

District Councils (Amendment) Bill 2023

Debate and voting arrangements

Object of the Bill : To amend the District Councils Ordinance (Cap. 547) (“DCO”) and its subsidiary legislation, and other related legislation, to:

- (a) revise the functions and composition of District Councils (“DCs”);
- (b) establish the District Council Eligibility Review Committee (“DCERC”);
- (c) provide for the mechanism for sanctioning misconduct of members of DCs; and
- (d) provide for related matters and make minor technical amendments.

Joint debate	: Clauses with no amendment, clauses with amendments and new clauses proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)	— Clauses 1 to 192, and proposed new clauses 90A and 156A
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Joint debate on the original clauses and the amendments (including the proposed new clauses).

SCMA’s amendments

The reference to “constitution of the seventh term of the District Councils”

Clauses 1, 16 and 19

- To amend clause 1(2)(a) of the Bill by deleting “of office” from “the constitution of the seventh term of office of the District Councils”, and to make the same amendments to other provisions with the same reference in the Bill, **to make the meaning of the relevant provisions clearer.**

Functions of District Councils

Clause 6

- To amend the proposed new section 4A(f) of DCO **to specify that DCs may apply for funding only for projects and activities relating to the functions of DCs.**

The end of the term of office of appointed members

Clause 14

- To amend the proposed new section 11(4) of DCO to specify more clearly that a person appointed as a member for a term of office of a DC would vacate offices **at the end of the term of office of DC.**

Persons eligible to vote at an election

Clause 30

- To amend section 29 of DCO to convey more clearly its original intention and avoid misunderstanding: **(a) only an elector for a District Committees constituency (“DCC”) is entitled to vote at an election for the constituency; (b) only an elector for a DC geographical constituency is entitled to vote at an election for the constituency; and (c) an elector can actually vote once in each of the election of the respective constituencies if he is an elector in both DCC and DC geographical constituency.**

What is to happen if insufficient candidates are nominated

Clauses 35, 37, 39, 86, 91, 125, 128 and the proposed new clauses 90A and 156A

- To amend the proposed new section 39 of DCO to set out clearly what is to happen respectively **when the number of validly nominated candidates is equal to or less than the number of members to be returned** for a constituency, or if **no candidate is validly nominated** for a constituency; and to make corresponding amendments to other relevant provisions.

Suspension of a DC member's functions and duties does not affect the power and validity of proceedings of a DC

Clause 65

- To add the reference to the proposed new section 72D(1)(c) in sections 72(1)(b) and (2)(ab) of DCO, in order to reflect the policy intention that **the suspension of a DC member's functions and duties** under the proposed new section 72D(1)(c) **does not affect the power of a DC to transact business and the validity of proceedings of a DC.**

Empowering the Secretary for Home and Youth Affairs ("SHYA") to issue guidelines

Clause 66

- To amend the proposed new section 72B(1) of DCO by **adding a clause to empower SHYA to issue guidelines to indicate the procedures relating to the implementation of the proposed new sections 72C, 72D and 72E of DCO**, i.e. procedures relating to investigation on misconduct of members, imposing sanctions and appeal against sanctions.

Compiling and publishing a register of electors for DCCs

Clause 81

- Under the proposed new section 31A of DCO, the Electoral Registration Officer ("ERO") must compile and publish a register of electors for DCCs in accordance with the proposed new Schedule 4A to DCO. However, there is no corresponding provision in the proposed new Schedule 4A specifying the meaning and requirement relating to publication of the register. The amendment seeks to set out clearly that **the publication of a notice under the proposed new section 4(1) of Schedule 4A by ERO is to be regarded as the publication of the register for the purpose of the proposed new section 31A(1) of DCO.**

Declaring which persons are validly nominated as candidates

Clauses 126 and 127

- According to the proposed new section 36(2A) and (4A) of DCO, if a notice stating which persons are validly nominated as candidates has been published by DCERC under the proposed new section 36(1A) of DCO, Returning Officer or DCERC (as the case may be) must make the relevant declaration in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). The amendments seek to **amend the proposed sections 24(2) and 25(2) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F) for consistency with section 36(2A) and (4A) of DCO.**

Other technical and drafting amendments

Clauses 4, 5, 6, 13, 19, 21, 36, 39, 49, 66, 81 and 125

- To make technical and drafting amendments to the above clauses.

- Voting order** : 1. Clauses with no amendment (i.e. clauses 2, 3, 7 to 12, 15, 17, 18, 20, 22 to 29, 31 to 34, 38, 40 to 48, 50 to 64, 67 to 80, 82 to 85, 87 to 90, 92 to 124 and 129 to 192) standing part of the Bill
2. SCMA's amendments (to amend clauses 1, 4 to 6, 13, 14, 16, 19, 21, 30, 35 to 37, 39, 49, 65, 66, 81, 86, 91 and 125 to 128)
3. Clauses 1, 4 to 6, 13, 14, 16, 19, 21, 30, 35 to 37, 39, 49, 65, 66, 81, 86, 91 and 125 to 128 with or without amendments standing part of the Bill
4. Proposed new clauses 90A and 156A be read the second time and added to the Bill

SCMA's amendments

(set out in LC Paper No. CB(3)553/2023(01) issued on 26 June 2023)

Council Business Division 3

Legislative Council Secretariat

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