

Panels on Constitutional Affairs and Home Affairs

Appointed Membership of District Councils

Introduction

This paper sets out the background information in relation to the appointed membership of District Councils.

Composition of District Councils

2. The composition of District Councils is provided for in the District Councils Ordinance, Cap. 547. Section 9 provides that a District Council is to consist of :

- elected members;
- appointed members; and
- (in respect of New Territories districts) ex officio members who are Chairmen of the relevant Rural Committees.

3. Section 11 of the Ordinance further provides that the Chief Executive may appoint as members of a District Council a number of persons not exceeding the number specified in Schedule 3 of the Ordinance. According to Schedule 3, there are to be a total of 400 elected members, a maximum of 102 appointed members, and 27 ex officio members for the second term District Councils. The relevant extracts from the Ordinance are at Annex A.

Appointed Membership

4. A review of district organisations was carried out in 1998. After careful consideration of the views gathered during the public consultation process, the Government proposed that the District Councils should include appointed members. The policy intention was that appointed membership would on average constitute about one-fifth of the total

membership of a District Council. In arriving at this proposal, the main considerations at the time were :

- (a) that appointed membership could provide an additional channel for capable and experienced individuals who were interested in district affairs to serve the community; and
- (b) that appointed members could help reflect the views of different sectors in the districts and could contribute to discussions in the District Councils.

5. The proposal was incorporated in the District Councils Bill, which was passed by the Legislative Council in March 1999. For the first term District Councils, there were a total of 390 elected members, 102 appointed members, and 27 ex officio members. For the second term District Councils (the term of which will commence on 1 January 2004), the number of elected seats is increased to 400; the number of appointed and ex officio seats remains unchanged.

Criteria for appointment

6. Section 12 of the District Councils Ordinance provides that a person is eligible for appointment as a member of a District Council if the person –

- (a) has reached 21 years of age;
- (b) is an elector;
- (c) is not disqualified from voting at an election;
- (d) is not disqualified from being an appointed member by virtue of section 14 or any other law (extract of section 14 is at Annex B); and
- (e) has ordinarily resided in Hong Kong for the three years immediately preceding the appointment.

7. Before appointing a person to a District Council, the Government takes into account his ability, experience, professional qualifications and background, commitment to serve the public, integrity

and public service record. In addition, candidates who have not been elected in the 2003 District Council election will not be appointed.

8. A list of the names and political affiliations of District Council members appointed in the first term, as at 2 December 2003, is at Annex C. Members would wish to note that the political affiliations indicated in the Annex are as declared by members themselves.

9. For the second term DC appointments, the Government is in the process of drawing up a list of nominations for consideration by the Chief Executive. The list of appointed DC members will be gazetted after a decision has been made.

10. Before making the appointments, the Chief Executive will take into account the policy intention of the appointment system and the general criteria for appointment.

Review of District Councils

11. The Government is aware that there are different opinions in the community on the appointed membership of District Councils. The Government has already undertaken to conduct, after the 2003 District Council election, a review on the roles, functions and composition of the District Councils. The issue of appointed membership will be included in the review. We will consult the public widely in the process.

Constitutional Affairs Bureau
December 2003

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Extracts from the District Councils Ordinance

9. 區議會由民選議員、委任議員及當然議員組成

(1) 區議會由以下人士組成——

- (a) 民選議員；及
- (b) 委任議員；及
- (c) (如屬為有)一個或多於一個鄉事委員會的地方行政區設立的區議會)在不抵觸第(2)款及第17、18及19條的規定下，每個該等鄉事委員會的主席在出任主席的期間擔任當然議員。

(2) 如任何在附表3第II部第5欄所指明的鄉事委員會的負責區域橫跨多於一個地方行政區，則就第(1)(c)款而言，該鄉事委員會即視為處於該部第2欄與其相對之處所指明的地方行政區內。

(3) 在附表3第II部第5欄所指明的每個鄉事委員會的主席，均有資格根據第(1)(c)款成為該部第3欄與有關鄉事委員會相對之處所指明的區議會的當然議員。

(4) 第(2)及(3)款及附表3第II部均不損害任何其他規管鄉事委員會的法律。

11. 由行政長官委任議員及委任議員的任期

(1) 行政長官可委任區議會議員，人數不得超過附表3第I部第4欄就有關區議會指明的數目。

(2) 在不抵觸第13條的規定下，委任議員自委任書所指明的日期起任職，並於委任書舉行下一屆一般選舉所在年份的12月31日離任。

9. District Councils to consist of elected members, appointed members and ex officio members

(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 II 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 II 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 II of Schedule 3 are without prejudice to any other law governing Rural Committees.

11. Chief Executive to appoint members and how long appointed members are to hold office

(1) The Chief Executive may appoint as members of a District Council a number of persons not exceeding the number specified in column 4 of Part I of Schedule 3 in relation to that District Council.

(2) Subject to section 13, an appointed 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.

[ss. 5, 8, 9 & 11]

SCHEDULE 1

PART I

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	34	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wau Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Teim Mong District Council	16	4
10.	Islands District Council	7 (8) ^a	4
11.	Kwai Tsing District Council	28	7
12.	North District Council	16	5
13.	Sai Kung District Council	17 (20) ^a	5
14.	She Tin District Council	35	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Yuen Mun District Council	29	7
18.	Yuen Long District Council	25 (29) ^a	7

(Amended 33 of 2002 s. 10)

[第 5、8、9 及 11 條]

附表 1

第 1 部

民選議員及委任議員的數目

項	區議會	民選議員的數目	委任議員的數目
1.	中西區區議會	15	4
2.	東區區議會	37	9
3.	九龍城區議會	22	5
4.	觀塘區議會	34	8
5.	深水埗區議會	21	5
6.	南區區議會	17	4
7.	灣仔區議會	11	3
8.	黃大仙區議會	25	6
9.	油尖旺區議會	16	4
10.	離島區議會	7 (8) ^a	4
11.	葵青區議會	28	7
12.	北區區議會	16	5
13.	西貢區議會	17 (20) ^a	5
14.	沙田區議會	36	9
15.	大埔區議會	19	5
16.	荃灣區議會	17	5
17.	屯門區議會	29	7
18.	元朗區議會	25 (29) ^a	7

(由 2002 年第 33 號第 10 條修訂)

PART II

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 Tung Yi Rural Committee
2.	Kwai Tsing District	Kwai Tsing District Council	1	Tung Yi Rural Committee
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tin Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwo 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.	Tuen Wan District	Tuen Wan District Council	2	Ma Wan Rural Committee Tuen 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	Jin Tuen Rural Committee Kau Tin Rural Committee Jai Heung Rural Committee Ming Shan Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

第 II 部

地方行政區內的鄉事委員會

項	地方行政區	鄉事委員會	鄉事委員會數目	鄉事委員會名稱
1.	離島區	離島區議會	8	長洲鄉事委員會 南丫島北區鄉事委員會 南丫島南區鄉事委員會 梅窩鄉事委員會 坪洲鄉事委員會 大嶼山南區鄉事委員會 大嶼山鄉事委員會 東龍鄉事委員會
2.	葵青區	葵青區議會	1	青衣鄉事委員會
3.	北區	北區區議會	4	粉嶺區鄉事委員會 沙田角區鄉事委員會 上水區鄉事委員會 打鼓嶺區鄉事委員會
4.	西貢區	西貢區議會	2	坑口鄉事委員會 西貢鄉事委員會
5.	沙田區	沙田區議會	1	沙田鄉事委員會
6.	大埔區	大埔區議會	2	元朗北鄉事委員會 大埔鄉事委員會
7.	荃灣區	荃灣區議會	2	馬灣鄉事委員會 荃灣鄉事委員會
8.	屯門區	屯門區議會	1	屯門鄉事委員會
9.	元朗區	元朗區議會	6	廣村鄉事委員會 錦川鄉事委員會 八鄉鄉事委員會 屏山鄉事委員會 新山鄉事委員會 十八鄉鄉事委員會

* 註：(2002 年選舉法 (修訂) 條例) (2002 年第 33 號) 第 10 條，本則予以修訂，在該(則)中——

- (a) 在第 10 條的(3)中，廢除“7”而代以“8”；
- (b) 在第 13 條的(3)中，廢除“17”而代以“20”；
- (c) 在第 18 條的(3)中，廢除“23”而代以“29”。

生效日期——

- (1) 除在與於 2003 年舉行的區議會一般選舉的安排可以作出的目的有關的範圍之外，自 2004 年 1 月 1 日起生效；及
- (2) 張在與 1 月 1 日時的有關的範圍之內，自 2002 年 12 月 27 日起生效。

* 區議會一般選舉”則以填補區議會任期屆滿而出現的空缺而舉行的選舉 (見 2002 年第 33 號第 1 條)。

* According to section 10 of the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002 (33 of 2002), 10th Schedule is amended, in Part I——

- (a) in item 10, in column 3, by replacing “7” and substituting “8”;
- (b) in item 13, in column 3, by replacing “17” and substituting “20”;
- (c) in item 18, in column 3, by replacing “23” and substituting “29”.

These amendments shall come into operation——

- (1) on 1 January 2004 except in so far as they relate to the purpose of enabling arrangements to be made for the holding of the District Council ordinary election in 2003; and
- (2) on 27 December 2002 only in so far as they relate to that purpose.

* District Council ordinary election” means election to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils (see 33 of 2002 s. 1).

Section 14 of District Councils Ordinance (Chapter 547)

(1) A person is disqualified for appointment and from holding office as an appointed member, if the person-

- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
- (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; or
- (c) has been convicted of treason; or
- (d) without limiting paragraph (b), where the term of office is to begin within 5 years after the date of the person's conviction, has been convicted, or is convicted after the beginning of the term of office-
 - (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; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) 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
- (g) is 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. (Amended 33 of 2002 s. 5)

(2) An appointed member is also disqualified from holding office 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. (Amended 33 of 2002 s. 5)

(3) Subsection (2) 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. (Amended 33 of 2002 s. 5)

(4) Subject to subsection (6), an appointed 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.

(5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

(7) An appointed member is also disqualified from holding office if the person was not eligible for appointment as a member under section 12.

Appointed District Council Members (2000-2003)
(as at 2.12.2003)

English Name	Political Affiliations
Mr CHAN Chung-bun, Bunny	Independent
Ms CHAN Ka-mun, Carmen	Independent
Mr CHAN Kwai-sang	Independent
Ms CHAN Lim-chee, Amy	Independent
Mr CHAN Tung	Independent
Mr CHAN Wu-ching	Independent
Dr CHAN Yan-chong	Independent
Mr CHAU Chun-wing, William	Independent
Mr CHAU How-chen	Independent
Mr CHEUNG Chee-chuen	Independent
Mr CHEUNG Ho-ming	Democratic Alliance for Betterment of HK
Mr CHEUNG Yan-hong	Independent
Hon CHEUNG Yu-yan, Tommy	Liberal Party
Mr CHIU Yu-hei	Independent
Mr CHU King-yuen	Independent
Mr CHU Moon-shing	Independent
Dr CHUI Hong-sheung	Independent
Ms FUNG Choi-yuk	Democratic Alliance for Betterment of HK
Mr HIEW Chin	HK Progressive Alliance
Ms HO On-nei	Liberal Party
Mr IP Shing-hing	New Century Forum
Ms IP Shun-hing	Democratic Alliance for Betterment of HK
Mr JIM Fun-hin, Michael	HK Progressive Alliance
Dr KAN Wing-kay	New Century Forum
Mr KO Kam-cheung	Independent
Ms KO Po-ling	Independent
Mr KWOK Chun-wah, Jimmy	Independent
Mr KWONG Loi-hing, Kevin	Independent
Mr LAI Shu-ho, Patrick	Independent
Dr LAM Ching-choi	Independent
Mr LAM Kin-lai	HK Progressive Alliance
Mr LAM Kit-sing	Independent
Mr LAM Kwok-cheong, Alfred	Independent
Mr LAU Hing-kee	Liberal Party
Mr LAU Hou-ting	Independent
Mr LAU Ip-keung, Kenneth	Independent
Ms LEE Kit-ming	Independent
Ms LEE Ming-pui, Mavis	New Century Forum
Mr LEE Shui-sing, Benedict	HK Progressive Alliance
Mr LEE Shung-tak, Peter	HK Progressive Alliance

Ms LEE Ying, Robena	Independent
Mr LEE Yuen-kwong	Democratic Alliance for Betterment of HK
Mr LEUNG Ying-piu	Independent
Mr LI Hon-hung, Allan	Independent
Mr LI Hon-shing, Michael	Liberal Party
Mr LI Kuo-hsing	Liberal Party
Dr LI Sze-bay, Albert	Independent
Mr LI Yiu-ban	Independent
Mr LIANG Tin (deceased)	HK Progressive Alliance
Mr LIN Mark	Liberal Party
Mrs LING LAU Yuet-fun, Laura	Independent
Mr LIU Wing-ting, Stephen	Independent
Dr LO Chi-keung	Democratic Alliance for Betterment of HK
Mr LO Man-tuen	Independent
Dr LO Wai-kwok	Independent
Mr LOUR Tsang-tsay, Lawrence	Independent
Mr LUI Hok-nang	Independent
Dr LUI SO Yee-lai, Alice	Independent
Mr LUK Luen-fun	Democratic Alliance for Betterment of HK
Mr MALIK, Khan Muhammad	Democratic Alliance for Betterment of HK
Mr NG Yiu-man	Liberal Party
Mr NGAI Kam-fai	HK Progressive Alliance
Mr PONG Chong, Edward	Independent
Mr POON Fat-lam	Independent
Mr POON Huen-wai	Independent
Mr SHI Kai-biu, Simon	Independent
Mr SHING Yuen-hing	Independent
Mr SHUM Choi-sang	Independent
Revd SIK Chi-wai	Independent
Mr SO Hoi-pan, Edinson	Liberal Party
Mr SO Kam-leung, Gregory	Democratic Alliance for Betterment of HK
Mr SUN Kai-lit, Cliff	Liberal Party
Mr SUNG Wai-ching	Independent
Hon TANG Siu-tong	HK Progressive Alliance
Mr TANG Wai-ming	Independent
Ms TING Yuk-chee, Christina	Independent
Mr TSANG Heung-kwan	Independent
Mr TSANG Kee-kung	Independent
Mr TSE Lap-fu, Lawrence	Democratic Alliance for Betterment of HK
Dr TSO Wung-wai	HK Progressive Alliance
Ms TSUI Wai-ling, Carlye	Democratic Alliance for Betterment of HK
Mr WAN Chi-keung, Aaron	Independent
Mr WAN Hok-lim	Independent

Mr WAN Tung-lam, Tony	Independent
Mr WONG Chun, Justein	Independent
Mr WONG Chun-sing, Sam	Independent
Dr WONG Kam-din	Independent
Mr WONG Kuen-wai, William	Independent
Mr WONG Lung-tak, Patrick	Independent
Mr WONG Man-chiu, Ronnie	Independent
Ms WONG Pik-kiu, Peggy	Democratic Alliance for Betterment of HK
Mr WU Chor-nam	Independent
Hon WU King-cheong, Henry	Independent
Mr WU Kwok-cheung	HK Progressive Alliance
Mr YEUNG Pak-sing	New Century Forum
Mr YEUNG Wai-sing	HK Progressive Alliance
Mr YEUNG Yuk-chiu	Independent
Mr YING Yu-hing	Independent
Mr YIP Fong-keung, Christ	Independent
Mr YOUNG Siu-chuen, Albert	Independent
Miss YU Lai-fan	Democratic Alliance for Betterment of HK
Prof ZEE Sze-yong, Shane	Independent

Total: 102 members

Note: The political affiliations were declared by members themselves.