

Oath-taking by District Council members

The Government held the oath-taking ceremony for District Council (DC) members from the Central and Western District Council, the Wan Chai District Council, the Eastern District Council and the Southern District Council at North Point Community Hall on September 10, 2021 in accordance with the requirements stipulated in the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021. During the ceremony on that day, the DC members present took oaths individually that they would 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 oath-taking was administered by the Secretary for Home Affairs, Mr Caspar Tsui, who was authorised by the Chief Executive as the oath administrator.

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. Section 21 of the Oaths and Declarations Ordinance (Cap. 11) provides that any person who declines or neglects to take an oath duly requested which he is required to take by relevant legislation shall, if he has already entered on his office, vacate it.

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 determined on September 10 that of the 24 DC members who took oaths that day, the oaths taken by 17 were valid. As the oath administrator had questions about the validity of the oaths taken by the other seven DC members, letters were issued to the DC members concerned on September 10 to require them to provide additional information.

After considering the written replies from the DC members concerned and all relevant information, the oath administrator, based on the principles laid down by the Interpretation and the relevant legal provisions, determined that the oaths taken by seven DC members were invalid. Details are set out below:

Invalid oaths

Wan Chai District Council

1. Miss Yeung Suet-ying, Clarisse
2. Mr Leung Pak-kin

Eastern District Council

1. Ms Wei Siu-lik
2. Mr So Yat-hang
3. Mr Chan Wing-tai
4. Ms Lai Tsz-yan

Southern District Council

1. Mr Pang Cheuk-kei, Michael