiding Officer of a main counting station must, when counting the votes at the main counting station, mix the ballot papers in at least one of the ballot boxes at the polling station designated as the main counting station together with—
 - (a) the ballot papers that have been delivered to the main counting station from one or more special polling stations; and
 - (b) the ballot papers that have been delivered to the main counting station from one or more ballot paper sorting stations, or one or more dedicated polling stations, as may be appropriate.
- (4) The votes recorded on the ballot papers are to be counted according to the system of counting described in section 41A of the District Councils Ordinance (Cap. 547).

- (5) The votes cast may be counted by using an approved programme and a computer.
- (6) In the course of counting in accordance with subsection (4)—
 - (a) any ballot paper that—
 - (i) appears to have any writing or mark by which the elector can possibly be identified;
 - (ii) appears to be not marked in accordance with section 57A(1) or (3)(b);
 - (iii) appears to be substantially mutilated; or
 - (iv) appears to be void for uncertainty, is questionable and must be separated and forwarded to the Presiding Officer to decide whether the vote is to be counted in accordance with section 79; and
 - (b) any ballot paper described in section 78(1)(b), (c), (d), (f), (ha) and (hb) must be separated and the vote is not to be counted pursuant to section 78.
- (7) In this section—

approved programme (認可程式) means any computer software that the Commission is satisfied is programmed to count the votes for a District Committees constituency so as to give an accurate result.”.

147. Section 76 amended (counting of votes)

- (1) Section 76, heading, after “votes”—

Add

“for District Council geographical constituencies”.

- (2) Before section 76(1)—

Add

“(1A) This section applies to the counting of the votes for a District Council geographical constituency.”.

- (3) Section 76(4)—

Repeal

“41”

Substitute

“41B”.

148. Section 78 amended (votes recorded on invalid ballot papers not to be counted)

- (1) After section 78(1)(f)—

Add

“(fa) for a DCC ballot paper—which is not marked in accordance with section 57A(1) or (3)(b);”.

- (2) Section 78(1)(g)—

Repeal

“a ballot paper which”

Substitute

“for a GC ballot paper—which”.

- (3) After section 78(1)(ha)—

Add

“(hb) for a DCC ballot paper—which is not marked in accordance with section 57A(3)(a) or (4);”.

- (4) Section 78(1)(i)—

Repeal

“which”

Substitute

“for a GC ballot paper—which”.

- (5) Section 78(2)(a), after “(ha)”—

Add

“, (hb)”.

149. Section 79 amended (Presiding Officer to make decisions on questionable ballot papers)

- (1) Section 79(1), after “section”—

Add

“75B(6)(a) or”.

- (2) Section 79(2)(b)(ii)—

Repeal

“section 58(2)”

Substitute

“section 57A(1) or (3)(b) or 58(2) (as applicable)”.

- (3) Section 79(3)—

Repeal

“with section 58(2)”

Substitute

“with section 57A(1) or (3)(b) or 58(2) (as applicable)”.

- (4) Section 79(3)—

Repeal

“in section 58(2)”

Substitute

“in section 57A(1) or (3)(b) or 58(2) (as the case requires)”.

- (5) Section 79(6)(g)—

Repeal

“section 58”

Substitute

“section 57A or 58 (as applicable)”.

- (6) Section 79(6)(i), before “ballot”—

Add

“GC”.

150. Section 80A amended (result of the counting of votes and re-count: one counting station)

- (1) Section 80A(1), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 80A(2)—

Repeal

“under section 76”.

- (3) Section 80A(7), Chinese text—

Repeal

“必須向有關選區”

Substitute

“須向有關界別或選區”.

151. Section 80B amended (result of the counting of votes and re-count: 2 or more counting stations)

- (1) Section 80B(1), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

- (2) Section 80B(2)—

Repeal

“under section 76”.

- (3) Section 80B(7), (8), (9), (10) and (12), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

152. Section 80C amended (determination of result in the event of equality of votes)

- (1) Section 80C—

Repeal subsection (1)

Substitute

- “(1) If in relation to a constituency, a member or members are still to be returned for the constituency and the most successful candidates remaining have an equal number of votes, the Returning Officer for the constituency must determine the result of the election by drawing lots as provided in section 41A(5)

or 41B(4) (as applicable) of the District Councils Ordinance (Cap. 547).”.

- (2) Section 80C(2)—

Repeal

“section 41(3)”

Substitute

“section 41A(5) or 41B(4) (as applicable)”.

- (3) Section 80C(2), Chinese text—

Repeal

“選區”

Substitute

“界別或選區”.

153. Section 81 amended (Returning Officer to declare election result)

- (1) Section 81(1)—

Repeal

“section 41(4)”

Substitute

“section 41A(6) or 41B(5) (as applicable)”.

- (2) Section 81(2)—

Repeal

everything after “declared to be elected”

Substitute

“__

- (a) it is proved to the satisfaction of the Returning Officer that the candidate has died; or

(b) it is proved to the satisfaction of the Eligibility Review Committee that the candidate is disqualified from being elected,

the Returning Officer must not declare the candidate to be elected and must declare the election to have failed, as provided in section 40(3)(a) of the District Councils Ordinance (Cap. 547) or to have failed to the extent as provided in section 40(3)(b) of that Ordinance.”.

154. Section 90 amended (Returning Officer may perform functions through Assistant Returning Officers)

(1) Section 90(1), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

(2) Section 90(2)—

Repeal paragraph (a).

155. Section 95 repealed (procedure after election proceedings are terminated)

Section 95—

Repeal the section.

156. Section 96 amended (procedure in case of death or disqualification of candidate after close of poll)

Section 96—

Repeal subsection (1)

Substitute

- “(1) Subsection (1A) applies, if after the close of polling for a constituency but before the declaration of the result of the election—
- (a) it is proved to the satisfaction of the Returning Officer that a candidate has died; or
 - (b) it is proved to the satisfaction of the Eligibility Review Committee that a candidate is disqualified from being elected.
- (1A) In the circumstances mentioned in subsection (1)(a) or (b), the Returning Officer must direct that the counting of the votes for the constituency is to begin or continue, as the case may be, as if the death or disqualification had not occurred.”.

157. Section 98 amended (publication and display of notices, etc.)

Section 98(2)(a) and (b)—

Repeal

“Returning Officer”

Substitute

“Eligibility Review Committee”.

158. Section 100 amended (Commission to specify forms)

Section 100(6)—

Repeal

“elected”.

159. Section 104 amended (offence of false declaration)

Section 104(4)—

Repeal

“24”

Substitute

“26A”.

160. Section 110 amended (interpretation (Part 8))

- (1) Section 110, definition of *FR electronic copy or extract*—

Repeal

“登記”

Substitute

“選民”.

- (2) Section 110, Chinese text, definition of 取覽—

Repeal

“登記” (wherever appearing)

Substitute

“選民”.

161. Schedule 2 substituted

Schedule 2—

Repeal the Schedule

Substitute

“Schedule 2

[s. 52]

Forms of Ballot Papers for an Ordinary Election/By-election

Form 1

Ballot Paper for District Committees Constituency

《選舉管理委員會(選舉程序)(區議會)規例》
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (DISTRICT COUNCILS) REGULATION

區議會*一般選舉/補選
*(區議會名稱)

*(地區委員會界別名稱)

DISTRICT COUNCIL *ORDINARY ELECTION/BY-ELECTION
* (NAME OF DISTRICT COUNCIL)
* (NAME OF DISTRICT COMMITTEES CONSTITUENCY)

*(選舉日期)
*(date of election)

選 票
BALLOT PAPER

#(代號)
#(Code)

你必須選出@(數目)名(不能多過或少過@(數目)名)候選人
YOU MUST MARK YOUR @ (Number) CHOICES, NO MORE AND NO LESS

請用黑色筆填滿你所選擇的候選人姓名左邊的橢圓圈。
Please fill in black the ovals opposite the names of the candidates of your choice.

1. ○	* (候選人提名公告上顯示的候選人姓名) * (Name of candidate as shown in Notice of Nominations)
2. ○	
3. ○	
⋮	
23. ○	
24. ○	
25. ○	

26. ○
27. ○
28. ○
⋮
48. ○
49. ○
50. ○

存根
COUNTERFOIL

(編號)
(Serial Number)

- # A code will be assigned to each District Committees constituency. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- @ The relevant number will be printed.

Form 2

Ballot Paper for District Council Geographical Constituency

存根
COUNTERFOIL

(編號)
(Serial Number)

《選舉管理委員會(選舉程序)(區議會)規例》
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (DISTRICT COUNCILS) REGULATION
區議會*—般選舉/補選
*(區議會名稱)
*(區議會地方選區名稱)
DISTRICT COUNCIL *ORDINARY ELECTION/BY-ELECTION
*(NAME OF DISTRICT COUNCIL)
*(NAME OF DISTRICT COUNCIL GEOGRAPHICAL CONSTITUENCY)
*(選舉日期)
*(date of election)

選票
BALLOT
PAPER

#(代號)
#(Code)

只可選擇一名候選人 VOTE FOR ONE CANDIDATE ONLY
請用投票站提供的印章，在所選擇的候選人姓名左邊的圓圈內蓋上“✓”號。
Please use the chop provided at the polling station to stamp a “✓” in the circle opposite the name of candidate of your choice.

1 * 訂明團體的登記名稱及登記標誌及訂明人士的登記標誌 * Registered names and registered emblems of prescribed bodies and registered emblem of a prescribed person * 獨立候選人 * Independent Candidate * 無黨派候選人 * Non-affiliated Candidate 候選人照片 Photograph of candidate	4
2	5
3	6

- # A code will be assigned to each District Council geographical constituency. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.

Form 3

**Ballot Paper for District Committees Constituency (By-election
in relation to which Commission has Made Direction under
Section 57A(2))**

《選舉管理委員會（選舉程序）（區議會）規例》
ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE)
(DISTRICT COUNCILS) REGULATION

區議會補選

*(區議會名稱)

*(地區委員會界別名稱)

DISTRICT COUNCIL BY-ELECTION

*(NAME OF DISTRICT COUNCIL)

*(NAME OF DISTRICT COMMITTEES CONSTITUENCY)

*(選舉日期)

*(date of election)

選票
BALLOT
PAPER

#(代號)
#(Code)

你必須選出 @ (數目) 名 (不能多過或少過 @ (數目) 名) 候選人
YOU MUST MARK YOUR @ (Number) CHOICES, NO MORE AND NO LESS

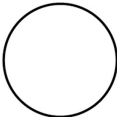
請用投票站提供的印章，在所選擇的候選人姓名旁的圓圈內蓋上“✓”號。
Please use the chop provided at the polling station to stamp a “✓” in the
circle opposite the name of candidate of your choice.



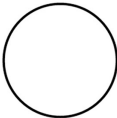
1

*(候選人提名公告上顯示的候選人姓名)

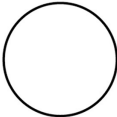
*(Name of candidate as shown in Notice of Nominations)



2



3



存根
COUNTERFOIL

(編號)
(Serial Number)

- # A code will be assigned to each District Committees constituency. Only the appropriate code will be printed.
- * Only the appropriate information will be printed.
- @ The relevant number will be printed.”.

162. “界別或選區” substituted for “選區”

(1) Schedule 3—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

(2) The following provisions, Chinese text—

- (a) section 26(17)(a);
- (b) section 27(1);
- (c) section 30(2) and (4);
- (d) section 32(1) and (3)(b);
- (e) section 41(2);
- (f) section 43(1), (2), (3) and (5);
- (g) section 45(2) and (5B)(a);
- (h) section 47(4)(b);
- (i) section 48(2)(b) and (6)(a);
- (j) section 63(3);
- (k) section 65(2), (2A)(a) and (b), (3), (5) and (6);
- (l) section 66(1);
- (m) section 75A(a), (b), (c) and (h);
- (n) section 83(2)(c);
- (o) section 84(1) and (2);

- (p) section 102(1);
- (q) section 105(3);
- (r) Schedule 1, section 2(1) and (2) and 4(2)(d)—

Repeal

“選區” (wherever appearing)

Substitute

“界別或選區”.

- (3) Schedule 1, Chinese text, section 2, heading—

Repeal

“選區”

Substitute

“界別或選區”.

163. “選民冊” substituted for “選民登記冊”

- (1) The following provisions, Chinese text—
 - (a) section 53(1) and (2);
 - (b) section 63(2)(e)(iv);
 - (c) section 63A(1)(e)(iv);
 - (d) section 84(2)(ea);
 - (e) section 86;
 - (f) section 94(1) and (5);
 - (g) section 111(1);
 - (h) Schedule 1, section 5(2)—

Repeal

“選民登記冊” (wherever appearing)

Substitute

“選民冊”.

- (2) Part 8, Chinese text, heading—

Repeal

“選民登記冊”

Substitute

“選民冊”.

164. “選民冊電子文本” substituted for “登記冊電子文本”

- (1) The following provisions, Chinese text—

(a) section 111(2);

(b) section 112(1), (2) and (3)(a) and (b)—

Repeal

“登記冊電子文本” (wherever appearing)

Substitute

“選民冊電子文本”.

- (2) The following provisions, Chinese text—

(a) section 111, heading;

(b) section 112, heading;

(c) section 113, heading—

Repeal

“登記冊電子文本” (wherever appearing)

Substitute

“選民冊電子文本”.

Division 7—Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I)

165. Section 1 amended (interpretation)

Section 1(1), definition of *geographical constituencies final register*, after “District Council”—

Add

“Geographical”.

Division 8—Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541 sub. leg. M)

166. Section 2 amended (interpretation)

(1) Section 2(1), definition of *DC election*—

Repeal

“elected”.

(2) Section 2(1), definition of *member*—

Repeal

“elected”.

(3) Section 2(1), definition of *relevant nomination period*, paragraph (b), after “for a DC”—

Add

“geographical”.

(4) Section 2(1)—

(a) definition of *DC constituency*;

(b) definition of *DC elected member*—

Repeal the definitions.

- (5) Section 2(1)—

Add in alphabetical order

“**DC District Committees constituency** (區議會地區委員會界別) means a District Committees constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);

DC geographical constituency (區議會地方選區) means a District Council geographical constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);

DC member (區議會議員) means a person within the meaning of paragraph (b) of the definition of **member** in section 2 of the District Councils Ordinance (Cap. 547);”.

167. Section 2A amended (application)

- (1) Section 2A(a)—

Repeal

“and”.

- (2) Section 2A(b)—

Repeal the full stop

Substitute a semicolon.

- (3) After section 2A(b)—

Add

“(c) in relation to an ordinary election in so far as the election of DC members for the DC District Committees constituencies is concerned; and

- (d) in relation to a by-election held for electing a DC member for a DC District Committees constituency.”.

168. Section 3 amended (request by candidate for LC geographical constituency, LC functional constituency or DC constituency)

- (1) Section 3, heading, after “DC”—

Add

“geographical”.

- (2) Section 3(1)(b), before “constituency”—

Add

“geographical”.

Division 9—Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541 sub. leg. N)

169. Section 2 amended (interpretation)

Section 2(1), definition of *DC candidate*—

Repeal

“District Council constituency”

Substitute

“constituency as defined by section 2 of the District Councils Ordinance (Cap. 547)”.

Division 10—Legislative Council Ordinance (Cap. 542)

- 170. Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member)**

Section 39(1)(e)(iv), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

- 171. Section 40 amended (what requirements are to be complied with by persons nominated as candidates)**

Section 40(1)(b)(iii)(D)(III), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

Division 11—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B)

- 172. Section 1 amended (interpretation)**

Section 1, definition of *GC Registration Regulation*, after “District Council”—

Add

“Geographical”.

- 173. Section 1A amended (effect of inclement weather warning on date and period)**

Section 1A(4), Table 1, after “District Council”—

Add

“Geographical”.

174. Section 6 amended (review of rulings by Revising Officer)

Section 6(2B)(a), after “District Council”—

Add

“Geographical”.

**Division 12—Elections (Corrupt and Illegal Conduct)
Ordinance (Cap. 554)**

175. Section 2 amended (interpretation)

(1) Section 2(1), definition of *constituency*, paragraph (c)—

Repeal

“an area declared to be a constituency under section 6(1)”

Substitute

“a District Committees constituency or a District Council geographical constituency, as defined by section 2”.

(2) Section 2(1), Chinese text, definition of 選舉主任, paragraph (d)—

Repeal

“選區” (wherever appearing)

Substitute

“選區或選舉界別”.

176. Section 4 amended (what elections do this Ordinance apply to)

Section 4(1)(e)—

Repeal

“the elected”.

177. Section 37 amended (candidate to lodge election return with appropriate authority)

(1) Section 37(1F)—

Repeal

“30”

Substitute

“60”.

(2) Section 37(1F)(a) and (b) and (1G), Chinese text—

Repeal

“選區” (wherever appearing)

Substitute

“選區或選舉界別”.

(3) Section 37(1G)—

Repeal paragraph (b).

178. Section 41 amended (appropriate authority to keep election returns)

(1) Section 41(6)(a)—

Repeal

“, (1F)”.

(2) Section 41(6)(b)—

Repeal

“or (1B)”

Substitute

“, (1B) or (1F)”.

179. Schedule amended (limit prescribed for election concerned for purposes of section 37A)

The Schedule, item 6—

Repeal

“3,000”

Substitute

“5,000”.

**Division 13—Maximum Amount of Election Expenses
(District Council Election) Regulation (Cap. 554 sub. leg.
C)**

180. Section 1A added

Before section 2—

Add

“1A. Interpretation

In this Regulation—

District Committees constituency (地區委員會界別) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

District Council geographical constituency (區議會地方選區) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547);

election (選舉) has the meaning given by section 2 of the District Councils Ordinance (Cap. 547).”.

181. Section 2 repealed (application)

Section 2—

Repeal the section.

182. Section 3 amended (maximum amount of election expenses)

- (1) Section 3, heading, after “**expenses**”—

Add

“for District Committees constituency”.

- (2) Section 3—

Repeal

everything after “incurred”

Substitute

“at an election for a District Committees constituency by or on behalf of a candidate for an election for the seventh term of office or any subsequent term of office of a District Council is \$100,000.”.

183. Section 3A added

After section 3—

Add

“3A. Maximum amount of election expenses for District Council geographical constituency

The maximum amount of election expenses that can be incurred at an election for a District Council geographical constituency specified in column 2 of the Schedule by or on behalf of a candidate for an election for the seventh term of office or any subsequent term of office of a District Council is the amount specified in column 3 of that Schedule opposite the constituency.”.

184. Schedule added

At the end of the Regulation—

Add

“Schedule

[s. 3A]

**Maximum Amount of Election Expenses for
District Council Geographical Constituencies**

Column 1	Column 2	Column 3
Item	District Council Geographical Constituency	Maximum Amount of Election Expenses \$
1.	Central	512,400
2.	Western	585,600
3.	Wan Chai	951,600
4.	Tai Pak	805,200
5.	Hong Wan	878,400
6.	Chai Wan	878,400
7.	Southern District Southeast	658,800
8.	Southern District Northwest	585,600
9.	Yau Tsim Mong South	732,000
10.	Yau Tsim Mong North	732,000
11.	Sham Shui Po West	878,400
12.	Sham Shui Po East	951,600
13.	Kowloon City North	951,600
14.	Kowloon City South	878,400
15.	Wong Tai Sin East	878,400

Column 1	Column 2	Column 3
Item	District Council Geographical Constituency	Maximum Amount of Election Expenses \$
16.	Wong Tai Sin West	951,600
17.	Kwun Tong Southeast	732,000
18.	Kwun Tong Central	732,000
19.	Kwun Tong North	658,800
20.	Kwun Tong West	805,200
21.	Tsuen Wan Northwest	658,800
22.	Tsuen Wan Southeast	732,000
23.	Tuen Mun East	732,000
24.	Tuen Mun West	805,200
25.	Tuen Mun North	732,000
26.	Yuen Long Town Centre	732,000
27.	Yuen Long Rural East	658,800
28.	Tin Shui Wai South and Ping Ha	732,000
29.	Tin Shui Wai North	732,000
30.	Wu Tip Shan	658,800
31.	Robin's Nest	658,800
32.	Tai Po South	658,800
33.	Tai Po North	732,000
34.	Sai Kung and Hang Hau	658,800
35.	Tseung Kwan O South	732,000
36.	Tseung Kwan O North	732,000

Column 1	Column 2	Column 3
Item	District Council Geographical Constituency	Maximum Amount of Election Expenses
		\$
37.	Sha Tin West	732,000
38.	Sha Tin East	805,200
39.	Sha Tin South	732,000
40.	Sha Tin North	732,000
41.	Tsing Yi	805,200
42.	Kwai Chung East	732,000
43.	Kwai Chung West	732,000
44.	Islands	732,000”.

Division 14—Chief Executive Election Ordinance (Cap. 569)

185. Section 14 amended (disqualification from being nominated)

Section 14(1)(h)(iv), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

186. Schedule, section 5M amended (when a person is disqualified from being registered as an ex-officio member)

The Schedule, section 5M(1)(c)(iii), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

187. Schedule, section 9 amended (when a person is disqualified from being a nominee)

The Schedule, section 9(1)(c)(iii), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

188. Schedule, section 18 amended (when a person is disqualified from being a subsector candidate)

The Schedule, section 18(1)(e)(iii), after “by”—

Add

“section 7 of Schedule 4A to the District Councils Ordinance (Cap. 547) or”.

Division 15—Other Miscellaneous Amendments

Subdivision 1—Post Office Regulations (Cap. 98 sub. leg. A)

189. Regulation 6 amended

(1) Regulation 6(1)(d)(i)—

Repeal

“registered in the final register in respect of the”

Substitute

“in the DC”.

(2) Regulation 6(2)(b), definition of *constituency*—

Repeal

“or a constituency declared under the District Councils Ordinance (Cap. 547)”.

- (3) Regulation 6(2)(b), definition of *final register*—

Repeal

“or a register of electors for an election under the District Councils Ordinance (Cap. 547), as the case may require”.

- (4) Regulation 6(2)(b)—

Add in alphabetical order

“*DC constituency* (區議會界別或選區) means a constituency as defined by section 2 of the District Councils Ordinance (Cap. 547);”.

**Subdivision 2—Hong Kong Court of Final Appeal Ordinance
(Cap. 484)**

190. Section 22 amended (civil appeals)

Section 22(1)(c)(vi)—

Repeal

“the elected”

Substitute

“a”.

**Subdivision 3—Electronic Transactions (Exclusion) Order (Cap.
553 sub. leg. B)**

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

Schedule 1, item 63—

Repeal

“23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5,
section 2”

Substitute

“15(1), 17A(1), 23(1), 25(1), 34(1) and (1A)(c) and 35(2)”.

192. Schedule 2 amended (provisions excluded from application of section 6 of Ordinance)

- (1) Schedule 2, item 13, after “District Council”—

Add

“Geographical”.

- (2) Schedule 2, item 20—

Repeal

“23(2), 25(2), 35(2) and 63(2)”

Substitute

“15(2), 17A(4), 23(2), 25(2) and 35(2)”.

Explanatory Memorandum

The main object of this Bill is to amend the District Councils Ordinance (Cap. 547) (*Cap. 547*) to—

- (a) revise the functions and composition of District Councils;
- (b) establish the District Council Eligibility Review Committee; and
- (c) provide for the mechanism for sanctioning misconduct of members of District Councils.

2. The Bill is divided into 4 Parts.

Part 1—Preliminary

3. Part 1 sets out the short title and provides for commencement.

Part 2—Amendments to Cap. 547

4. Part 2 amends Cap. 547 to—

- (a) revise the functions of District Councils starting from the seventh term of District Councils;
- (b) revise the composition of District Councils starting from the seventh term of District Councils to provide that the District Council of each District is to consist of—
 - (i) the District Officer of the District;
 - (ii) persons appointed as members of the District Council;

- (iii) persons elected as members for the District Committees constituency of the District Council;
 - (iv) persons elected as members for the District Council geographical constituencies of the District Council; and
 - (v) (if applicable) persons registered as ex officio members of the District Council;
- (c) establish the District Council Eligibility Review Committee and provide for the procedures for deciding the validity of—
- (i) the proposal to appoint a person as a member of a District Council;
 - (ii) the registration of a person as an ex officio member of a District Council; and
 - (iii) the nomination of a person as a candidate for any constituency at a District Council election, starting from the seventh term of District Councils;
- (d) provide for the system of voting for District Committees constituencies, and revise the system of voting for District Council geographical constituencies, starting from the seventh term of District Councils;
- (e) provide for the mechanism for sanctioning misconduct of members of District Councils; and
- (f) provide for the boundaries of the District Council geographical constituencies for the seventh term of District Councils.

5. For paragraph 4(a) and (b)(i)—

- (a) the District Officer of the District is to be the Chairman of the District Council of that District;
- (b) certain functions of a District Council are to be transferred to the Chairman of the District Council; and
- (c) there is no longer any Vice Chairman for a District Council.

6. For paragraph 4(b)(ii)—

- (a) the Chief Executive may appoint persons as members of the District Councils; and
- (b) the maximum number of appointed members for all District Councils is 179.

7. For paragraph 4(b)(iii)—

- (a) a District Committees constituency is established for the District Council of each District;
- (b) a District Committees constituency is to compose of all members of all the District Committees established in the District concerned, namely—
 - (i) the Area Committee or Committees;
 - (ii) the District Fight Crime Committee; and
 - (iii) the District Fire Safety Committee;
- (c) the total number of members to be returned for all District Committees constituencies is 176; and
- (d) the Electoral Registration Officer is to compile and publish a register of electors for District Committees constituencies.

8. For paragraph 4(b)(iv)—

- (a) each District Council geographical constituency is to return 2 members; and
 - (b) the total number of members to be returned for all District Council geographical constituencies is 88.
- 9. For paragraph 4(d), all constituencies (including the District Committees constituencies) are to adopt the simple or relative majority system of election (otherwise known as the “first past the post” voting system). In particular—
 - (a) an elector for a District Committees constituency is entitled to cast the same number of votes as the number of members to be returned for the constituency at an election, and the votes are valid only if the elector has cast all the votes under the elector’s entitlement for that election and no more; and
 - (b) an elector of the District Council geographical constituency is entitled to vote for 1 candidate.
- 10. For paragraph 4(e)—
 - (a) the Secretary for Home and Youth Affairs (*Secretary*) is empowered to issue guidelines indicating—
 - (i) the standard of performance required of a member; and
 - (ii) the misconduct that may constitute grounds for imposing sanction;
 - (b) an investigation on an alleged misconduct of a member of a District Council may be initiated by—
 - (i) the Chairman and 3 or more members of the District Council; or

- (ii) a motion passed by more than half of the members present in a meeting of the District Council;
- (c) if an investigation is initiated, the Secretary must appoint a supervisory committee to conduct the investigation, and the committee must submit a written report stating the established facts and its opinion on the appropriate sanction to be imposed;
- (d) the Secretary may, after considering the report, issue a letter of persuasion to, or impose any of the following sanctions on, the member—
 - (i) warning;
 - (ii) financial penalty;
 - (iii) suspension of the member's functions and duties as a member; and
- (e) if the member is aggrieved by the decision of the Secretary, the member may appeal to the Chief Secretary for Administration.

Part 3—Amendments to Subsidiary Legislation under Cap. 547

11. Part 3 is divided into 3 Divisions.

Division 1—District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A) (Cap. 547A)

12. Division 1 of Part 3 amends Cap. 547A to—

- (a) in view of the revised composition of District Councils (see paragraph 4(b)), revise the provisions that relate to the deposit required to be lodged by a person nominated as a candidate at a District Council election, including to cover the District Committees constituencies; and
- (b) revise the provisions that relate to the number and qualifications of subscribers required for being nominated as a candidate at a District Council election, including to cover the District Committees constituencies.

13. For paragraph 12(b)—

- (a) the nomination of a person as a candidate for any constituency must be subscribed by at least 3 but not more than 6 members of each District Committee in the District concerned; and
- (b) in the case of a candidate for a District Council geographical constituency, the nomination must also be subscribed by at least 50 but not more than 100 electors of the constituency.

Division 2—District Councils (Election Petition) Rules (Cap. 547 sub. leg. C) (Cap. 547C)

14. Division 2 of Part 3 amends Cap. 547C to make minor textual amendments to the form for an election petition in view of the revised composition of District Councils to cover an election for a District Committees constituency (see paragraph 4(b)(iii)) and the revised procedures for determining the validity of the nomination of a person as a candidate at a District Council election (see paragraph 4(c)(iii)).

Division 3—Declaration of Constituencies (District Councils) Order 2018 (Cap. 547 sub. leg. H) (Cap. 547H)

15. Division 3 of Part 3 repeals Cap. 547H in view of the revised boundaries of the District Council geographical constituencies for the seventh term of District Councils (see paragraph 4(f)).

Part 4—Related Amendments

16. Part 4 is divided into 15 Divisions.

Division 1—Electoral Affairs Commission Ordinance (Cap. 541) (Cap. 541)

17. Division 1 of Part 4 amends Cap. 541 to, in view of the revised composition of District Councils (see paragraph 4(b))—
- (a) revise the provisions that relate to the making of reports on District Council elections by the Electoral Affairs Commission (*EAC*);
 - (b) provide that the EAC is not required to make reports on the delineation of District Council geographical constituencies for the ordinary election for the seventh term of District Councils; and
 - (c) revise the criteria for making recommendations as to the delineation of District Council geographical constituencies.

Division 2—Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A) (Cap. 541A)

18. Division 2 of Part 4 amends Cap. 541A to—

- (a) amend the title of Cap. 541A to clarify that it relates to registration of electors for District Council geographical constituencies;
- (b) empower the Electoral Registration Officer (**ERO**) to indicate on a register of electors for geographical constituencies required to be compiled under the Legislative Council Ordinance (Cap. 542) (**GC register**) whether a person is an elector for a District Committees constituency and the District Committees constituency for which a person is an elector;
- (c) require the ERO to either inform a person of the section and subsection in which the person is registered in a GC register or make the information available to the person in any way the ERO considers appropriate; and
- (d) make miscellaneous amendments, including to update cross references to certain provisions of Cap. 547.

Division 3—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) (Cap. 541B)

19. Division 3 of Part 4 amends Cap. 541B to make miscellaneous amendments, including to update cross references to certain provisions of Cap. 547.

*Division 4—Electoral Affairs Commission (Electoral Procedure)
(Legislative Council) Regulation (Cap. 541 sub. leg. D) (**Cap.
541D**)*

20. Division 4 of Part 4 consequentially amends Cap. 541D in view of the amendment to the title of Cap. 541A.

*Division 5—Electoral Affairs Commission (Nominations Advisory
Committees (District Councils)) Regulation (Cap. 541 sub. leg.
E) (**Cap. 541E**)*

21. Division 5 of Part 4 amends Cap. 541E to, in view of the revised composition of District Councils (see paragraph 4(b)), revise certain definitions so that the advice given by a Nominations Advisory Committee (District Councils) may cover a person nominated as a candidate for a District Committees constituency.

*Division 6—Electoral Affairs Commission (Electoral Procedure)
(District Councils) Regulation (Cap. 541 sub. leg. F) (**Cap.
541F**)*

22. Division 6 of Part 4 amends Cap. 541F to—
- (a) in view of the revised composition of District Councils (see paragraph 4(b)), revise the provisions that relate to the procedures for District Councils elections (including nomination of candidates, voting and counting of votes); and
 - (b) in view of the revised procedures for determining the validity of the nomination of a person as a candidate at a District Council election (see paragraph 4(c)(iii)), revise the provisions that incidentally refer to the role of the Returning Officer in such procedures.

*Division 7—Electoral Affairs Commission (Electoral Procedure)
(Election Committee) Regulation (Cap. 541 sub. leg. I) (**Cap.
541I**)*

23. Division 7 of Part 4 consequentially amends Cap. 541I in view of the amendment to the title of Cap. 541A.

*Division 8—Particulars Relating to Candidates on Ballot Papers
(Legislative Council and District Councils) Regulation (Cap.
541 sub. leg. M) (**Cap. 541M**)*

24. Division 8 of Part 4 amends Cap. 541M to, in view of the revised composition of District Councils (see paragraph 4(b))—
- (a) revise the provisions that relate to requests by candidates for District Council geographical constituencies to print particulars relating to them on ballot papers; and
 - (b) provide that Cap. 541M does not apply in relation to District Committees constituencies.

*Division 9—Electoral Affairs Commission (Financial Assistance for
Legislative Council Elections and District Council Elections)
(Application and Payment Procedure) Regulation (Cap. 541 sub.
leg. N) (**Cap. 541N**)*

25. Division 9 of Part 4 amends Cap. 541N to, in view of the revised composition of District Councils (see paragraph 4(b)), revise the definition of **DC candidate** so that the procedure for making or withdrawing claims for financial assistance payable under Part VA of Cap. 547 applies to a candidate for a District Committees constituency.

Division 10—Legislative Council Ordinance (Cap. 542) (Cap. 542)

26. Division 10 of Part 4 consequentially amends Cap. 542 in view of the new offence under the new Schedule 4A to Cap. 547.

Division 11—Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg. B) (Cap. 542B)

27. Division 11 of Part 4 consequentially amends Cap. 542B in view of the amendment to the title of Cap. 541A.

Division 12—Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (Cap. 554)

28. Division 12 of Part 4 amends Cap. 554 to—
- (a) make minor textual amendments in view of the revised composition of District Councils (see paragraph 4(b));
 - (b) revise the time limit for lodging an election return for a District Council election; and
 - (c) raise the upper limit of the aggregate value of errors in relation to rectification of an election return for a District Council election.

Division 13—Maximum Amount of Election Expenses (District Council Election) Regulation (Cap. 554 sub. leg. C) (Cap. 554C)

29. Division 13 of Part 4 amends Cap. 554C to provide for the maximum amounts of election expenses for the District Committees constituencies and the District Council geographical constituencies.

*Division 14—Chief Executive Election Ordinance (Cap. 569) (**Cap. 569**)*

30. Division 14 of Part 4 consequentially amends Cap. 569 in view of the new offence under the new Schedule 4A to Cap. 547.

Division 15—Other Miscellaneous Amendments

31. Division 15 of Part 4 consequentially amends the Post Office Regulations (Cap. 98 sub. leg. A), the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) in view of the amendments to Cap. 547.