

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

EY1111

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.