

Revisions proposed by Members are highlighted in yellow.
Revisions proposed by the Home Affairs Department are highlighted in green.
Revisions proposed by the Secretariat in respect of Members' proposals and some other revisions are highlighted in blue.

Annex

Southern District Council Standing Orders

A. GENERAL

1. (1) A member may address meetings of the District Council (the Council) in either Cantonese or English.
- (2) The Secretary of the Council shall arrange simultaneous interpretation service from Chinese into English, and vice versa, at meetings of the Council as far as practicable, wherever necessary.
- (3) Wherever necessary, papers submitted to the Council shall be prepared in both Chinese and English as far as practicable.
- (4) If the orders in Section Q contradict with the orders in other sections such as those on the preparation of agenda, the manner of moving a motion, the passage of a motion and the conduct of a meeting, the orders in Section Q shall prevail.
- (5) In the Standing Orders, unless otherwise specified, a member of the Council refers to any member of the Council, including the Chairman and Vice Chairman; a member of the committees of the Council refers to any member of the committees, including the chairmen and vice chairmen of the committees and those who are members of the Council; a member of the working groups of the Council refers to any member of the working groups, including the chairmen and vice chairmen of the working groups. In the Standing Orders, unless otherwise specified, words and expressions importing the masculine gender include the feminine and neuter genders.

- (6) In the Standing Orders, clear working days are exclusive of Saturdays, Sundays, public holidays, the day on which the notice is issued and the day on which the meeting is held.
- (7) In the Standing Orders, an absolute majority of votes means more than half of the valid votes cast excluding abstentions. **A simple majority vote means the highest number of valid votes exceeds the second-highest number of valid votes, excluding abstentions.**
- (8) To reflect the representativeness of the Council as a popularly elected body, ex-officio members have no voting right at meetings of the Council.**
- (9) Any amendment to the Standing Orders shall obtain the consent of more than two-thirds of the members of the Council holding office for the time being.**

B. ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE COUNCIL

2. Election of Chairman and Vice Chairman

(Section 62 of the District Councils Ordinance (Chapter 547))

- (1) A District Council is to elect a Chairman and a Vice Chairman from amongst its members at the first meeting of the Council held after each ordinary election.**
- (2) The first meeting referred to in Order 2(1) must be held within the period of 30 days after the term of office of the members elected at the ordinary election begins.**
- (3) Subject to Order 2(2), the District Officer must decide the time, date and place of the first meeting and notify the members.**
- (4) The District Officer must preside at the first meeting of a District Council until the Chairman and Vice Chairman are elected.**

(5) **Subject to Order 4(1), the Chairman and Vice Chairman are to hold office as long as they are members of the Council.**

(6) **A person cannot hold office as the Chairman and Vice Chairman at the same time.**

3. Resignation of Chairman or Vice Chairman

(Section 63 of the District Councils Ordinance)

(1) **The Chairman or Vice Chairman may at any time resign from his or her office as such by giving written notice of resignation to the District Officer. If the Chairman resigns, he or she shall inform the Vice Chairman and the Secretary of the Council; if the Vice Chairman resigns, he or she shall inform the Chairman and the Secretary of the Council. In both cases, the Secretary of the Council shall inform members of the Council of the resignation.**

(2) **A notice of resignation is not effective unless it is signed by the Chairman or Vice Chairman concerned, as the case may be.**

(3) **A notice of resignation takes effect -**

(a) on the date on which the notice is received by the District Officer;

or

(b) if a later date is specified in the notice, on that later date.

4. When office of Chairman or Vice Chairman becomes vacant
(Section 64 of the District Councils Ordinance)

- (1) **If the Chairman or Vice Chairman dies or resigns or the member holding office as the Chairman or Vice Chairman ceases to be a member, the office of the Chairman or Vice Chairman, as the case may be, becomes vacant.**
- (2) **If the office of Chairman or Vice Chairman becomes vacant, the members must elect a Chairman or Vice Chairman, as the case may be, from amongst themselves at the first meeting of the District Council after the office becomes vacant.**
- (3) **If the office of Chairman and Vice Chairman both become vacant, the District Officer must preside at the meeting held for the purpose of electing the Chairman and Vice Chairman, until the Chairman and Vice Chairman are elected.**
- (4) **If the office of Chairman becomes vacant, and the Vice Chairman is nominated for the office of Chairman, the District Officer must preside at the meeting held for the purpose of electing the Chairman (until the Chairman is elected).**
- (5) *If the office of Vice Chairman becomes vacant, the Chairman cannot contest the election for that office.*
- (6) *If the office of the Chairman becomes vacant, the Vice Chairman can contest the election for that office while retaining his or her Vice Chairmanship. If elected, the Vice Chairman must resign from the office of Vice Chairman in accordance with section 62(6) of the District Councils Ordinance. The office of the Vice Chairman will then become vacant and an election for Vice Chairman shall be held **at the next meeting.***

5. Procedures for Election of Chairman or Vice Chairman
(Section 65 of the District Councils Ordinance)

- (1) **The election of Chairman and Vice Chairman must be held in accordance with the voting procedure set out in Schedule 5 of the District Councils Ordinance (Appendix I).**
- (2) The election of Chairman and Vice Chairman must be held in accordance with the procedure set out at Appendix II.

C. DUTIES OF CHAIRMAN AND VICE CHAIRMAN OF THE COUNCIL
(Section 66 of the District Councils Ordinance)

6. (1) **The Chairman is to preside at meetings of the District Council.**
- (2) **The Vice Chairman is to perform the duties of the Chairman (including presiding at meetings) if the Chairman is unable to act, is absent or if the office of the Chairman becomes vacant.**
- (3) **If both the Chairman and Vice Chairman are absent from a meeting, the members present are to elect a member from amongst themselves to preside at the meeting.** Such member shall be elected by simple majority consent and preside at the meeting as a temporary Chairman. The District Officer shall preside at the meeting until the temporary Chairman is elected.
- (4) Any member elected as Chairman under Order 6(3) above shall have all the powers conferred by the Standing Orders on the Chairman for the purpose of presiding at meetings.

- (5) The Chairman shall approve the agenda of a meeting of the Council and shall ensure that the agenda items are compatible with the functions of the Council as stipulated in section 61 of the District Councils Ordinance.

D. SECRETARY OF THE COUNCIL (appointed in accordance with section 69(1) of the District Councils Ordinance)

7. (1) The Secretary shall prepare the agenda, allocate a time slot for each agenda item and set out the maximum number of speeches and duration for each speech in the discussion or debate on an agenda item in respect of a member for each forthcoming meeting of the Council for approval by the Chairman, and shall send the approved agenda and relevant papers to all members. Unless otherwise agreed by the Chairman or by the Vice Chairman in the absence of the Chairman, the notice of a meeting, the agenda and relevant papers shall be issued to members six clear working days before the meeting.
- (2) In case the Chairman and Vice Chairman for whatever reason are both unable to approve an agenda in time for a meeting, the Secretary shall call for discussion items and papers for the meeting at the earliest opportunity (normally not less than 14 clear working days in advance of the meeting) and prepare the agenda accordingly. Such items or papers shall be withdrawn from the agenda if written objections from more than half of the members of the Council are received by the Secretary three clear working days before the meeting.
- (3) The Secretary shall prepare the minutes of the proceedings of the Council. The minutes shall record the attendance (including arrival and departure times) of members, matters discussed and decisions taken. The minutes shall be uploaded to the homepage of the Council except for the closed-door sessions of meetings.

- (4) The Secretary shall prepare audio records of the proceedings of the Council. The audio records should be uploaded to the homepage of the Council except for the closed-door sessions of meetings, in which case, prior consent of the Council must be sought.
- (5) The Secretary shall prepare an annual attendance register recording details of attendance of members at regular meetings and special meetings. The updated register on a quarterly basis, together with the annual attendance registers of previous years, shall be uploaded to the homepage of the Council for public inspection. Samples of attendance registers are at Appendix VI(a) and Appendix VI(b).

E. MEETINGS OF THE COUNCIL

8. The Chairman shall convene a meeting of the Council at least once every two months or where a meeting is requested by half or more than half of the members of the Council. Where the request is made by less than half of the members, the Chairman shall decide whether a meeting shall be convened.
9. The Council shall meet at such date, time and place as the Chairman may determine.
10. Where Tropical Cyclone Signal No.8 or above, or Black Rainstorm Signal is issued by the Hong Kong Observatory or where such warning remains in force within two hours from a meeting, the meeting shall be postponed automatically until further notice. If Tropical Cyclone Signal No.8 or above is issued in the course of a meeting, the meeting should be adjourned forthwith. If Black Rainstorm Signal is issued in the course of a meeting, the Chairman shall decide whether the meeting shall continue.

11. The Chairman may, with the consent of a majority of the members present, declare a meeting of the Council adjourned. The Chairman may announce the duration of adjournment at the meeting if considered appropriate.

12. (1) **The quorum of a District Council is not less than half the members of the Council holding office for the time being.** (Section 70 of the District Councils Ordinance)

- (2) If a quorum is not present at the commencement of the meeting or in the course of a meeting, the Chairman shall direct the Secretary to summon those members of the Council not present. If after 15 minutes a quorum is not present, the Chairman shall adjourn the meeting forthwith.

13. (1) Under Order 6(5), any member of the Council, government department, statutory or public body who wishes to raise an item or present a paper on an item for discussion at a meeting is required to give the Secretary a notice in writing with relevant papers 10 clear working days before the meeting. The Chairman may approve a shorter notice if considered appropriate.

- (2) If a number of members wish to raise an item or present a paper on an item for discussion at the same meeting, unless approved otherwise by the Chairman or by the Vice Chairman in the absence of the Chairman, the Secretary shall allocate the slots for discussion according to how many times the members concerned raise an item in previous meetings. Normally, priority will be given to members who have not raised an item or have raised fewer items. If the numbers of items raised by the members concerned are equal, the allocation will be determined by drawing lots.

(3) Subject to the consent of more than half of the members of the Council present at the meeting, the Chairman may at the commencement and in the course of the meeting approve the inclusion of an item in the agenda or adjustment of the order of business on the agenda.

(4) The Council shall formulate plans to allow members of the public to raise issues for discussion at meetings of the Council.

(45) Members of the Council shall not at the meeting of the Council discuss any matter not included in the agenda.

(56) Unless approved otherwise by the Chairman or by the Vice Chairman in the absence of the Chairman, members who move a proposal (but not a motion) (including the proposers and the seconders) may speak for up to totally 5 minutes to present or sum up the proposal, while all members (including those who raise the proposal) may speak up to 3 minutes during discussion of the proposal. Members who are speaking may request the Chairman to suspend the timer. The Chairman shall decide on the request.

(67) Subject to the consent of the Council to his or her application of absence (normally, the Council shall only give consent to application of absence filed on the grounds listed at Order 51(1)), the member who moved a proposal (but not a motion) may appoint in writing another member to introduce the proposal on his or her behalf with permission of the Chairman.

14. A public officer or representative of a statutory or public body may, with the permission of the Chairman, verbally raise a matter or present a paper for discussion at a meeting of the Council in accordance with the procedures stipulated in Order 13.

15. (1) The Chairman may invite any person, including **but not limited to** a public officer or representative of a statutory or public body to attend a meeting of the Council.
- (2) If a person attending or observing a meeting of the Council acts in such a way as to disrupt the orderly conduct of business of the meeting, the Chairman may issue warnings to the person. The Chairman may order the person to leave the place of the meeting if the person persists with such acts despite warnings.
- (3) In the course of a meeting of the Council, all persons attending or observing the meeting at the place of the meeting shall switch off all devices which may emit sound and shall not use any telecommunication devices for conversation.

F. MOTIONS

16. (1) A motion shall be put in writing and signed by the member concerned. The Chairman shall decide whether to accept the motion or not based on the following principles:
- (a) its subject matter and content must be compatible with the functions of the Council; and
 - (b) its subject matter and terms should be meaningful, and not redundant with the content of any other motion accepted for discussion.
- (2) The decision of the Chairman on orders 16(1)(a) & (b) shall be final.

17. (1) A member who wishes to move a motion is required to give the Secretary notice 10 clear working days before a forthcoming meeting unless otherwise agreed by the Chairman.

(2) If a member wishes to move a provisional motion, he shall explain in writing why he is unable to give the 10 clear working days' notice in accordance with the Standing Orders and its urgency (e.g. the member concerned learns of the subject only within 10 clear working days before the forthcoming meeting). The Chairman shall then decide whether the provisional motion should be accepted in accordance with Order 16.

(23) If a number of members wish to move a motion at the same meeting, unless approved otherwise by the Chairman or by the Vice Chairman in the absence of the Chairman, the Secretary shall allocate the slots for the motions according to how many times the members concerned move an motion in previous meetings. Normally, priority will be given to members who have not moved a motion or have moved fewer motions. If the numbers of motions put in by the members concerned are equal, the allocation will be determined by drawing lots.

18. (1) The Chairman shall put a motion to the meeting of the Council for discussion after it has been moved and seconded. In case there is no seconder, the motion shall fail and not be discussed by the Council.

(2) Unless approved otherwise by the Chairman or by the Vice Chairman in the absence of the Chairman, members who move a motion (including the proposers and the seconders) may speak for up to totally 5 minutes to present or sum up the proposed motion, while all members (including those who move the motion) may speak up to 3 minutes during discussion of the motion. Members who are speaking may request the Chairman to suspend the timer. The Chairman shall decide on the request.

- (3) The Chairman may, according to the circumstances of the meeting, determine the time allowed for introduction and discussion of a motion; and where appropriate, combine similar motions for discussion at the same time.
- (4) Where there is more than one motion on the same issue, they should be decided upon in the order they have been moved, i.e. motions put in earlier will be voted first.
19. After a motion has been put to the meeting for discussion, any member (except the members who moved and seconded the motion) may move to amend the motion or second the motion.
20. Voting on an amendment to motion must be conducted prior to that of the original motion. If there is more than one motion to move amendments, they should be dealt with in the order they have been moved, i.e., motions put in later will be voted first.
21. The Chairman shall determine whether a motion accepted for amending the original motion constitutes a direct negation of the original motion. If this is the case, upon the passage of an amendment to motion, no further voting on the original motion shall be required.
22. No motion shall be withdrawn unless with the ~~unanimous~~ consent of two-thirds of the members present (excluding abstentions).
23. Subject to the consent of the Council to his or her application of absence (normally, the Council shall only give consent to application of absence filed on the grounds listed at Order 51(1)), the member who moved the motion but is unable to attend the meeting may appoint in writing another member to move and introduce the motion on his or her behalf with the approval of the Chairman.

24. (1) A motion to adjourn debate on a motion or discussion of an item by the Council may be moved by the Chairman or a member who has neither moved, seconded **nor** spoken on any motion on that item. In case such a motion is defeated, a second motion for such adjournment may be moved in a similar manner after further discussion.
- (2) Where the Council has made a decision on a subject matter, no further discussion on the matter shall be proposed within six months unless with the consent of the Chairman or more than half of the members of the Council, except for the debate of a motion adjourned under Order 24(1).

G. STATEMENTS AND QUESTIONS

25. Any statement and question made at or put to a meeting of the Council must be compatible with the functions of the Council.
26. A question put to a public officer or any person invited to attend meetings of the Council shall be in writing.
27. A member who wishes to ask any question at a meeting is required to send it to the Secretary 10 clear working days before the meeting. A shorter notice may be approved by the Chairman in exceptional circumstances.
28. A member may ask not more than three supplementary questions relevant to the original question at a meeting unless agreed by the Chairman.

29. Unless agreed otherwise by the Chairman, a member who wishes to make a written statement at a meeting shall send it to the Secretary 10 clear working days before the meeting. Unless agreed otherwise by the Chairman, a member who wishes to make an oral statement shall ensure –
- (1) a notification in writing is submitted at least 3 clear working days before the meeting;
 - (2) the statement should be relevant to the subjects under discussion at the meeting concerned;
 - (3) each member can make only one oral statement for each agenda item; and
 - (4) each oral statement shall not last more than three minutes.
30. A member who is unable to attend a meeting but wishes to ask a question or make a statement in his or her name, may appoint in writing another member to do so on his or her behalf with the approval of the Chairman.

H. VOTING

- 31 (1) *Any matter raised at a meeting or by circulation of papers shall be determined by an absolute majority of votes if it is to be decided by ballot.*
- (2) **Subject to Order 31(3), at a meeting of a District Council, the Chairman, or other member presiding under Order 6(2) or 6(3), is to have an original vote and a casting vote if the votes are equal.** (Section 67(1) of the District Councils Ordinance)
- (3) **A member presiding at a meeting for the purpose of electing a Chairman or Vice Chairman does not have a casting vote.** (Section 67(2) of the District Councils Ordinance)
32. Where a motion or an item is to be decided by ballot, the Chairman shall order the Council to proceed to open ballot in the event of such request being raised.

I. COMMITTEES (appointed in accordance with section 71 of the District Councils Ordinance)

33. (1) **A District Council may appoint committees for the purpose of carrying out its functions and may delegate any of its functions to a committee.**

(2) The Council shall determine the membership, terms of reference and tenure of office of its committees. ~~The total number of committees under the Council should be between four and seven.~~ When considering the number of committees, the Council will take into account the manpower of the Secretariat and discuss the manpower arrangements with the Secretariat.

(3) Unless having been disqualified according to Order 34(6), a member of the Council may apply to join a committee at any time during his term of office.

34. (1) **A District Council may appoint to a committee any person who is not a member of a Council if the person satisfies the qualifications set out in section 20(1) and Appendix III of the District Councils Ordinance.**

App III

(2) The procedures for nomination and appointment of co-opted members of a committee under Order 34(1) are at Appendix III. The total number of co-opted members appointed must not exceed the total number of members of the Council. The number of members appointed to each committee shall not more than five.

(3) The number of co-opted members appointed in each committee must not exceed half of the number of members of the committee.

(4) Each co-opted member shall serve on one committee only.

(5) The Council may invite experts or consultants to attend and participate in a meeting as appropriate.

(56) If a member of a committee (a member of the Council or a co-opted member) cannot attend the meeting of a committee because of (a) sickness (including illness arising out of pregnancy); (b) attendance at another meeting or activity on behalf of the Council; (c) attendance at another meeting or activity of the Legislative Council or an advisory body or organisation appointed by the State or the Government; (d) fulfilling civic obligations as required by the law, e.g. serving as a juror or acting as a witness in a trial; or (e) where applicable, either confinement (for a meeting scheduled within a period of up to 14 weeks inclusive of a period of two weeks or more, but less than four weeks before the expected date of confinement and a period of 10 weeks or more, but less than 12 weeks after the actual date of confinement) or assumption of paternal care following childbirth (for a meeting scheduled within a period of up to five days inclusive of the actual date of confinement of his spouse or partner), he or she shall notify the secretary of the committee by using the notification form at Appendix VII or other written forms of notice before the meeting. The committee shall only accept his or her application of absence filed on the grounds listed above. A member will automatically be disqualified from being member of the committee in the remaining term of office if he or she fails to obtain the consent of the committee for absence from three consecutive meetings of the committee.

App VII

35. (1) **A committee of a District Council shall elect members of the committee who are also members of that Council, as the chairman and vice chairman of the committee.**
- (2) The Chairman of the Council shall preside at the **first**-meeting of a committee ~~held after each ordinary election of the Council~~ until the chairman and vice chairman of that committee are elected.

- (3) The chairman of a committee shall preside at meetings of the committee. If the chairman of a committee is unable to attend a meeting of the committee, the vice chairman shall preside at the meeting. If both the chairman and vice chairman are absent for a meeting, the members present shall elect from amongst themselves by a simple majority vote a temporary chairman to preside at the meeting. The temporary chairman shall have all the powers conferred on the chairman by the Standing Orders for the purpose of presiding at meetings.
- (4) If the chairman of a committee is unable to act, is absent or if the office of the chairman becomes vacant, his duties as listed in this set of Standing Orders will be performed by the vice chairman of that committee. If both the chairman and vice chairman are unable to act, are absent or if the offices of both the chairman and vice chairman become vacant, the functions of the committee concerned will be performed by the Chairman of the Council. However, the Chairman of the Council cannot preside at the meeting of the committee on behalf of the chairman of the committee unless he is elected as the temporary chairman in accordance with Order 35(3).
36. (1) **A member appointed under Order 34(1) may vote at a meeting of the committee and is to be counted for the purpose of constituting a quorum.**
- (2) **People invited to a meeting under Order 34(5) have no voting right at the meeting of the committee and shall not be counted for the purpose of constituting a quorum.**
- (23) *The quorum at any meeting of a committee shall be half of the total number of members of the committee provided that at least half of the members present are members of the Council.*

- (34) The Chairman and Vice Chairman of the Council shall have the right to attend any meeting of a committee. Their presence shall not be counted for the purpose of constituting a quorum unless they are members of the committee.
37. (1) The procedures stipulated in Orders 7 to 11, 12(2) and 13 to 32 shall also apply to committees unless otherwise determined by a committee and approved by the Council.
- (2) The minutes of meeting of a committee shall record the discussion in a clear and concise manner as far as practicable on a named basis unless otherwise determined by a committee in exceptional cases (for example, a motion or a ballot). The minutes and audio records of meeting should be uploaded to the homepage of the Council except for the closed-door sessions of meetings.
38. (1) A committee appointed by a Council shall provide regular report on their work to the Council at intervals as determined by the Council.
- (2) Subject to Order 24(2), discussion on any matter which has been decided upon by a committee may be revived at meetings of the Council or the relevant committee with the consent of more than half of the members of the Council or the relevant committee.

J. WORKING GROUPS

39. (1) A Council and its committees may appoint working groups to assist in carrying out specified function within their purview.
- (2) Subject to Orders 40 and 41, a Council and its committees should determine the number, names, membership, terms of reference and tenure of office of the working groups.

(3) Unless having been disqualified according to Order 45, a member of the Council may apply to join a working group at any time during his term of office.

(34) The chairman of a working group shall be a member of the Council. Subject to the approval of the Council and the committee concerned, a working group may elect one of its member who is also a member of the Council to be the vice chairman of the working group.

40. (1) The number of “standing working groups” appointed under the Council and each of its committee should not exceed four at the same period of time.

(2) The tenure of a “standing working group” appointed under Order 40(1) should be more than eight months.

(3) Subject to the consent of the Council, a committee may appoint more than three “standing working groups” provided that the total number of “standing working groups” under the Council and its committees shall not exceed three times the total number of the committees.

(4) Members of a “standing working group” shall be either a member of the Council or a co-opted member appointed under Order 34(1), among which at least half of them shall be members of the Council.

(5) The quorum of a “standing working group” shall be no less than one-third of the total number of its members. At least half of the members present shall be members of the Council.

(6) Subject to the consent of the chairman, a person who is not a member of the “standing working group” may be invited to attend the meetings. His or her presence should not be counted for the purpose of constituting a quorum.

41. (1) A District Council or its committees may appoint “non-standing working groups” to assist in delivering short-term tasks within its purview. Members of a “non-standing working group” shall be either a member of the Council or a co-opted member appointed under Order 34(1), among which at least half of them shall be elected members of the Council.
- (2) The tenure of a “non-standing working group” shall not exceed eight months.
42. Unless otherwise determined by a working group, the procedures stipulated in Orders 9 to 11, 12(2), 13 to 32, 35(3) and 36(34) also apply to “standing working groups”.
43. Unless otherwise determined by a working group for exceptional cases (for example, if it concerns a motion or a voting), the minutes of meetings of a working group should be brief and concise and should record the discussion on a named basis. They shall be uploaded to the homepage of the Council except for the closed-door sessions of meetings.
44. Any decision made by a working group shall ~~not~~ be regarded as the decision of the Council unless with the endorsement being opposed by the Council or the committee concerned.

45. If a member of a working group (a member of the Council or a co-opted member) cannot attend the meeting of a working group because of (a) sickness (including illness arising out of pregnancy); (b) attendance at another meeting or activity on behalf of the Council; (c) attendance at another meeting or activity of the Legislative Council or an advisory body or organisation appointed by the State or the Government; (d) fulfilling civic obligations as required by the law, e.g. serving as a juror or acting as a witness in a trial; or (e) where applicable, either confinement (for a meeting scheduled within a period of up to 14 weeks inclusive of a period of two weeks or more, but less than four weeks before the expected date of confinement and a period of 10 weeks or more, but less than 12 weeks after the actual date of confinement) or assumption of paternal care following childbirth (for a meeting scheduled within a period of up to five days inclusive of the actual date of confinement of his spouse or partner), he or she should notify the secretary of the relevant working group by using the notification form at App VII Appendix VII or other written forms of notice before the meeting. The working group shall only accept his or her application of absence filed on the grounds listed above. A member will automatically be disqualified from being member of the working group in the remaining term of office if he or she fails to obtain the consent of the working group for absence from three consecutive meetings of the working group.

K. DETERMINATION OF MATTERS BY CIRCULATION OF PAPERS

46. (1) If a matter calls for an urgent decision or advice of the Council or any committee, or if discussion of the matter cannot be postponed until the next meeting of the Council or the relevant committee, the Secretary of the Council or the secretary of the committee shall consult the Chairman of the Council or the chairman of the relevant committee, and subject to his or her consent, circulate the papers to all other members of the Council or the relevant committee seeking their views or endorsement within a specified period.

(2) If more than one-third of the serving members demand to discuss the matter, the Chairman of the Council or the chairman of the relevant committee shall arrange for a meeting to discuss the matter.

47. (1) Subject to Order 47(2), a resolution sought to be approved by circulation of papers must be approved in writing within a specified period by way of an absolute majority (i.e. more than half) of the members of the Council or the relevant committee, as the case may be, who have expressed in writing a view on the resolution. For the avoidance of doubt, the number of such written replies received must exceed half of the number of members of the Council or the relevant committee.
- (2) In the case of an application for financial assistance, or any other matters associated with the District Council Funds, approval obtained by circulation of papers must be received from not less than two-third of the members of the Council or the relevant committee, as the case may be, excluding those who have abstained from expressing in writing a view on the matter.

L. DECLARATION OF INTEREST

48. (1) Except for the purpose of making registration of personal interests under Order 48(3), every member of the Council shall, within one month from the commencement of each term, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)

App IV

- (2) Except for the purpose of making registration of personal interests under Order 48 (3), every member of a committee under the Council shall, within one month from the date of his or her becoming a member of the committee, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)

App IV

- (3) A new member of the Council or its committees shall, within one month from the date of his or her becoming a member of the Council/committee to fill a vacant seat, furnish the Secretary of the Council with particulars of his or her registrable interests by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)

App IV

- (4) A member of the Council or its committees shall furnish the Secretary of the Council with particulars of any changes in his or her registrable interests within 14 clear working days of any such change by using the registration form provided by the Secretary. (A sample form is at Appendix IV.)

App IV

- (5) “Registrable interests” mentioned in this Order shall include -
- (a) remunerated proprietorships, partnerships or directorships of companies, public or private, including all proprietorships, partnerships and directorships for which a fee, honorarium, allowance or other material benefit is payable;
 - (b) remunerated work, including employments, offices, trades or professions for which a salary, honorarium, allowance or other material benefit is payable;
 - (c) the names of companies or other bodies registered in Hong Kong in which the member of the Council or its committees has, either himself or herself or with or on behalf of his or her spouse or infant children, a beneficial interest in shareholdings of a number greater than one-hundredth of the total number of issued shares;

- (d) financial sponsorships received by a member in his or her capacity as a member of the Council or its committees, or by his or her spouse from any person or organisation (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect);
 - (e) visits or travels outside Hong Kong made by a member in his or her capacity as a member of the Council or its committees, or by his or her spouse relating to or arising out of his or her membership of the Council or its committees where the cost of any such visit or travel has not been wholly borne by the member or public funds (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect);
 - (f) land and property held in Hong Kong directly or indirectly;
 - (g) the names of clients (to whom a member of the Council or its committees renders personal services arising out of or relating to any manner to his or her membership of the Council or its committees, and hence from whom the member receives a fee, honorarium, allowance or other material benefit); and
 - (h) other declarable interests.
- (6) The Secretary of the Council shall cause those particulars of the registered personal interests of the members to be entered in a register, which shall be made available for inspection by any person during office hours. The Registration Form on Personal Interests of Members of the Council or Its Committees will also be uploaded to the homepage of the Council for public viewing.

(7) The Chairman of the Council should, when he or she finds a personal interest in an item proposed on to the meeting agenda, surrender his or her power on deciding the inclusion of the item in the agenda to the Vice Chairman of the Council; and when both the Chairman and Vice Chairman of the Council find a personal interest in an item proposed on to the meeting agenda, the inclusion of the item in the agenda should be decided at the commencement of the meeting by all members present at the meeting (excluding the Chairman and Vice Chairman of the Council who have disclosed interests and other members of the Council who have disclosed interests according to Order 48(9)). (Members of the Council and its committees may refer to the Guidelines for a Two-tier Reporting System formulated by the Home Affairs Bureau with the assistance of the Independent Commission Against Corruption at Appendix V.)

App V

(8) The chairman of a committee/working group should, when he or she finds a personal interest in an item proposed on to the meeting agenda, at the commencement of the meeting let all members present at the meeting (excluding the chairman of the committee/working group who has disclosed interests and other members of the committee/working group who have disclosed interests according to Order 48(9)) decide whether the item should be included in the agenda.

(9) If a member of the Council or its committees/working groups has any direct personal or pecuniary interest in any matter under consideration by the Council or its committees/working groups, he or she must, after he or she has become aware of it, disclose such to the Council or its committees/working groups prior to the discussion of the item.

- (10) Any member of the Council or its committees **working groups** shall declare interests before dealing with matters on tender, quotation and the District Council Funds if he or she finds he or she has any pecuniary or other interests in such matters or has any links with the benefited party or potential benefited party.
- (11) The Chairman of the Council shall decide whether a member of the Council (other than the Chairman of the Council) disclosing an interest in a matter may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If the Chairman of the Council discloses an interest in a matter, the Vice Chairman of the Council shall decide whether the Chairman may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If both the Chairman and the Vice Chairman of the Council disclose an interest in the same matter, all members present at the meeting (excluding the Chairman and Vice Chairman of the Council who have disclosed interests and other members of the Council who have disclosed interests according to Order 48(9)) shall decide whether the Chairman and the Vice Chairman may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.

- (12) The chairman of a committee **working group** shall decide whether a member of the committee **working group** (other than the chairman of the committee **working group**) disclosing an interest in a matter may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. If the chairman of a committee **working group** discloses an interest in a matter, all members of the committee **working group** present at the meeting (excluding the chairman of the committee **working group** who has disclosed interests and other members of the committee **working group** who have disclosed interests according to Order 48(9)) shall decide whether the chairman of the committee **working group** may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (13) If the Chairman of the Council declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by the Vice Chairman. If both the Chairman and the Vice Chairman declare an interest in the same matter under consideration, the chairmanship may be temporarily taken over by a temporary Chairman elected in accordance with Orders 6(3) and 6(4) above.
- (14) If the chairman of a committee **working group** declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a temporary chairman appointed in accordance with Order 35(3) above.
- (15) When the Secretary of the Council or its committees **working groups** finds that a member of the Council or its committees **working groups** has direct pecuniary interests in a matter under consideration, the Secretary shall refer this to the Chairman of the Council or the chairman of the relevant committee **working group** who shall then decide whether relevant papers shall be sent to the member concerned. Where a member of the Council or its committees **working groups** is in receipt of a paper for **discussion consideration** which he or she knows presents direct conflict of interest, he or she shall immediately inform the Secretary of the Council or the relevant

committee/working group and return the paper.

- (16) All cases of declaration of interests shall be recorded in the minutes of the meeting, stating the nature of interest declared, the decision of the meeting and the rationale behind the decision as appropriate.
- (17) A member of the Council or its committees/working groups who fails to comply with the Standing Orders on declaration of interests may be admonished or reprimanded by the Council and such admonishment or reprimand shall be recorded in the minutes of the meeting.

M. ADMISSION OF THE PUBLIC TO MEETINGS

49. (1) Unless the Chairman of the Council on the advice of members determines otherwise, any meeting of the Council or any part of such a meeting shall be open to the public (including the media).
- (2) Unless the chairman of a committee/working group on the advice of its members determines otherwise, any meeting of the committee/working group or any part of such a meeting shall be open to the public (including the media).
- (3) If in the opinion of the Chairman of the Council or the chairman of a committee/working group, a member of the public observing a meeting of the Council or the committee/working group misbehaves in such a way as to disrupt the orderly conduct of the business of the Council or the committee/working group, and persists with such acts despite warnings, the Chairman of the Council or the chairman of the committee/working group may order the person to leave the place of the meeting forthwith.

(4) In the course of a meeting of the Council or its committees **working groups**, all members of the public observing the meeting must switch off all devices which may emit sound and shall not use any telecommunication devices for conversation.

50. Matters discussed in the closed-door sessions of meetings of the Council or its committees **working groups** may be disclosed to the public (including the media) by either the Chairman of the Council or the chairmen of the committees **working groups** or any other member authorised by the Council or its committees **working groups**, in accordance with the direction of the Council or its committees **working groups**.

N. ABSENCE FROM MEETINGS OF THE COUNCIL

51. (1) If a member of the Council cannot attend a meeting of the Council because of (a) sickness (including illness arising out of pregnancy); (b) attendance at another meeting or activity on behalf of the Council; (c) attendance at another meeting or activity of the Legislative Council or an advisory body or organisation appointed by the State or the Government; (d) fulfilling civic obligations as required by the law, e.g. serving as a juror or acting as a witness in a trial; or (e) where applicable, either confinement (for a meeting scheduled within a period of up to 14 weeks inclusive of a period of two weeks or more, but less than four weeks before the expected date of confinement and a period of 10 weeks or more, but less than 12 weeks after the actual date of confinement) or assumption of paternal care following childbirth (for a meeting scheduled within a period of up to five days inclusive of the actual date of confinement of his spouse or partner), he or she is required to notify the Secretary by using the notification form at Appendix VII or other written forms of notice before the meeting. The Secretary shall inform the Council of the notification and the Council shall decide at the commencement of the meeting whether his or her application of absence should be accepted. The Council shall only accept his or her application of absence filed on the grounds listed above. The Council shall not accept any application of absence after the meeting.

- (2) **A member is disqualified from holding office as a member for the remainder of his or her term of office or, in the case of ex officio members, until the members elected at the next ordinary election commence their term of office, if he or she does not attend meetings of the Council for four consecutive months (“disqualifying period”) without obtaining the consent of the Council before the end of that period.** (Sections 14(4), 19(4) and 24(5) of the District Councils Ordinance) The aforementioned “meetings” do not include meetings of a committee or working group under the Council.
- (3) **The disqualifying period under Order 51(2) begins on the day following the date of the meeting of the Council at which the member is first absent without consent.** (Sections 14(5), 19(5) and 24(6) of the District Councils Ordinance)
- (4) **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.** (Section 14(6), 19(6) and 24(7) of the District Councils Ordinance) The aforementioned “meetings” do not include meetings of a committee or working group under the Council.

O. DISTRICT COUNCIL LOGO

52. The District Council Logo is reserved for use by the Council and its Secretariat in connection with official District Council business. Individual members should use the logo on publicity materials he uses to promote his work on District Council’s business. A member wishing to adopt the District Council Logo for other purposes should obtain prior approval from the Council. The Logo must be only used for official purposes related to the business of the Council in order to preserve the image of the Council. The Council may by resolution issue guidelines from time to time governing the use of the District Council Logo.

P. OBSERVANCE OF ORDERS

53. The Chairman of the Council shall ensure observance of all the Standing Orders. His or her decision on a point of order shall be final.

Q. DISCIPLINE REGARDING BREACH OF THE CODE OF CONDUCT FOR MEMBERS OF A DISTRICT COUNCIL OR ITS COMMITTEES

54. A motion to warn (or reprimand) a member of the Council or its committees who has breached the Code of Conduct for Members of a District Council or Its Committees shall require the signatures of not less than three-fourths of all members of the Council. Such a motion shall only be moved as follows:

“That is the Council, warns (or reprimands) (name) **(the act)** for breach of **(Provision)** **under** the Code of Conduct for Members of the Council or Its Committees.”

The Code of Conduct for Members of A District Council or Its Committees is at App VIII Appendix VIII.

55. The Chairman shall include a motion moved under Order 54 in the agenda of the meeting of the Council and put forward the motion for discussion at the meeting.
56. No amendment or adjournment on debate shall be moved to a motion moved under Order 54. The notice of a motion moved under Order 54, if any, may be withdrawn before the motion is moved only if all the members in whose name the motion stands consent to doing so.
57. The passage of a motion moved under Order 54 shall require a majority votes from not less than three-fourths of all members of the Council. No member is allowed to appoint a proxy to vote on such a motion.

58. The Council shall discuss a motion moved under Order 54 in a closed-door session.

Notes:

- Text in bold are those adopted relevant from the provisions of the District Councils Ordinance (DCO)
- Text in italics and underlined are those which the Administration considered necessary for inclusion in the District Councils Standing Orders in the course of legislating the DCO as well as the stipulations made in the Declaration of Interests by members of Public Councils, Boards and Committees (Guidelines for a two-tier Reporting System) drawn up by HAB with the assistance of the ICAC

Southern District Council Secretariat

November 2018 January 2020

**Voting Procedure for Election of the District Council Chairman and Vice Chairman
in accordance with Schedule 5 of the District Councils Ordinance (Chapter 547)**

- 1. The election of Chairman and Vice Chairman is to be conducted by one or more secret ballots held amongst those present and entitled to vote at the election and according to Schedule 5 of the District Councils Ordinance.**
- 2. Nominations must be in writing. A member must be nominated by at least one other member and the nomination must be subscribed by at least 2 other members (not including the member nominating the candidate).**
- 3. Nominations may be given at any time up to the time when the person presiding at the meeting calls for the closing of nominations. The nominated person must indicate the person's consent to the nomination and acceptance, if elected, of the office to which the person is nominated.**
- 4. If the office of Chairman and Vice Chairman are both vacant, the same person can be nominated and consent to nomination for both offices. If the same person is so nominated, the election of the Chairman is to take place first and then the election of the Vice Chairman. If a person nominated for both offices, is elected the Chairman, that person is taken to have withdrawn from the election of Vice Chairman when the result of the first election is declared.**
- 5. Subject to section 6, if only one candidate is nominated for the office of Chairman, the candidate is treated as having been elected Chairman. If only one candidate is nominated for the office of Vice Chairman, the candidate is treated as having been elected Vice Chairman.**
- 6. If the same person is nominated for the office of Chairman and Vice Chairman and no other person is nominated for either of the offices, that person is to be treated as having been elected Chairman.**
- 7. A candidate who receives an absolute majority of votes is elected.**
- 8. If there are 2 or more candidates for the office of Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.**
- 9. If there are 2 or more candidates for the office of Vice Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.**
- 10. If, either in relation to the election of Chairman or to the election of Vice Chairman, a further ballot is held under section 8 or 9 and the candidates for the Chairman or Vice Chairman, as the case may be, receive an equal number of votes,**

the candidates draw lots to determine which candidate is elected for the office of Chairman or Vice Chairman, as the case may be.

- 11. If there are 2 or more candidates for the office of Chairman and no candidate receives an absolute majority of votes —**
 - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;**
 - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.**
- 12. If there are 2 or more candidates for the office of Vice Chairman and no candidate receives an absolute majority of votes—**
 - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;**
 - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.**
- 13. If a separate ballot is held under section 11(b) or 12(b), and in either case the same candidates receive an equal number of votes, the candidates for the relevant office draw lots to determine who retires following which a further ballot is held for the remaining candidates.**
- 14. In this Appendix, “an absolute majority of votes” means that the candidate receives more than half of the valid votes cast excluding abstentions.**

**Procedure for the Election of
District Council Chairman and Vice Chairman**

Preamble

1. Sections 62 and 64(2) of the District Councils Ordinance provide for the election of a Chairman and a Vice Chairman of a District Council.
2. The voting and other administrative arrangements for the election of a Chairman and a Vice Chairman of a District Council are set out as follows.

General

3. After each ordinary election, the District Officer must decide the date, time and place of the first meeting of the Council and distribute nomination forms (Sample at Annex A) to the members and invite nominations for the election of a Chairman and a Vice Chairman of that Council.

Annex A

Nomination and Withdrawal

4. All members of the Council can nominate among themselves candidates for election as Chairman or Vice Chairman of the Council.
5. Nominations must be in writing. A member must be nominated by at least one other member and the nomination must be subscribed by at least 2 other members (not including the member nominating the candidate). Each member can nominate or subscribe only one candidate for election as Chairman; and the same member can also nominate or subscribe only one candidate for election as Vice Chairman. No member can nominate or subscribe himself or herself.
6. The person presiding at the meeting will give advance notice that nominations will close one hour before the meeting commences. The original nomination form must be given in person by the member to the District Officer or the designated staff at the relevant District Office up to the close of nominations. If the meeting is to elect both the Chairman and the Vice Chairman, the election of the Chairman will take place first and then the election of the Vice Chairman. The person nominated for Chairman or Vice Chairman must indicate his or her consent to the nomination and acceptance, if elected, of the office to which he or she is nominated.
7. A candidate may only withdraw his/her candidature before the close of nominations. Only in this situation may such candidate's proposer and subscribers propose or subscribe another candidate for the same office.

Conduct of Election

8. The District Officer must preside at the first meeting of a District Council held after each ordinary election until the Chairman and Vice Chairman are elected. If the offices of Chairman and Vice Chairman both become vacant, the District Officer must

preside at the meeting held for the purpose of electing the Chairman and Vice Chairman, until the Chairman and Vice Chairman are elected. If the office of the Chairman becomes vacant, and the Vice Chairman is nominated for the office of Chairman, the District Officer must preside at the meeting held for the purpose of electing the Chairman.

9. At the election meeting of the Council, the person presiding at the meeting shall distribute a ballot paper to each member of the Council at the meeting showing the names of all validly nominated candidates in the order of their Hong Kong Identity Card Number. A sample of a ballot paper is at Annex B.

Annex B

10. The elections of Chairman and Vice Chairman shall be conducted according to Schedule 5 of the District Councils Ordinance (Appendix I) by one or more secret ballots held amongst those present and entitled to vote at the elections.

App I

11. A member may vote if he or she is present before the ballot is closed. The person presiding at the meeting shall declare a ballot as being closed at the expiry of the specified voting time or after the last member has voted, whichever happens first. Members arriving after such a declaration has been made cannot vote for that round of ballot. If there is a further ballot, they can then vote.
12. Immediately after the casting of all votes at each ballot, the person presiding at the meeting shall count the valid votes cast for each candidate in the presence of all members at the meeting, who shall have the right to inspect the votes cast if they wish.
13. The person presiding at the meeting shall declare the candidate who gains the absolute majority or who wins in the drawing of lots to be elected as Chairman or Vice Chairman of the Council, as the case may be.
14. In case the validity of any ballot paper cast is disputed, the person presiding at the meeting shall decide whether a fresh ballot should be held. The decision of the person presiding at the meeting on the validity of the votes cast is final.

Sample

NOMINATION FORM

ELECTION OF CHAIRMAN/VICE CHAIRMAN* FOR THE
..... DISTRICT COUNCIL

DATE OF ELECTION

NAME OF CANDIDATE (IN BLOCK LETTERS)
.....

	Name in English and Chinese	Signature
Proposer		
Subscriber		
Subscriber		

Date :

I
No. (Name in block letters), (Hong Kong Identity Card
), accept the above nomination and the above office if
elected.

Signature

Date : _____

* Delete as appropriate

Sample

BALLOT PAPER

ELECTION OF CHAIRMAN/VICE CHAIRMAN* FOR THE
..... DISTRICT COUNCIL
DATE OF ELECTION

No.	Name of Candidate	Please affix the specified chop“✓” against the name of candidate of your choice in the space on the right hand side (Vote for one candidate only)
1		
2		
3		
4		

* Delete as appropriate
[Note: At the back of each ballot paper, there is a chop of the relevant District Office to certify that it is the original true copy.]

**Procedures for the Nomination
and Appointment of Co-opted Members**

Nomination

1. **A District Council may appoint to a committee any person who is not a member of that Council to serve as co-opted member of the committee if the person satisfies the qualifications set out in section 20(1) of the District Councils Ordinance.** (Section 71(2) of the District Council Ordinance.) A declaration form to be signed by the nominee to this effect is at Annex.
2. *The number of co-opted members appointed to a committee must not exceed half of the members of the committee.*
3. The total number of co-opted members appointed to all committees of a Council must not exceed the total number of its members.
4. In accordance with the instruction of the Council, the Secretary of the Council shall notify all members of the Council as soon as practicable the deadline for the nomination of persons, who are not members of a District Council, to serve as co-opted members on the committees.
5. No person can be co-opted into the committees without the consent of the Council. The Council may, if it so wishes, set up a vetting committee to consider the nominations and short-list the nominees for final approval by the Council.
6. Each co-opted member may serve on one committee only.

Annex

Tenure of Office

7. The Council shall determine the tenure of office of the co-opted members who shall be eligible for re-appointment for further terms with the approval of the Council.

Criteria for Nomination and Selection of Co-opted Members

8. The selection process should be fair and impartial.
9. Each member of the Council should nominate one person only.
10. Each nominee shall be recommended to be a co-opted member of one committee only even though he receives nomination for more than one committee.
11. Where possible, the nominee should be a member of the local community who actively involves in community work, including but not limited to members of the Area Committees, owners' corporations or mutual aid committees for instance.
12. Representatives of functional constituencies or professionals should be enlisted as far as possible.

13. The staff of the Legislative Council or District Council members' offices should not be nominated.
14. Unsuccessful candidates of the latest District Council election should not be nominated.
15. The tenure of a co-opted member should not be more than six consecutive years (starting with the appointment in 2010 without retrospective effect).

**APPOINTMENT OF CO-OPTED MEMBERS OF COMMITTEES UNDER
THE DISTRICT COUNCIL**

**NOMINEE'S DECLARATION OF QUALIFICATION
(to be completed by the nominee)
(Please refer to the Notes in completing the declaration form)**

Section A: Personal Particulars

Name in English: _____ (Surname) _____ (Given name)

Name in Chinese: _____ **Sex:** _____ **Age:** _____

Affiliations to Political Parties/Political Groups (Optional): _____

Occupation/Profession (Optional): _____

<p>Current Employment (Optional):</p> <table border="1"><thead><tr><th>Company / Organisation</th><th>Post Title</th><th>Nature of Business</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Company / Organisation	Post Title	Nature of Business			
Company / Organisation	Post Title	Nature of Business				
<p>Education Level (Optional):* Primary / Secondary / Post-Secondary / University / Others: _____</p> <p>Schools Attended (Optional): _____</p>						
<p>Qualifications Attained (Optional): _____</p>						
<p>Community Service (Optional): _____</p>						

***Delete where inappropriate**

Section B: Declaration (*Please refer to the Notes in completing the declaration form)

1. I hereby declare that I am qualified under sections 71(2) and 20(1) of the District Councils Ordinance for nomination for a co-opted member of the _____ Committee under the _____ District Council. In this regard, I provide the following information :-

- (a) I have reached 21 years of age;
- (b) I am a registered elector;
- (c) I am not disqualified from voting at an election; and
- (d) I have ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.

2. I declare that to the best of my knowledge and belief I am not disqualified from being nominated as a candidate or elected as an elected member by reason of any disqualification contained in section 21 of the District Councils Ordinance. (Please refer to Note 1)

3. I declare that despite the provision under section 71(4) of the District Councils Ordinance that a co-opted member has the right to vote, I will not vote on matters relating to the committee during my tenure of office.

Name of Nominee : _____ (Chinese) Identity Card Number: _____
_____ (English)

Date: _____ Nominee's Signature: _____

**Notes on Completion of Declaration Form
(Nomination of Co-opted Members of the District Council)**

NOTE 1

In accordance with sections 2, 20(1), 21, 30 and 71(2) of the District Councils Ordinance, the interpretation of “prescribed public officer”, the eligibility to be nominated as a candidate, the disqualifications from being nominated as a candidate or from being elected as an elected member, the disqualifications of an elector from voting at an election and the procedure to appoint to a committee a person who is not a member of the District Council are provided as follows -

2. Interpretation

“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;**

20. Who is eligible to be nominated as a candidate

- (1) A person is eligible to be nominated as a candidate at an election only if the person -**
 - (a) has reached 21 years of age; and**
 - (b) is an elector; and**
 - (c) is not disqualified from voting at an election; and**
 - (d) is not disqualified from being nominated as a candidate or elected as an elected member by virtue of section 21 or any other law; and**
 - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.**

21. *When person is disqualified from being nominated as a candidate and from being elected as an elected member*

(1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected 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) on the date of nomination, or of the election, is serving a sentence of imprisonment; or**
- (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-**
 - (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**
- (f) is ineligible to be a candidate or to be elected as an elected member because of the operation of this Ordinance or any other law; or**
- (g) is a representative or a salaried functionary of the government of a place outside Hong Kong; or**
- (h) 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**
- (i) 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.**

(2) A person is also disqualified from being nominated as a candidate at an election 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, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

(3) A person is also disqualified from being elected as an elected member 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, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

30. *When an elector is disqualified from voting at an election*

An elector is disqualified from voting at an election if the elector -

- (a) has ceased to be eligible to be registered as an elector under the Legislative Council Ordinance (Cap. 542); or**
- (b)-(d) (Repealed 7 of 2009 s.9)**
- (e) 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; or**
- (f) is a member of the armed forces of the Central People's Government or any other country or territory.**

71. *District Council may appoint committees*

(2) A District Council may appoint to a committee any person who is not a member if the person satisfies the qualifications set out in section 20(1).

NOTE 2

Nominees may wish to note the following with regard to the personal data supplied in this form -

- (a) Purpose of Collection**
The personal data and other related information supplied in a declaration form will be used by the District Council and the Home Affairs Department for nomination related purposes.
- (b) Access to Personal Data**
Nominees have the right to request access to, and to request the correction of, the personal data which they have supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance.
- (c) Enquiry**
Enquiries regarding the personal data collected by means of this form, including the making of access and corrections, should be addressed to the concerned District Council Secretariats.

**DISTRICT COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

**Registration Form on Personal Interests of
Members of a District Council or Its Committees**

Please read the guidelines below before completing this registration form.

Guidelines on Registration of Personal Interests

- (1) Order 48 of the District Council Standing Orders provides for the registration of personal interests of a member of the Council or its committees. Members of the Council or its committees shall carefully read the relevant provisions.
- (2) Order 48(6) provides for the maintenance of a register of members' personal interests (the register) by the Secretary of the Council.
- (3) The main purpose of the register is to provide information of any pecuniary interest or other material benefit which a member of the Council or its committees receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Council or its committees, or actions taken in his or her capacity as a member of the Council or its committees. Members of the Council or its committees are required to have this general purpose in mind when determining what interests should be properly declared.
- (4) Members of the Council or its committees are not required to disclose the amount of any remuneration or benefit they may have, nor the interests of spouses or children, except in certain circumstances relating to material benefits and shareholdings.
- (5) When reporting particulars of registrable interests under Orders 48(1), 48(2) or 48(3), members of the Council or its committees should complete and sign the registration form and then submit the entire set of the form to the Secretary of the Council. Members may provide information on extra sheets of paper if they find the space in this form insufficient. However when reporting particulars of any change in registrable interests in accordance with Order 48(4), members of the Council or its committees may simply complete and sign the relevant part(s) of the registration form and then submit it (them) to the Secretary, instead of submitting the entire set of the form.
- (6) Under Order 48(6), registration forms completed by members of the Council or its committees shall be available for public inspection. Any person may also make copies of the forms at the Secretariat of the Council upon payment of a fee. The registration form will also be uploaded to the homepage of the District Council for public viewing.

- (7) Members of the Council or its committees should comply with the requirements for registration of personal interests. Registering the interests as required should be regarded as representing a reasonable, minimum requirement and, as such, it is up to members of the Council or its committees, if they think it right and relevant, to disclose interests beyond those specified.
- (8) It is left to individual members of the Council or its committees to give the required information and be responsible for what is recorded about himself or herself in the register, as each member is answerable to his or her fellow members and the public.
- (9) A member of the Council or its committees is not required to register benefits such as the honorarium and operating expenses reimbursement known to be made available without discrimination to all members of the Council or its committees.

(10) The publication of the registration of the interests provided by members of the District Council/its committees does not imply any approval or endorsement of the contents thereof by the Government of the Hong Kong Special Administrative Region (the Government) or its officers and the Council, and neither the Government and its officers nor the Council assumes any responsibility for such contents.

Category 1 – Remunerated Proprietorships, Partnerships and Directorships

1(1). Do you have any remunerated proprietorships, partnerships and directorships of companies, public or private, including all proprietorships, partnerships and directorships for which a fee, honorarium, allowance or other material benefit is payable?

Yes No (Please ✓ where appropriate)

If yes, please list the name and nature of business of the company in each case in the table below.

- Notes:**
- (a) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium * of a member of the Council (* excluding various allowances/expenses reimbursement covering expenses incurred by his or her work as a member of the Council and medical allowances); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (b) Remunerated proprietorships, partnerships and directorships of both local and overseas companies are registrable.
 - (c) Remunerated proprietorships, partnerships and directorships through corporate proprietors, partners and directors are also registrable.
 - (d) Where you are a remunerated proprietor, partner or director of a company, all subsidiary or associated proprietorships, partnerships and directorships which you hold within the same group, whether remunerated or not, should also be registered.
 - (e) Holding company has the same meaning as in section 13 of the Companies Ordinance (Cap. 622) which specifies that –
 - “ (1) For the purposes of this Ordinance, a body corporate is a holding company of another body corporate if—
 - (a) it controls the composition of that other body corporate's board of directors;
 - (b) it controls more than half of the voting rights in that other body corporate; or
 - (c) it holds more than half of that other body corporate's issued share capital.
 - (2) For the purposes of this Ordinance, a body corporate is also a holding company of another body corporate if it is a holding company of a body corporate that is that other body corporate's holding company.”
- By virtue of section 13(2) reproduced above, company A is a holding company of company C if company A is the holding company of company B which in turn is the holding company of company C. In other words, both companies A and B are holding companies of company C. The names of all holding companies of a company of which a member is a remunerated director should be registered.

Details

Name of company	
- Nature of business of the company	
- Capacity (Please ✓ where appropriate)	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others (please specify) _____
- Names of all holding companies, if any, of the company	

(If you have more remunerated proprietorship, partnership and directorships to register, please use the additional sheet provided after this page.)

Signature: _____ Date: _____

Category 1 – Remunerated proprietorships, partnerships and directorships
1(1) (cont'd)

Name of District Council: _____ Name of Member: _____

Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	
Name of company	
- Nature of business of the company	
- Capacity <i>(Please ✓ where appropriate)</i>	<input type="checkbox"/> Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> Director <input type="checkbox"/> Others <i>(please specify)</i> _____
- Names of all holding companies, if any, of the company	

(Please make a copy of this sheet if necessary, and sign on every such sheet.)

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 2 – Remunerated Employment, Offices, etc.

2(1). Are you receiving any remuneration from any remunerated work, including employments, offices, trades or professions for which a fee, honorarium, allowance or other material benefit is payable (apart from membership of the District Council)?

Yes **No** *(Please ✓ where appropriate)*

If yes, please list the details of the employment, office, trade or profession in each case in the table below.

- Notes:**
- (a) An employment, office, trade or profession is “remunerated” where a fee, honorarium, allowance or other material benefit is payable.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium * of a member of the Council (* excluding various allowances/expenses reimbursement covering expenses incurred by his or her work as a member of the Council and medical allowances); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) “Remunerated offices” include “remunerated” public offices.
 - (d) Members of the Council or its committees who have paid posts as consultants or advisers should indicate the nature of the consultancy in the registration form, for example, “management consultant”, “legal adviser”, etc.

Details

Name of the remunerated employment, office, trade or profession	Nature of business of the firm

(If you have more remunerated employment, office, trade or profession to register, please use the additional sheet provided after this page.)

Signature: _____ **Date:** _____

Name of District Council: _____ Name of Member: _____

Category 3 – Shareholdings

3(1). Do you have (either yourself or with or on behalf of your spouse or infant children) beneficial interests in shares in any company registered in Hong Kong or other body of a number greater than 1% of the total number of issued shares of the company or body?

Yes **No** (Please ✓ where appropriate)

If yes, please list the details in each case in the table below.

- Notes:**
- (a) There is no need to register the size, or value of the shareholdings.
 - (b) “Shareholdings” is defined as personal shareholdings and does not include shareholdings held by a member of the Council or its committees in the capacity as a nominee shareholder.
 - (c) It is the obligation of a member of the Council or its committees to register interests which to his or her knowledge fall under this category.
 - (d) Shareholdings held by the spouse of a member of the Council or its committees are not registrable unless such holdings are known to the member, and are held by the member “with or on behalf of” his spouse. This guideline is also applicable to shareholdings in respect of a member’s infant children.

Details

Name of the company	Nature of business of the company

(If you have more shares to register, please use the additional sheet provided after this page.)

Signature: _____ Date: _____

Category 4 – Financial Sponsorships

4. In your capacity as a member of the Council or its committees, have you or your spouse received any financial sponsorships from any person or organisation which in any way relates to your membership of the Council or its committees (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect)?

Yes No (Please ✓ where appropriate)

- Notes:**
- (a) A member of the Council or its committees is expected to make the necessary enquiries of his or her spouse in order to make a full and timely return on the registration of interests relating to financial sponsorships.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium* of a member of the Council (*excluding various allowances/expenses reimbursements covering expenses incurred by his or her work as a member of the Council and medical allowance); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) Any material benefit or advantage received *gratis* or at a price below that generally available to members of the public.
 - (d) Where a company is named as sponsor, please indicate briefly the nature of its business.
 - (e) Regarding the financial sponsorships received from a political organisation^(*) to which a member belongs, it will suffice if a member registers only financial sponsorships directly received from his or her political organisation. Such registrable interests include cash subsidy of HK\$5,000 or above each month. Members having regard to their own knowledge of the circumstances shall consider whether acceptance of a particular financial sponsorship contravenes the provisions of the Prevention of Bribery Ordinance (Cap. 201).

* The definition of “political body” is the same as that in the Societies Ordinance (Cap. 151). The relevant definition in the Societies Ordinance is reproduced as follows:

- “Political body” means:
- (i) a political party or an organisation that purports to be a political party; or
 - (ii) an organisation whose principal function or main object is to promote or prepare a candidate for an election.

If yes, please give details.

Name of District Council: _____ Name of Member: _____

Category 5 – Overseas Visits

5. In your capacity as a member of the Council or its committees, have you or your spouse made any overseas visits or travels outside Hong Kong relating to or in any way arising out of your membership of the Council or its committees where the cost of the visit or travel has not been wholly borne by yourself or by public funds of Hong Kong (stating whether any such sponsorships include any payment or any material benefit or advantage to the member or his or her spouse, whether direct or indirect)?

Yes No (Please ✓ where appropriate)

If yes, please list the details in the table below.

- Notes:**
- (a) A member of the Council or its committees is expected to make the necessary enquiries of his or her spouse in order to make return on the registration of interests relating to overseas visits.
 - (b) When registering visits or travels outside Hong Kong under this category, please provide relevant information of visits or travels about dates, countries or regions, purposes, names of the sponsors, reason for participation and nature of the interest received (please specify whether the interest relates to the provision of passage, accommodation and/or subsistence allowance). An interest under this category shall be registered within 14 clear working days of the conclusion of the visit or travel.

Details

Name(s) of the sponsor(s)	
Date(s) of the visit	
Country(countries) or place(s) to visit	
Purpose of the visit	
Reasons for participation in the visit	
Nature of interest received (Please specify whether the interest relates to the provision of passage, accommodation, and/or subsistence allowance)	

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 6 – Land and Property

6. Do you directly or indirectly hold any land or property in Hong Kong?

Yes No (Please ✓ where appropriate)

- Notes:**
- (a) It is suffice to register the general nature of the land or property owned by a member of the Council or its committees. Details such as address are not required. Please write, for example, “own a commercial property in the Western Constituency of Central and Western District”, “own a residential property in the Mong Kok Constituency of Yau Tsim Mong District” or “own an industrial property in the Kwai Fong Constituency of Kwai Tsing District”.
 - (b) There is no need to register the only or principal residence in Hong Kong which a member of the Council or its committees owns and ordinarily lives in unless he or she also derives income from it.
 - (c) Land or property are registrable where a member of the Council or its committees has an autonomous right of disposition or has any pecuniary interest deriving from it. Registrable interests include land or property owned by the member in his or her own name, or held indirectly such as through a company or through another person. In the case of holding through a company, the interest is registrable where the member has control of the company or owns more than 50% of the shareholdings in it. In the case of holding through another person, the interest is registrable where the member may dispose of the land or property through that person or derive any pecuniary interest from it. Land or property held by a member as trustee and in which the member has no autonomous right of disposition (e.g. as a nominee, trustee or custodian) need not be registered.

Signature: _____ Date: _____

Name of District Council: _____ Name of Member: _____

Category 7 – Clients

7(1). Have you rendered any personal services which arise out of or are related in any manner to your membership of the Council or its committees to any clients, and hence from whom you receive a fee, honorarium, allowance or other material benefit?

Yes **No** (Please ✓ where appropriate)

If yes, please list the details in each case in the table below.

- Notes:**
- (a) Services in this context include those services rendered by a member of the Council or its committees personally or those, to the member’s knowledge, rendered by an organisation of which the member is a partner, director, employee or office holder. A member shall make it clear to the clients that he or she must declare the names of the clients to the Council as stipulated in the District Council Standing Orders.
 - (b) The term “material benefit” refers to (i) interests received from a single source in the course of one year (from 1 January to 31 December each year) where the total value of such interests exceeds 5% of the annual honorarium* of a member of the Council (*excluding various allowances/expenses reimbursements covering expenses incurred by his or her work as a member of the Council and medical allowance); or (ii) one-off material benefits exceeding \$2,000 in value.
 - (c) Under this category of registrable interests, a member of the Council or its committees is obliged to register those interests to the best of his or her knowledge. However, it is not necessary for the member to find out the names of all the clients to whom the member's organisation renders remunerated services.
 - (d) In the registration of interests, where a firm is named, a brief description of the nature of the firm’s business should be given.
 - (e) On the registration of clients, the following are examples of registrable interests under this category which are provided merely for the purpose of illustration. Registrable interests are not confined to the professions cited in the following examples:
 - (i) An accountant firm of a member of a District Council or its committees acts for a client in preparing tender documents for a project which is under deliberations by the Council or its committees.
 - (ii) A member of a District Council or its committees is paid (e.g. by an organisation such as a public relations firm or an environmental group) to ensure that a particular point of view or issue is drawn to the attention of the members of the Council or its committees. The point of view could, for example, be related to an issue under debate by the Council, or it might simply be a matter on which the organisation seeks to lobby members of the Council or its committees.

Details

Name of the client	Nature of business of the client

(If you have more clients to register, please use the additional sheet provided after this page.)

Signature: _____ Date: _____

Category 8 – Other declarable interests

8. If, bearing in mind the purpose set out in the Guidelines on Registration of Interests and the principles mentioned in the Guidelines for a Two-tier Reporting System (Appendix V), you have any relevant interests which you consider should be disclosed but which do not fall within the seven categories set out above, please give details below.

Other declarable interests include, but are not limited to, (i) membership (including president, chairperson, honorary president, honorary chairperson, etc.) of any organisations which may apply or have applied for funding from the District Council; and (ii) any consultant, client or other important relationship(s) with the organisations which may apply or have applied for funding from the District Council.

Notes : (a) The registering of interests is additional to, and in no way a replacement of, the requirement on Members to disclose pecuniary or other interests under Orders 48(9) and (10) which are reproduced hereunder :

If a member of the Council or its committees **working groups** has any direct personal or pecuniary interest in any matter under consideration by the Council or its committees **working groups**, he or she must, after he or she has become aware of it, disclose such to the Council or its committees **working groups** prior to the discussion of the item (Order 48(9)).

Any member of the Council or its committees **working groups** shall declare interests before dealing with matters on tender, quotation and the District Council Funds if he or she finds he or she has any pecuniary or other interests in such matters or has any links with the benefited party or potential benefited party (Order 48(10)).

(b) Members should also note that under Order 48(15), “when the Secretary of the Council or its committees **working groups** finds that a member of the Council or its committees **working groups** has direct pecuniary interests in a matter under consideration, the Secretary shall refer this to the Chairman of the Council or the chairman of the relevant committee **working group** who shall then decide whether relevant papers shall be sent to the member concerned. Where a member of the Council or its committees **working groups** is in receipt of a paper for **discussion consideration** which he or she knows presents direct conflict of interest, he or she shall immediately inform the Secretary of the Council or the relevant committee **working groups** and return the paper.”

Details

Signature: _____ Date: _____

**Declaration of Interests by
Members of Public Councils, Boards and Committees**

Guidelines for a Two-tier Reporting System

General Principles

Some public councils, boards and committees are autonomous and have extensive powers over policy and financial matters. To maintain public confidence in the integrity of their members (including the chairman), as well as in the impartiality of their advice tendered to the committee, it is important that all members of such committees should disclose their general pecuniary interests on appointment to the committee, in addition to the report of conflicts of interests as and when they arise. To achieve greater transparency, such declarations should be made available for public inspection. By adopting this two-tier reporting system, members of these committees can be protected from criticism or embarrassment arising from the existence of any undeclared general financial interest which may have potential conflict with the work of the committee. The two-tier reporting system consists of the following -

(A) Register of Members' Interests

- (i) The chairman and members shall register in writing their personal interest, direct or indirect, pecuniary or otherwise, when they first join the committee, and annually thereafter, to the secretary of the committee. The registration shall be made on a standard form.
- (ii) The types of interests required for registration shall include -
 - (a) proprietorships, partnerships or directorships of companies;
 - (b) remunerated employments, offices, trades, professions or vocations; and
 - (c) shareholdings in a publicly listed or private company (e.g. 1% or more of the company's issued share capital); and/or
 - (d) other declarable interests, taking into consideration the nature of work of individual committees.
- (iii) A register of members' interests shall be kept by the secretary which should be made available for inspection on request by any member of the public.

(B) Declaration of Interests at Meetings

- (i) If a member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the committee, he or she must, as soon as practicable after he or she has become aware of it, disclose to the chairman (or the committee) prior to the discussion of the item.

- (ii) The chairman (or committee) shall decide whether a member disclosing an interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (iii) If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a vice-chairman.
- (iv) When a known direct pecuniary interest exists, the secretary may withhold circulation of relevant papers to the member concerned. Where a member is in receipt of a paper for discussion which he or she knows presents a direct conflict of interest, he or she should immediately inform the secretary and return the paper.
- (v) All cases of declaration of interests shall be recorded in the minutes of the meeting.

Potential Conflict of Interest Situations

2. When a member (including the Chairman) of a public council, board or committee has a potential conflict of interest in a matter placed before the committee, he or she should make full disclosure of his or her interest. The basic principle to be observed is that members' advice should be disinterested and impartial and it is the responsibility of each member to judge and decide if the situation warrants a declaration, and to seek a ruling from the Chairman in case of doubt. The following are potential conflict of interest situations -

- (i) Pecuniary interests in a matter under consideration by the committee, held either by the member or by any his or her close relative. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- (ii) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the committee.
- (iii) Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a member's advice to have been influenced by the closeness of the association.
- (iv) A member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter under consideration by the committee.
- (v) Any interest likely to lead an objective observer to believe that the member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

Criteria for Adopting the Two-tier Reporting System

3. Public councils, boards and committees which have the following functions and characteristics should adopt the two-tier reporting system:

- (i) high degree of management and financial autonomy;
- (ii) extensive executive powers in matters of public interests;
- (iii) instrumental in shaping major Government policies;
- (iv) award of major Government contracts;
- (v) access to market sensitive information (e.g. land development fees, charges and other forms of revenue, and licensing procedures);
- (vi) control and disbursement of substantial public funds.

Appendix VI(a)

Register on Attendance of District Council Members – DC Meetings (Sample)

xxx District Council	Attendance Rate (1/1/2012X – 31/12/2012X)	
Name of DC Member	Regular Meetings	Special Meetings
1. Mr xxx xxx xxx	(%)	(%)
2. Mr xxx xxx xxx	(%)	(%)
3. Mr xxx xxx xxx	(%)	(%)
4. Mr xxx xxx xxx	(%)	(%)
5. Mr xxx xxx xxx, JP	(%)	(%)
6. Mr xxx xxx xxx	(%)	(%)
7. Mr xxx xxx xxx	(%)	(%)
8. Mr xxx xxx xxx	(%)	(%)
9. Mr xxx xxx xxx, JP	(%)	(%)
10. Mr xxx xxx xxx	(%)	(%)
11. Mr xxx xxx xxx	(%)	(%)
12. Mr xxx xxx xxx	(%)	(%)
13. Mr xxx xxx xxx	(%)	(%)
14. Mr xxx xxx xxx	(%)	(%)
15. Mr xxx xxx xxx	(%)	(%)
16. Mr xxx xxx xxx	(%)	(%)
17. Ms xxx xxx xxx	(%)	(%)
18. Mr xxx xxx xxx	(%)	(%)
19. Dr. xxx xxx xxx, JP	(%)	(%)
20. Mr xxx xxx xxx	(%)	(%)
21. Mr xxx xxx xxx	(%)	(%)
22. Mr xxx xxx xxx	(%)	(%)
23. Mr xxx xxx xxx	(%)	(%)
24. Mr xxx xxx xxx	(%)	(%)
25. Mr xxx xxx xxx	(%)	(%)

Register on Attendance of District Council Members – DC Committee Meetings (Sample)

xxx District Council	Attendance Rate (1/1/2012X – 31/12/2012X)											
Name of DC Member	Leisure and Culture Committee		Community Building and Social Services Committee		Finance, General and Economic Affairs Committee		Food and Environmental Hygiene Committee		Traffic and Transport Committee		Housing Committee	
Meeting	Regular	Special	Regular	Special	Regular	Special	Regular	Special	Regular	Special	Regular	Special
1. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
2. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
3. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
4. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
5. Mr xxx xxx xxx, JP	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
6. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
7. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
8. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
9. Mr xxx xxx xxx, JP	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
10. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
11. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
12. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
13. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
14. Ms xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
15. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
16. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
17. Ms xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
18. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
19. Dr. xxx xxx xxx, JP	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
20. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
21. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
22. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
23. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
24. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
25. Mr xxx xxx xxx	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)

**Notification of Absence from Southern District Council/
Committee/ Working Group Meetings**

To: Secretary of Southern District Council (Fax: 2553 7268)

*(1) I will not be able to attend the _____ meeting to be held on _____ for the following reason:

- # sickness (including illness arising out of pregnancy)
- # official commitment of attending a meeting/an activity on behalf of the Council _____ (Please specify)
- # attendance to another meeting or activity of the Legislative Council or an advisory body or organisation appointed by the State or the Government _____ (Please specify)
- # fulfilling civic obligations as required by the law, e.g. serving as a juror or acting as a witness in a trial _____ (Please specify)
- # where applicable, either confinement (for a meeting scheduled within a period of up to 14 weeks inclusive of a period of two weeks or more, but less than four weeks before the expected date of confinement and a period of 10 weeks or more, but less than 12 weeks after the actual date of confinement) or assumption of paternal care following childbirth (for a meeting scheduled within a period of up to five days inclusive of the actual date of confinement of his spouse or partner)
Expected/actual date of confinement: _____

Please inform the Council/relevant Committee/Relevant Working Group of the above and seek its consent.

*(2) I will not be able to attend the District Council meeting to be held on _____ because of _____ (Please specify)

Please inform the Council/relevant Committee/Relevant Working Group of the above.

*** Notes: Please fill in (1) or (2). According to Order 51(1) of the Southern District Council Standing Orders, the Council/relevant Committee/Relevant Working Group will only accept an application of absence from meeting of a member of the Council/relevant Committee/Relevant Working Group on the grounds listed under item (1) at above. The Council/relevant Committee/Relevant Working Group will not accept any application of absence after the meeting.**

Please tick as appropriate

Signature of Member:

Name of Member: _____

Date: _____

**Code of Conduct for
Members of a District Council or Its Committees**

I. General Standards

1. A member of a District Council (the Council) or its committees shall ensure that his or her conduct must not be such as to bring the Council into disrepute.
2. A member of the Council or its committees shall not at any time or in any respect do anything which may compromise or impair his or her integrity, impartiality, objectivity or his or her ability to perform his or her duties.
3. A member of the Council or its committees shall conduct himself or herself in such a way as not to place himself or herself in a position which may be contrary to the generally assumed standard of conduct expected of a member of the Council or its committees. When deciding whether to engage in any activities, a member of the Council or its committees shall accord due consideration as to whether the nature and contents of such activities might be regarded as not in keeping with the position or prestige of a member of the Council or its committees and thereby bringing the Council into disrepute.
4. A member of the Council or its committees shall adhere to the spirit and the letter of any rules or regulations made by the Council, its committees, or the Chairman of the Council for the regulation of the practice and procedure of the Council, its committees, or members' behaviour in their conduct of the business of the Council.

II. Specific Standards

1. Provisions of Prevention of Bribery Ordinance
 - (a) The Prevention of Bribery Ordinance (PBO) (Cap. 201) defines District Councils as public bodies and District Council members as public servants. District Council members are henceforth bound by section 4 of the PBO.
 - (b) A member of a committee under a District Council who is not a District Council member is an agent as defined in section 2(1) of the PBO. Therefore, a member of a committee under a District Council who is not a member of the Council is an agent of the Council and is bound by section 9 of the PBO whereas the Council is the principal of the committee member.

2. Conflict of Interest

A member of the Council or its committees shall comply with the

requirements on registration and declaration of interests as stipulated in the Standing Orders of the Council.

3. Acceptance of Advantages

3.1 Gifts/souvenirs presented to members of the Council or its committees in their capacity as such

(a) A gift/souvenir presented to a member of the Council or its committees in his or her capacity as such, for example, a gift/souvenir presented by organisers to a member of the Council or its committees who is invited in his or her capacity as such or represents the Council to officiate at ceremonies or participate in activities should be regarded as a gift/souvenir to the Council.

(b) A member of the Council or its committees shall follow the procedures set out at Annex for disposal of gifts/souvenirs.

3.2 Acceptance of advantages by members of the Council or its committees in their private capacity

(a) If the acceptance of an advantage (including gifts/souvenirs) by a member of the Council or its committees in his or her private capacity could affect his or her objectivity, or induce him or her to act against the Council's interests, or lead to questions or complaints of bias or impropriety, the member shall decline the advantage.

(b) Where an advantage is voluntarily given by an offeror, a member of the Council or its committees should consider accepting it only if:

(i) the acceptance will not affect the performance of his or her duties as a member of the Council or its committees;

(ii) the member will not feel obliged to reciprocate the advantage from the offeror or by returning a favour connected with any business dealings; and

(iii) the member is able to openly discuss the acceptance without reservation.

(c) If a member of the Council or its committees feels that he or she would be obliged to reciprocate an advantage from an offeror or by returning a favour connected with any business dealings, he or she should decline the advantage.

(d) A member of the Council or its committees who accepts an advantage in a private capacity unconnected with his or her duties as a member of the Council or its committees is not restricted by this Code of Conduct.

4. Acceptance of Entertainment

A member of the Council or its committees should not accept frequent entertainment from persons or organisations with whom/which he or she has official dealings in order to avoid embarrassment or loss of objectivity when he or she considers or gives his or her views on matters concerning these persons or organisations.

5. Misuse of the Capacity as a Member of the Council or Its Committees

A member of the Council or its committees shall not misuse his or her capacity as such to gain benefit for himself or herself, or render favour to any person or organisation.

6. Use of Confidential or Privileged Information

(a) A member of the Council or its committees shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his or her capacity as a member of the Council or its committees and which is not generally available to the public.

(b) A member of the Council or its committees shall seek confidential or privileged information only in respect of matters of public interest and shall not seek such information for private or personal interests.

(c) A member of the Council or its committees shall not disclose any confidential or privileged information obtained in his or her capacity as a member of the Council or its committees and hence undermine the interest of the Council.

7. Use of Allowances and Ward Office

(a) A member of the Council shall not use the various allowances for a member and/or his or her ward office(s) for purposes other than those connected with the business of the Council.

(b) A member of the Council or its committees shall adopt the principles of openness and fairness in the procurement of goods and services as well as in the recruitment of staff.

8. Employment in Professional Capacity

No member of the Council or its committees shall attend a meeting of the Council or its committee in a professional capacity for or on behalf of any party or in a capacity for which he or she is to receive a fee or reward.

Practical Guide for a District Council to handle gifts/souvenirs given to members of the Council or its committees in their capacity as such

All gifts/souvenirs received by a member of the District Council or its committee in his or her official capacity should be properly recorded and disposed of, as appropriate, in the following manner:

- (i) If the gift/souvenir is of a perishable nature (e.g. food or drink, etc), it may be shared among staff of the office or during an activity organised by the Council;
- (ii) If the gift/souvenir is suitable for display (e.g. a painting, vase, etc), it may be displayed at the member's ward office, or forwarded to the Secretary of the Council for display in the Council office/conference room, computer room, common room or the Council Secretariat;
- (iii) If the gift/souvenir has a value exceeding HK\$500, it may be donated as a prize in functions organised by the Council;
- (iv) If the gift/souvenir is a personal item with a value less than HK\$1,000, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient; and
- (v) If the gift/souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.