

District Councils (Amendment) Bill 2023

Committee Stage

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)(a)	By deleting “of office”.
4(14)	By adding in alphabetical order to the proposed definitions— “ <i>Chief Electoral Officer</i> (總選舉事務主任) means the Chief Electoral Officer appointed under section 9 of the Electoral Affairs Commission Ordinance (Cap. 541);”.
5	In the Chinese text, by adding “事宜” after “等”.
6	In the proposed section 4A(f), by adding “relating to the functions of District Councils” after “activities”.
6	In the proposed section 4A(f)(i), in the English text, by deleting “those” and substituting “projects and activities”.
13	In the proposed section 10B(2)(b), in the Chinese text, by deleting “該決定” and substituting “決定”.
14	By deleting the proposed section 11(4) and substituting— “(4) A person appointed as a member for a term of office of a District Council holds office from the date specified in the letter of appointment and vacates office at the end of the term of office of the District Council.”.
16	In the proposed section 17A(7), by deleting “of office”.
19	In the proposed section 19A(2), by deleting “the seventh term of office” and substituting “the seventh term”.

- 19 In the proposed section 19A(2), in the Chinese text, by deleting “自第六屆區議會的任期完結後” and substituting “於第六屆區議會的任期完結時”.
- 21 By adding—
“(1A) Section 20(1)(c), Chinese text—
Repeal
“未有”
Substitute
“無”.”.
- 21 By adding—
“(2A) Section 20(1)(d), Chinese text—
Repeal
“未有”
Substitute
“無”.”.
- 30 By deleting subclause (1) and substituting—
“(1) Section 29—
Repeal subsection (1)
Substitute
“(1) Only an elector for a District Committees constituency is entitled to vote at an election for the constituency, and the elector is entitled to vote only once in respect of the constituency at the election.

(1A) Only an elector for a District Council geographical constituency is entitled to vote at an election for the constituency, and the elector is entitled to vote only once in respect of the constituency at the election.”.”.
- 30 By deleting subclause (2) and substituting—
“(2) Section 29—
Repeal subsections (2), (3), (4) and (5).”.

- 30 By deleting subclauses (3) and (4).
- 35 By deleting subclause (2) and substituting—
“(2) Section 33(1)(c)—
Repeal
“section 39(2) that an election for a constituency has failed”
Substitute
“section 39(2)(b) or (3) that an election for a constituency has failed because the number of validly nominated candidates for the election was less than the number of members to be returned for the constituency or”.”.
- 36 By deleting the proposed section 34(1A)(c) and substituting—
“(c) include or be accompanied by 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.”.
- 37 By adding—
“(7A) Section 36(3), after “39(1)”—
Add
“or (2)(a)”.”.
- 37 By adding—
“(10A) Section 36(5), after “39(1)”—
Add
“or (2)(a)”.”.
- 39 By deleting the proposed section 39(1) and (2) and substituting—
“(1) If, after the close of nomination for election for a constituency, the number of validly nominated candidates is equal to 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 for election for a constituency, the number of validly nominated candidates is less than the number of members to be returned for the constituency (*specified shortfall*), the Returning Officer must—
- (a) 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; and
- (b) by notice published in the Gazette, declare the election to have failed to the extent of the specified shortfall.
- (3) If, after the close of nomination for election for a constituency, no candidate is validly nominated for the constituency, the Returning Officer must, by notice published in the Gazette, declare the election to have failed.”.

39 In the proposed section 40(3)(b), in the Chinese text, by deleting everything after “選舉在” and substituting “以下範圍內未能完成：該界別或選區的選舉所選出的候選人數目，少於該界別或選區所須選出的議員人數。”.

49 By adding—

“(1A) Section 60A(1), Chinese text, definition of *選舉申報書*—

Repeal

“義；”

Substitute

“義。”.

(1B) Section 60A(1)—

Repeal the definition of *Chief Electoral Officer*.”.

65 By adding before subclause (1)—

“(1A) Section 72(1)(b) and (2)(ab), after “section”—

Add

“72D(1)(c) or”.

66 In the proposed section 72B, in the heading, by deleting “**on performance of members**”.

- 66 By deleting the proposed section 72B(1) and substituting—
- “(1) The Secretary may issue guidelines for the purposes of this Part, and the matters that the guidelines may indicate include—
- (a) the standard of performance required of a member;
 - (b) the conduct of a member that constitutes misconduct; and
 - (c) the procedures relating to the implementation of sections 72C, 72D and 72E.”.

66 In the proposed section 72C(1)(a), by deleting “3 or more” and substituting “not less than 3”.

81 In the proposed Schedule 4A, by deleting section 2(4) and (5) and substituting—

“(4) Subject to subsection (6), each section of the register must only contain an entry for each specified member of the District Committee to which the section corresponds.

(5) An entry in the register relating to a person must show the name and principal residential address of the person in the existing GC register.”.

81 In the proposed Schedule 4A, in section 2(6), by adding “specified” before “member”.

81 In the proposed Schedule 4A, in the Chinese text, in section 2(6), by deleting “有關”.

81 In the proposed Schedule 4A, in section 2(7), by adding “specified” before “members”.

81 In the proposed Schedule 4A, in the Chinese text, in section 2(7), by deleting “有關”.

81 In the proposed Schedule 4A, in section 2, by adding—

“(9) For the purposes of this section, a member of a District Committee is a specified member of the District Committee if the member is registered as an elector in the existing GC register.”.

- 81 In the proposed Schedule 4A, in the Chinese text, by deleting section 4(2)(b) and substituting—
“(b) 可如此查閱選民名冊的文本的地方。”.
- 81 In the proposed Schedule 4A, in section 4, by adding—
“(4) Publication of a notice under subsection (1) is to be regarded as the publication of the register for the purposes of section 31A(1).”.
- 86 In the proposed section 4(1)(a), by adding “or (2)(a)” after “39(1)”.
- New In Division 2 of Part 3, by adding—
“90A. Rule 4 amended (form and substance of election petition)
Rule 4(b)(i), after “39(1)”—
Add
“or (2)(a)”.”.
- 91 In the proposed Schedule, by adding “or (2)(a)” after “39(1)” (wherever appearing).
- 125 By adding before subclause (1)—
“(1A) Section 23, heading, after “**39(1)**”—
Add
“**or (2)(a)**”.”.
- 125(1) In the proposed section 23(1), by adding “or (2)(a)” after “39(1)”.
- 125(1) In the proposed section 23(1), in the Chinese text, by deleting “不超逾” and substituting “不多於”.
- 126 By adding—
“(1A) Section 24(2), after “practicable”—
Add
“after the Eligibility Review Committee publishes a notice for the relevant constituency in accordance with section 22”.”.

- 127(2) In the proposed section 25(2), by adding “after the Committee publishes a notice for the relevant constituency in accordance with section 22” after “practicable”.
- 128 By deleting the proposed section 25A(1)(b) and (c) and substituting—
- “(b) 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 (*specified shortfall*); or
 - (c) no candidate remains validly nominated for election for the constituency concerned.”.
- 128 By deleting the proposed section 25A(2)(b) and (c) and substituting—
- “(b) for subsection (1)(b)—declare, for the purposes of section 39(2) of the District Councils Ordinance (Cap. 547)—
 - (i) the remaining candidate or candidates as being duly elected as a member or members; and
 - (ii) the election to have failed to the extent of the specified shortfall;
 - (c) for subsection (1)(c)—declare, for the purposes of section 39(3) of the District Councils Ordinance (Cap. 547), the election to have failed.”.
- 128 In the proposed section 25A(3), by deleting “(c)(i)” and substituting “(b)(i)”.
- 128 In the proposed section 25A(4), by deleting “(2)(b) or (c)(ii)” and substituting “(2)(b)(ii) or (c)”.
- New By adding—
- “156A. Section 97 amended (procedure after election fails)**
- Section 97(1)—
- Repeal**
- “39(2)”
- Substitute**
- “39(2)(b) or (3)”.”.