

LEGISLATIVE COUNCIL BRIEF

DISTRICT COUNCILS (AMENDMENT) BILL 2013

INTRODUCTION

At the meeting of the Executive Council (“ExCo”) on 5 February 2013, the ExCo ADVISED and the Chief Executive (“CE”) ORDERED that the District Councils (Amendment) Bill 2013 (“the Bill”) (**Annex A**) should be introduced into the Legislative Council (“LegCo”).

A

JUSTIFICATIONS

2. In 2010, while the Administration put forth a constitutional reform package which proposed amendments to the methods for selecting the CE and for forming the LegCo in 2012, we undertook to put forth proposals concerning the abolition of the District Council (“DC”) appointment system for consultation with the LegCo and the public. In September 2011, the Administration announced that the DC appointment system would be abolished in phases, and as a first step, reduced the number of the appointed members for the fourth-term DCs commencing on 1 January 2012 by one-third to 68 seats.

3. For the remaining 68 appointed seats, the Administration issued the Consultation Paper on the DC Appointment System in February 2012 for a two-month public consultation as to whether the remaining appointed seats should be abolished over one term or two terms, in which we stated that our inclination was to abolish them over one term. On 26 June 2012, the Administration issued the Consultation Report on the DC Appointment System, reporting that the views received and the opinion polls conducted indicated that the community supported the abolition of all DC appointed seats over one term.

4. The proposed abolition of the DC appointed seats is included in paragraph 191 of the 2013 Policy Address delivered by the CE on 16 January 2013, which states that “we will amend the legislation as soon as possible to abolish all DC appointed seats from 2016 onwards”.

5. Against the above background, we propose that with effect from 1 January 2016 (i.e. the commencement date of the fifth term of office of the DCs), the system of DC appointed members be abolished.

THE BILL

6. The Bill aims at giving effect to the proposal. Amendments are proposed to be made to the District Councils Ordinance (Cap. 547) (“DCO”) to remove all references to the appointed seat in the DCO, including its status as a component of the DCs, the appointment power of the CE, and the specified maximum number of the appointed seats. The systems of DC elected and ex officio members will not be dealt with by the Bill.

7. The provisions of the Bill are explained below:

- (a) Part 1 of the Bill sets out the short title and provides for the commencement date (i.e. 1 January 2016);
- (b) Part 2 of the Bill amends the DCO to repeal all references to the appointed members in the DCO including the definition of appointed members; the provisions that the CE may appoint persons as members of the DCs; the eligibility criteria for a person to be appointed as a DC member; the requirement for a person appointed as a DC member to swear acceptance of office in order to become a DC member; the grounds on which a person is disqualified from holding office as an appointed member; the maximum number of members to be appointed to respective DCs and the references to the number of members to be appointed to a DC. The amended provisions and headings include section 2, Part II, sections 5, 8, 9 and 10, Division 1 of Part IV, sections 72, 83 and 84, Schedule 3 and Schedule 4 of the DCO; and
- (c) Part 3 of the Bill amends sections 22(7)(b) and (8)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A), sections 42(9)(b) and (10)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) and Schedules 1 and 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub.

leg. B) as consequences of the repeal of Division 1 of Part IV of the DCO.

B The existing provisions to be amended/repealed are at **Annex B**.

LEGISLATIVE TIMETABLE

8. The legislative timetable will be-
- (a) Publication in the Gazette 8 February 2013
 - (b) First Reading and Commencement of 20 February 2013
Second Reading debate
 - (c) Resumption of Second Reading To be notified
debate, Committee Stage and Third
Reading

IMPLICATIONS OF THE PROPOSALS

9. The proposal to abolish all the appointed seats with effect from 1 January 2016 is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, sustainability, environmental or productivity implications. The Bill will not affect the current binding effect of the DCO.

10. The implementation of the proposal will not require additional financial or manpower resources. Nor will it result in manpower savings as the workload of the secretariats of the respective DCs which are manned by civil servants is not expected to reduce significantly. However, it will bring about an estimated annual saving of about \$37 million to \$43 million for honorarium and other expenses, and an additional saving of \$11 million for end-of-term gratuity after the abolition of 68 DC seats.

PUBLIC CONSULTATION

11. Public consultation on the DC Appointment System was conducted from 20 February 2012 to 20 April 2012 and the details are set out in paragraph 3. We also consulted the LegCo Panel on Constitutional Affairs (“CA Panel”). At the meeting of the LegCo CA Panel on 19 November 2012, the Administration stated the plan to amend the DCO to provide for the abolition of the DC appointed seats. At the meeting of LegCo CA Panel on 21 January 2013, the Administration stated that the

legislative exercise would remove all references of DC appointed seats in the DCO and that our aim was to introduce the amendment bill into LegCo in February 2013.

PUBLICITY

12. A press release will be issued and a spokesperson will be made available to address media enquiries.

ENQUIRY

13. Any enquiries on the brief should be addressed to Ms Anne TENG, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

Constitutional and Mainland Affairs Bureau
6 February 2013

District Councils (Amendment) Bill 2013

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A BILL To

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

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

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

2. Enactments amended

- (1) The District Councils Ordinance (Cap. 547) is amended as set out in Part 2.
- (2) The following subsidiary legislation is amended as set out in Part 3—
 - (a) the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A);

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

Amendments to District Councils Ordinance

3. **Section 2 amended (interpretation)**
- (1) Section 2, definition of *member*—
Repeal
 “, an appointed member”.
- (2) Section 2—
Repeal the definition of *appointed member*.
4. **Part II heading amended (declaration of districts, establishment of District Councils, declaration of number of elected members and appointed members and declaration of constituencies)**
 Part II, heading—
Repeal
 “AND APPOINTED MEMBERS”.
5. **Section 5 amended (number of members to be elected to a District Council and the number of members to be appointed to it)**
- (1) Section 5, heading—
Repeal
 “and the number of members to be appointed to it”.
- (2) Section 5—
Repeal subsection (2).

6. **Section 8 amended (Chief Executive in Council may amend Schedule 1, 2 or 3)**
Section 8(2)(d)—
Repeal
“and the number of members to be appointed to it”.
7. **Section 9 amended (District Councils to consist of elected members, appointed members and ex officio members)**
(1) Section 9, heading—
Repeal
“, appointed members”.
(2) Section 9(1)—
Repeal paragraph (b).
8. **Section 10 amended (an elected member or appointed member taken to have resigned on becoming an ex officio member)**
(1) Section 10, heading—
Repeal
“or appointed member”.
(2) Section 10—
Repeal
“or appointed member”.
9. **Part IV, Division 1 repealed (appointed members)**
Part IV—
Repeal Division 1.

10. **Section 72 amended (proceedings of a District Council or a committee not affected by vacancy or defect in membership)**
(1) Section 72(2)(b)—
Repeal
“appointment or”.
(2) Section 72(4)(b)—
Repeal
“appointed member or”.
11. **Section 83 amended (Designated Officer to give notice of membership)**
(1) Section 83—
Repeal
“sections 13 and”
Substitute
“section”.
(2) Section 83—
Repeal
“appointed members and”.
12. **Section 84 amended (Designated Officer to give notice of vacancy)**
Section 84—
Repeal
“appointed member or”.
13. **Schedule 3 amended**
(1) Schedule 3—

Repeal

“[ss. 5, 8, 9 & 11]”

Substitute

“[ss. 5, 8 & 9]”.

- (2) Schedule 3, Part 1, heading—

Repeal

“and Appointed Members”.

- (3) Schedule 3, Part 1—

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

- (1) Schedule 4—

Repeal

“[ss. 13, 17 & 82]”

Substitute

“[ss. 17 & 82]”.

- (2) Schedule 4—

Repeal Form 1.**Part 3****Amendments Consequential to Repeal of Division 1 of Part IV of District Councils Ordinance****Division 1—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation****15. Section 22 amended (offences and penalties)**

- (1) Section 22(7)(b)—

Repeal

“14,”.

- (2) Section 22(8)(b)—

Repeal

“14,”.

Division 2—Amendments to Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation**16. Section 42 amended (offences and penalties)**

- (1) Section 42(9)(b)—

Repeal

“14,”.

- (2) Section 42(10)(b)—

Repeal

“14,”.

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

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

Schedule 1, item 63—

Repeal

“15(1),”.

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

Schedule 2, item 20—

Repeal

“15(2),”.

Explanatory Memorandum

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

Part 1 of the Bill

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

Part 2 of the Bill

3. Currently, a District Council consists of elected members, appointed members and ex officio members. It is proposed that with effect from 1 January 2016, the system of appointed members be abolished while the system of elected and ex officio members remain unchanged. To give effect to the proposal, amendments are made to the Ordinance—

- (a) to repeal the definition of *appointed member* in section 2 (clause 3(2));
- (b) to repeal Division 1 of Part IV and Form 1 of Schedule 4 which provide that the Chief Executive may appoint persons as appointed members of a District Council, set out the eligibility criteria for a person to be appointed as a member of a District Council, require a person appointed as a member to swear acceptance of office (in Form 1 set out in Schedule 4) in order to become a member, and set out the grounds on which a person is disqualified from holding office as an appointed member (clauses 9 and 14(2));
- (c) to repeal column 4 of Part 1 of Schedule 3 which specifies the maximum number of members to be

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

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

Part 3 of the Bill

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

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
Section:	2	Interpretation	L.N. 55 of 2000	03/03/2000

In this Ordinance, unless the context otherwise requires-

- "appointed member" (委任議員) means a person who is appointed as a member of a District Council under section 11 or 16;
- "by-election" (補選) means an election to elect a person as an elected member otherwise than at an ordinary election;
- "candidate" (候選人) means a candidate nominated for election as an elected member;
- "Chairman" (主席) means, in relation to a District Council, the person holding the office of Chairman of that Council under Part VI;
- "committee" (委員會) means, in relation to a District Council, a committee appointed by it under section 71;
- "constituency" (選區) means an area declared to be a constituency under section 6(1)(a);
- "corrupt conduct" (舞弊行為) means corrupt conduct engaged in in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); (Replaced 10 of 2000 s. 47)
- "costs" (費用、訟費) includes charges and expenses;
- "Court" means the Court of First Instance;
- "Designated Officer" (指定人員) means the Director of Home Affairs;
- "District" (地方行政區) means an area declared to be a District in or under this Ordinance;
- "District Council" (區議會) means a body established as a District Council by or under this Ordinance;
- "District Officer" (民政事務專員) means, in relation to a District Council, the person who performs the functions of the office of District Officer in the Home Affairs Department for the District for which that District Council is established;
- "elected member" (民選議員) means a person who is elected as a member of a District Council under Part V;
- "election" (選舉) means an ordinary election or a by-election;
- "election petition" (選舉呈請、選舉呈請書) means an election petition lodged under Part V;
- "elector" (選民) means any person whose name is included in the existing final register;
- "Electoral Affairs Commission" (選舉管理委員會) means the Electoral Affairs Commission established by section 3 of the Electoral Affairs Commission Ordinance (Cap 541);
- "electoral officer" (選舉事務主任) includes a Returning Officer, an Assistant Returning Officer, the Electoral Registration Officer, or any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (Cap 541) to exercise functions or perform duties at or in connection with an election;
- "Electoral Registration Officer" (選舉登記主任) has the meaning given by the Legislative Council Ordinance (Cap 542);
- "existing final register" (現有的正式選民登記冊) means a final register of geographical constituencies compiled and published by the Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap 542) which is currently in force;
- "ex officio member" (當然議員) means a person who holds office as such under section 9(1)(c);
- "function" (職能) includes a power and an authority;
- "identity document" (身分證明文件) means-
- an identity card issued to a person under the Registration of Persons Ordinance (Cap 177); or
 - a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
 - any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;
- "illegal conduct" (非法行為) means illegal conduct engaged in in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); (Replaced 10 of 2000 s. 47)
- "judicial officer" (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap 93);

"member" (議員) means an elected member, an appointed member or an ex officio member;

"ordinary election" (一般選舉) means-

- (a) in relation to a District Council, the first election to elect persons to be the elected members of the District Council; or
- (b) elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils;

"prescribed public officer" (訂明公職人員) means any of the following-

- (a) the Chairman of the Public Service Commission; or
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap 204); or
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap 397); or
- (d) a member of the Electoral Affairs Commission; or
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority; or
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap 486); or
- (g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap 480); or
- (h) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau;

"the regulations" (《規例》) means regulations made and in force under this Ordinance;

"Returning Officer" (選舉主任) means a person holding office as a Returning Officer under section 75 and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

"Rural Committee" (鄉事委員會) has the meaning given by section 3(3) of the Heung Yee Kuk Ordinance (Cap 1097);

"Vice Chairman" (副主席) means, in relation to a District Council, the person holding the office of Vice Chairman of that Council under Part VI.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Part:	II	DECLARATION OF DISTRICTS, ESTABLISHMENT OF DISTRICT COUNCILS, DECLARATION OF NUMBER OF ELECTED MEMBERS AND APPOINTED MEMBERS AND DECLARATION OF CONSTITUENCIES	L.N. 77 of 1999	19/03/1999
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Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	5	Number of members to be elected to a District Council and the number of members to be appointed to it	E.R. 1 of 2012	09/02/2012
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(1) The number specified in column 3 of Part 1 of Schedule 3 in relation to a District Council specified in column 2 of that Part is the number of members to be elected to that Council.

(2) The number specified in column 4 of Part 1 of Schedule 3 in relation to a District Council specified in column 2 of that Part is the maximum number of members to be appointed to that Council.

(Amended E.R. 1 of 2012)

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	8	Chief Executive in Council may amend Schedule 1, 2 or 3	L.N. 77 of 1999	19/03/1999
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(1) The Chief Executive in Council may subject to the approval of the Legislative Council, by order published in the Gazette, amend Schedule 1, 2 or 3.

(2) Without limiting the generality of subsection (1), the power given to the Chief Executive in Council under that subsection includes a power-

- (a) to determine the number of Districts; and
- (b) to declare new Districts in place of the Districts existing at the time an order under subsection (1) is made; and
- (c) to establish a District Council for any District declared under section 3 or this section and specify a date for the establishment; and
- (d) to specify the number of members to be elected to a District Council and the number of members to be appointed to it; and
- (e) to specify the election for which an order made under this section applies.

(3) An order under this section may contain such incidental, consequential, supplemental, transitional or saving provisions necessary or expedient in consequence of the order.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	9	District Councils to consist of elected members, appointed members and ex officio members	E.R. 1 of 2012	09/02/2012
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(1) A District Council is to consist of-

- (a) elected members; and
- (b) appointed members; and
- (c) if it is a District Council established for a District in which there is one or more Rural Committees, subject to subsection (2) and sections 17, 18 and 19, as ex officio members, the Chairman of each such Rural Committee while holding office as the Chairman.

(2) If a Rural Committee specified in column 5 of Part 2 of Schedule 3 is a Rural Committee that falls within more than one District, for the purposes of subsection (1)(c), it is taken to be in the District specified opposite to it in column 2 of that Part.

(3) The Chairman of each Rural Committee specified in column 5 of Part 2 of Schedule 3 is eligible under subsection (1)(c) to become ex officio member of the District Council specified opposite to it in column 3 of that Part.

(4) Subsections (2) and (3) and Part 2 of Schedule 3 are without prejudice to any other law governing Rural Committees.

(Amended E.R. 1 of 2012)

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	10	An elected member or appointed member taken to have resigned on becoming an ex officio member	L.N. 77 of 1999	19/03/1999
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If a person holding office as an elected member or appointed member of a District Council ("the first office") becomes entitled to hold office as an ex officio member of the same or another District Council ("the second office"), that 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.

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Part:	IV	MEMBERSHIP OF A DISTRICT COUNCIL	L.N. 77 of 1999	19/03/1999
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Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Part: Division:	IV 1	Appointed Members	L.N. 77 of 1999	19/03/1999
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Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	72	Proceedings of a District Council or a committee not affected by vacancy or defect in membership	L.N. 77 of 1999	19/03/1999
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- (1) A vacancy in the membership of a District Council does not affect its power to transact business.
- (2) The validity of proceedings of a District Council are not affected by-
 - (a) a vacancy in the membership of the District Council;
 - (b) a defect in the appointment or election of a member;
 - (c) a defect as to the eligibility of a person to be a member.
- (3) The validity of proceedings of a committee are not affected by a defect in the appointment of or eligibility of a person to be a member of the committee.
- (4) For the purposes of this section-
 - (a) a vacancy in the membership of a District Council includes a vacancy in its membership when it first meets after an ordinary election; and
 - (b) a defect in the eligibility of a person to be an appointed member or ex officio member includes failure to swear acceptance of office.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	83	Designated Officer to give notice of membership	L.N. 77 of 1999	19/03/1999
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The Designated Officer must, within 21 days after receiving notices of acceptance lodged under sections 13 and 17(1), publish in the Gazette the names of persons who have become appointed members and ex officio members and their terms of office.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Section:	84	Designated Officer to give notice of vacancy	L.N. 77 of 1999	19/03/1999
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If a vacancy arises in the membership of an appointed member or ex officio member, the Designated Officer must give notice of the vacancy in the Gazette within 21 days after becoming aware of the vacancy.

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Schedule:	3		E.R. 2 of 2012	02/08/2012
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[sections 5, 8, 9 & 11]

Part 1

Number of Elected Members and Appointed Members

Item	District Council	Number of elected members	Number of appointed members
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5

4.	Kwun Tong District Council	35	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	17	4
10.	Islands District Council	10	4
11.	Kwai Tsing District Council	29	7
12.	North District Council	17	5
13.	Sai Kung District Council	24	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	31	7

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010)

Part 2

Rural Committees in Districts

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
1.	Islands District	Islands District Council	8	Cheung Chau Rural Committee Lamma Island (North) Rural Committee Lamma Island (South) Rural Committee Mui Wo Rural Committee Peng Chau Rural Committee South Lantau Rural Committee Tai O Rural Committee Tung Chung Rural Committee Tsing Yi Rural Committee
2.	Kwai Tsing District	Kwai Tsing District Council	1	
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tau Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwu Ling District Rural Committee
4.	Sai Kung District	Sai Kung District Council	2	Hang Hau Rural Committee Sai Kung Rural Committee
5.	Sha Tin District	Sha Tin District Council	1	Sha Tin Rural Committee
6.	Tai Po District	Tai Po District Council	2	Sai Kung North Rural Committee Tai Po Rural Committee
7.	Tsuen Wan District	Tsuen Wan District Council	2	Ma Wan Rural Committee Tsuen Wan Rural Committee
8.	Tuen Mun District	Tuen Mun District Council	1	Tuen Mun Rural Committee
9.	Yuen Long District	Yuen Long District Council	6	Ha Tsuen Rural Committee Kam Tin Rural Committee Pat Heung Rural Committee Ping Shan Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

(Amended E.R. 2 of 2012)

Chapter:	547	DISTRICT COUNCILS ORDINANCE	Gazette Number	Version Date
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Schedule:	4	FORMS FOR ACCEPTANCE OF OFFICE	L.N. 77 of 1999	19/03/1999
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[sections 13, 17 & 82]

FORM 1

DISTRICT COUNCILS ORDINANCE (Cap 547)

ACCEPTANCE OF OFFICE UNDER SECTION 13

I, *
of *

**affirm/swear that-

- (a) I take the office as an appointed member of the *District Council upon myself and will duly and faithfully fulfill the duties of the office according to the best of my ability;
- (b) I will uphold the Basic Law;
- (c) my allegiance is to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (d) to the best of my knowledge and belief I am not disqualified for appointment and from holding office as an appointed member by virtue of section 14 of the District Councils Ordinance.

**Affirmed/sworn this * day of *

(Signature)

This acceptance was **affirmed/sworn and signed before me, a **Magistrate/Commissioner for Oaths.

(Signature)

* Complete as appropriate.

** Delete whichever is inapplicable.

FORM 2

DISTRICT COUNCILS ORDINANCE (Cap 547)

ACCEPTANCE OF OFFICE UNDER SECTION 17(1)

I, *
of *

**affirm/swear that-

- (a) I take the office as an ex officio member of the *District Council upon myself and will duly and faithfully fulfill the duties of the office according to the best of my ability;
- (b) I will uphold the Basic Law;
- (c) my allegiance is to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (d) to the best of my knowledge and belief I am not disqualified from holding office as an ex officio

member by virtue of section 19 of the District Councils Ordinance.

**Affirmed/sworn this *..... day of *.....

(Signature)

This acceptance was **affirmed/sworn and signed before me, a **Magistrate/Commissioner for Oaths.

(Signature)

* Complete as appropriate.

** Delete whichever is inapplicable.

Chapter:	541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation	Gazette Number	Version Date
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Section:	22	Offences and penalties	E.R. 2 of 2012	02/08/2012
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- (1) Any person who in any-
 - (a) application made under section 4;
 - (b) response to a requirement for particulars or proof made under section 5;
 - (c) response to a requirement made under section 6;
 - (d) reply to an inquiry made under section 7;
 - (e) request made under section 11 or 17;
 - (f) notice of objection; or
 - (g) notice of claim,makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates or persuades another person-
 - (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1);
or
 - (b) to provide information which the first mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (3) Any person who-
 - (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a register;
 - (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling a register;
 - (c) uses or permits another person to use any information relating to a person contained in a register or an extract from a 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 to a fine at level 2 and to imprisonment for 6 months.
- (4) Any person who fails to furnish information in response to a requirement under section 6 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 21(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.
- (6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not

- know or could not have reasonably ascertained or provided the information required of him or her.
- (7) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of-
- (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap 542); (L.N. 254 of 2002)
 - (b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap 547); and (L.N. 284 of 1999; L.N. 254 of 2002)
 - (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (L.N. 254 of 2002)
- (8) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of-
- (a) sections 39 and 40 of the Legislative Council Ordinance (Cap 542); (L.N. 254 of 2002)
 - (b) sections 14, 19, 21 and 24 of the District Councils Ordinance (Cap 547); and (L.N. 284 of 1999; L.N. 254 of 2002)
 - (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap 569) and sections 9 and 18 of the Schedule to that Ordinance. (L.N. 254 of 2002)
- (9) In this section, **election** (選舉) has the meaning assigned to it by section 21(5). (L.N. 254 of 2002)

Chapter:	541B	ELECTORAL AFFAIRS COMMISSION (REGISTRATION) (ELECTORS FOR LEGISLATIVE COUNCIL FUNCTIONAL CONSTITUENCIES) (VOTERS FOR ELECTION COMMITTEE SUBSECTORS) (MEMBERS OF ELECTION COMMITTEE) REGULATION	Gazette Number	Version Date
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Section:	42	Offences and penalties	L.N. 255 of 2002	28/02/2003
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- (1) Any person who in any-
- (a) response to a requirement under section 9 or 10;
 - (b) application made under section 19;
 - (c) specified form on which notice of the appointment, replacement or substitution of an authorized representative is given under section 20;
 - (d) response to a requirement for particulars or proof made under section 21;
 - (e) reply to an inquiry made under section 22;
 - (f) request made under section 26 or 33;
 - (g) notice of objection; (L.N. 200 of 2001)
 - (h) notice of claim; or (L.N. 200 of 2001)
 - (i) notice of appeal, (L.N. 200 of 2001)

makes any statement which the person knows to be false in a material particular or recklessly makes any statement which is incorrect in a material particular or knowingly omits any material particular from such an application, response, reply, request or notice commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(2) Any person who directly or indirectly by himself or any other person on his behalf conspires with, incites, compels, induces, coerces, intimidates, or persuades another person-

- (a) to make a false statement in an application, response, reply, request or notice referred to in subsection (1); or
- (b) to provide information which the first-mentioned person knows to be wrong in a material particular, in an application, response, reply, request or notice referred to in paragraph (a),

commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(3) Any person who-

- (a) reproduces or permits another person to reproduce in any form any particular contained in an entry in a register or an extract from a functional constituencies register, a subsector register or an Election Committee register; (L.N. 200 of 2001)
- (b) uses or permits another person to use any information relating to a person obtained for the purpose of compiling such a register;
- (c) uses or permits another person to use any information relating to a person contained in a register or an extract from such a 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 to a fine at level 2 and to imprisonment for 6 months.

(4) Any person who fails to furnish information in response to a requirement under section 9 or 10 within the period the information is required to be furnished, commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(5) Notwithstanding anything to the contrary in subsection (3), any person who contravenes section 41(3) commits an offence and is liable to a fine at level 2 and to imprisonment for 6 months.

(6) It is a defence in any prosecution under subsection (4) for the person charged to prove that he or she did not know or could not have reasonably ascertained or provided the information required of him or her.

(7) If a corporate body is convicted of an offence under this section, and the offence is proved to have been committed with the consent or connivance of, or was attributable to the neglect or omission on the part of a director, manager, secretary or any other person concerned in the management of the corporate body, the director, manager, secretary or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.

(8) If a partner of a partnership is convicted of an offence under this section and it is proved that the offence was committed with the consent or connivance of, or was attributable to the neglect or omission on the part of any other partner or person concerned in the management of the partnership, the other partner or that other person is liable for the offence and to a fine at level 2 and to imprisonment for 6 months.

(9) An offence under subsection (1) or (2) is to be an offence prescribed for the purposes of-

- (a) sections 31, 39, 40 and 53 of the Legislative Council Ordinance (Cap 542); (L.N. 200 of 2001)
- (b) sections 14, 19, 21, 24 and 30 of the District Councils Ordinance (Cap 547); and (L.N. 307 of 1999; L.N. 200 of 2001)
- (c) sections 14, 20 and 26 of the Chief Executive Election Ordinance (Cap 569) and sections 9, 18 and 30 of the Schedule to that Ordinance. (L.N. 200 of 2001; L.N. 255 of 2002)

(10) An offence under subsection (3) or (5) is to be an offence prescribed for the purposes of-

- (a) sections 39 and 40 of the Legislative Council Ordinance (Cap 542); (L.N. 200 of 2001)
- (b) sections 14, 19, 21 and 24 of the District Councils Ordinance (Cap 547); and (L.N. 307 of 1999; L.N. 200 of 2001)
- (c) sections 14 and 20 of the Chief Executive Election Ordinance (Cap 569) and sections 9 and 18 of the Schedule to that Ordinance. (L.N. 200 of 2001; L.N. 255 of 2002)

(11) In this section, "election" (選舉) has the meaning assigned to it by section 41(5). (L.N. 255 of 2002)

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
Schedule:	1	Provisions Excluded from Application of Section 5 of Ordinance	E.R. 2 of 2012	02/08/2012

[section 2]

Item	Enactment	Provision
1.	(Repealed 16 of 2004 s. 16)	
2-4.	(Repealed L.N. 36 of 2003)	
5.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1), 6 and 8(a) and (b)
6.	(Repealed L.N. 36 of 2003)	
7.	(Repealed L.N. 54 of 2010)	
8.	Immigration Ordinance (Cap 115)	Sections 2AB(2)(a), 2AC(2)(a), 5(6) and (7) and 6(1) and (2) (L.N. 36 of 2003)
9.	Buildings Ordinance (Cap 123)	Sections 17(1)(Column B), 20(2) and 21(2) (L.N. 90 of 2012)
10.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulations 6(1) and 11 (L.N. 90 of 2012)

11.	Building (Planning) Regulations (Cap 123 sub. leg. F)	Regulations 51(1) and 64(1) and (2) (L.N. 90 of 2012)
12-14.	(Repealed L.N. 90 of 2012)	
15-17.	(Repealed L.N. 152 of 2006)	
18.	Town Planning Ordinance (Cap 131)	Sections 16(2), 17(1) and 24(1)
19.	Commercial Bathhouses Regulation (Cap 132 sub. leg. I)	Section 5(1)
20.	Food Business Regulation (Cap 132 sub. leg. X)	Section 32(1)
21.	Frozen Confections Regulation (Cap 132 sub. leg. AC)	Section 18(1)
22.	Milk Regulation (Cap 132 sub. leg. AQ)	Section 15(1)
23.	Offensive Trades Regulation (Cap 132 sub. leg. AX)	Section 9(2)
24.	(Repealed L.N. 152 of 2006)	
25.	Public Cemeteries Regulation (Cap 132 sub. leg. BI)	Section 5(a)
26.	Slaughterhouses Regulation (Cap 132 sub. leg. BU)	Section 10(1)
27.	Swimming Pools Regulation (Cap 132 sub. leg. CA)	Section 5(1)
28.	Places of Public Entertainment Regulations (Cap 172 sub. leg. A)	Regulations 3(1), 5(1) and (2) and 162(1), (3), (4) and (5)
29.	Births and Deaths Registration Ordinance (Cap 174)	Sections 12(2)(b)(i) and (c)(i) and 12A(b)(i) and (c)(i) (8 of 2006 s. 50)
30.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1) and (1B)(a)
31.	Marriage Reform Ordinance (Cap 178)	Section 9(4)(a)
32.	Marriage Ordinance (Cap 181)	Section 14(1)
33.	Aerial Ropeways (Safety) Ordinance (Cap 211)	Section 7
34-36.	(Repealed L.N. 152 of 2006)	
37.	(Repealed L.N. 36 of 2003)	
38.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap 296 sub. leg. A)	Regulations 11(2) and 12(2)
39.	(Repealed L.N. 152 of 2006)	
40.	(Repealed L.N. 215 of 2007)	
41-43.	(Repealed L.N. 152 of 2006)	
44.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulations 12R(1), 17(2) and 20(1) (25 of 2005 s. 41; L.N. 152 of 2006)
45.	(Repealed L.N. 90 of 2012)	
46.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Sections 3(1) and (2) and 4
47-48.	(Repealed L.N. 215 of 2007)	
49-50.	(Repealed L.N. 152 of 2006)	
51.	New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap 495)	Section 5(1) and (2) (L.N. 152 of 2006)
52.	Environmental Impact Assessment Ordinance (Cap 499)	Sections 5(1) and (2), 6(2) and 7(1)(a) (L.N. 84 of 2009; L.N. 90 of 2012)
53.	(Repealed L.N. 152 of 2006)	
54.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Section 5(2) (L.N. 261 of 2000)
55.	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee	Section 21(2) (L.N. 261 of 2000; L.N. 268 of 2001)

	Subsectors) (Members of Election Committee) Regulation (Cap 541 sub. leg. B)	
56.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Sections 5(13) and 8(2)
57.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 23(8) and (12), 25(6) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001)
58.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Sections 5(8) and 8(2)
59.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 26(5) and (9), 28(3) and (12), 45(8) and (10), 66(6) and (9) and 102(4) (L.N. 90 of 2012)
59A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Sections 6(13) and 9(2) (L.N. 268 of 2001)
59B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 23(5) and (9), 25(2), 42(8) and (10) and 64(8) and (10) (L.N. 268 of 2001)
59C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 23)
60.	Legislative Council Ordinance (Cap 542)	Sections 13(1), 14(1), 26(6), 38(3), 40(1)(b) and 42(2) (21 of 2001 s.75)
61.	Registration of Electors (Appeals) Regulation (Cap 542 sub. leg. B)	Section 2(1) and (2)(c)
62.	(Repealed L.N. 268 of 2001)	
63.	District Councils Ordinance (Cap 547)	Sections 15(1), 23(1), 25(1), 34(1)(b), 35(2) and 63(1) and Schedule 5, section 2
64.	Election (Corrupt and Illegal Conduct) Ordinance (Cap 554)	Sections 37(1) and (2) and 37A(4) and (6) (L.N. 167 of 2000; 18 of 2011 s. 50)
65.	Chief Executive Election Ordinance (Cap 569)	Sections 16(2) and (7), 31(1), 33(1) and 34(2) and the Schedule, sections 3(3), 13(6) and 21(2) (21 of 2001 s. 75)
66.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Sections 4(1) and 5(1) and (2)(c) (L.N. 268 of 2001)
67.	Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap 569 sub. leg. B)	Section 3(1) and (2)(c) (L.N. 268 of 2001)
68.	Village Representative Election Ordinance (Cap 576)	Sections 8(1), 10(1), 24 and 26(2) (2 of 2003 s. 68)
69-70.	(Repealed L.N. 152 of 2006)	
71.	(Repealed L.N. 215 of 2007)	
72.	Arbitration Ordinance (Cap 609)	Sections 26(1), 31(7), 32(1)(a) and (3), 33(1), 50, 52, 54(1), 66(2), 67(1), 74(2) and 102(a) (17 of 2010 s. 112)

Chapter:	553B	Electronic Transactions (Exclusion) Order	Gazette Number	Version Date
Schedule:	2	Provisions Excluded from Application of Section 6 of Ordinance	E.R. 2 of 2012	02/08/2012

[section 3]

Item	Enactment	Provision
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1.	Contracts for Employment Outside Hong Kong Ordinance (Cap 78)	Sections 5(1) and 8(a) and (b)
2.	(Repealed L.N. 36 of 2003)	
3.	Immigration Ordinance (Cap 115)	Section 5(4)(b) and (5)(a)(ii) and (b)(ii)
4.	(Repealed 15 of 2004 s. 62)	
5.	Building (Administration) Regulations (Cap 123 sub. leg. A)	Regulation 12(1), (2), (3) and (5) (15 of 2004 s. 62; L.N. 90 of 2012)
6.	Registration of Persons Regulations (Cap 177 sub. leg. A)	Regulation 4(1)
7.	Marriage Ordinance (Cap 181)	Section 6
8.	Legitimacy Ordinance (Cap 184)	Schedule, paragraph 1
9.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E)	Regulation 17(2) (L.N. 152 of 2006)
10.	(Repealed L.N. 90 of 2012)	
11.	Land Drainage (Consent and Approval) Regulation (Cap 446 sub. leg. A)	Section 6
12.	(Repealed L.N. 152 of 2006)	
13.	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap 541 sub. leg. A)	Sections 14(2) and 15(6) (L.N. 261 of 2000)
14.	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)	Sections 19(1)(e), 20(2), (3), (5), (7) and (8), 26(6), 30(2), 31(7), 31A(2) and 33(9) (L.N. 261 of 2000; L.N. 268 of 2001)
15.	Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap 541 sub. leg. C)	Section 5(4)
16.	Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap 541 sub. leg. D)	Sections 10(7) and (8), 11(7) and (8), 20(2), 23(9) and (12), 25(8) and (15), 42(11) and (13) and 66(7) and (10) (L.N. 268 of 2001; 25 of 2003 s. 50; 11 of 2012 s. 24)
17.	Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap 541 sub. leg. E)	Section 5(2)
18.	Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap 541 sub. leg. F)	Sections 12(7) and (8), 20(2), 26(6) and (9), 28(5) and (12), 45(8), 66(6) and (9) and 102(4) (11 of 2012 s. 24)
18A.	Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541 sub. leg. H)	Section 6(4) (L.N. 268 of 2001)
18B.	Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap 541 sub. leg. I)	Sections 7(4), 8(6) and (7), 17(2), 23(6) and (9), 25(4) and (9), 42(8) and (10), 64(8) and (10) and 99(2)(b) (L.N. 268 of 2001; 11 of 2012 s. 24)
18C.	Electoral Procedure (Chief Executive Election) Regulation (Cap 541 sub. leg. J)	Sections 4(1), 9(2), 14(3) and (5), 25(5) and (7), 44(4) and (6) and 80(2) (L.N. 282 of 2001; 11 of 2012 s. 24)
19.	Legislative Council Ordinance (Cap 542)	Sections 13(2), 14(2), 40(2) and 42(2) (21 of 2001 s. 76)
20.	District Councils Ordinance (Cap 547)	Sections 15(2), 23(2), 25(2), 35(2) and 63(2)
21.	Air Navigation (Hong Kong) Order 1995 (Cap 448 sub. leg. C)	Article 28(4) (L.N. 215 of 2007)

22.	Chief Executive Election Ordinance (Cap 569)	Sections 16(3) and (8) and 33(2) and the Schedule, sections 3(4) and 21(2) (21 of 2001 s. 76)
23.	Election Committee (Appeals) Regulation (Cap 569 sub. leg. A)	Section 3(2) (L.N. 268 of 2001)
24.	Village Representative Election Ordinance (Cap 576)	Sections 8(2), 10(2), 24 and 26(2) (2 of 2003 s. 68)
25-26.	(Repealed L.N. 152 of 2006)	
27.	(Repealed L.N. 215 of 2007)	
28.	Arbitration Ordinance (Cap 609)	Section 67(1) (17 of 2010 s. 112)