

Oath-taking arrangements for DC members

The Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 (Ordinance) was gazetted and came into effect on May 21, 2021. The Ordinance amends certain legislation, including requiring District Council (DC) members to take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) and bear allegiance to the HKSAR of the PRC.

The Government will hold the third oath-taking ceremony for DC members, including those from the North District Council, the Tai Po District Council, the Sai Kung District Council and the Sha Tin District Council, at North Point Community Hall on October 4 (Monday). The oath-taking will be administered by the Secretary for Home Affairs, Mr Caspar Tsui, being the oath administrator authorised by the Chief Executive.

According to the Interpretation of Article 104 of the Basic Law of the HKSAR of the PRC by the Standing Committee of the National People's Congress, the person administering the oath has the duty to ensure that the oath is taken in a lawful manner. He or she shall determine that an oath taken in compliance with the Interpretation and the requirements under the laws of the HKSAR is valid, and that an oath which is not taken in compliance with the Interpretation and the requirements under the laws of the HKSAR is invalid. If the oath taken is determined as invalid, no arrangement shall be made for retaking the oath. The oath administrator will act in accordance with the law and consider the validity of the oaths taken by DC members according to the relevant legal provisions.

The oath-taking is legally binding. The oath-taker must sincerely believe in and strictly abide by the relevant oath prescribed by law. An oath taker who makes a false oath, or, who, after taking the oath, engages in conduct in breach of the oath, shall bear legal responsibility in accordance with the law. If there were illegal acts, the oath administrator will refer the cases to the relevant law enforcement agencies.

The Government will publish the list of DC members whose oaths were determined as valid after the oath-taking ceremony. As for DC members whose oaths taken are questioned by the oath administrator as to their validity, the oath administrator will follow up in accordance with the relevant legislation.