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4 March 2002

Mr WAI Kwok-hung
Chairman
Sha Tin District Council
c/o Sha Tin District Office
6/F, Citylink Plaza
1 Sha Tin Station Circuit
Sha Tin
New Territories

Dear Mr WAI,

LegCo Panel on Constitutional Affairs

Additional seat for the District Council functional constituency

At the meeting between LegCo Members and Sha Tin District Council (DC) on 29 November 2001, the proposal of having an additional seat for the DC functional constituency (FC) as a measure to enhance co-operation and liaison between LegCo and DCs was raised. The matter was subsequently referred to the Panel on Constitutional Affairs for follow up.

On the instruction of Hon Andrew WONG, the Panel Chairman, the matter was referred to the Administration for consideration. A copy of the Administration's reply is attached for your reference.

The Administration's reply was considered by the Panel at its meeting on 28 February 2002. Individual members of the Panel have made the following points -

- (a) the proposal should not be pursued at this stage in the absence of any justifications for increasing the number of the existing FC seats;
- (b) it is necessary to amend the Basic Law to provide for 31 FC seats. Otherwise, the creation of an extra seat for the DC FC would

- need to be offset by the deletion of an existing FC seat; and
- (c) whether the proposal has been discussed by all the 18 DCs and if so, whether the 18 DCs have a consensus view on the proposal.

Members have agreed that the Sha Tin DC's comments on the Administration's reply and the points raised by members should be sought before the matter is given further consideration by the Panel.

On the instruction of Panel, I write to convey members' views and should be grateful for your reply preferably within two weeks' time.

Yours sincerely,

(Mrs Percy MA)
Clerk to Panel

Encl

Our Ref.: CAB C1/1/1
Your Ref.:

Tel No.: 2810 2159
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28 January 2002

Mrs Percy Ma
Clerk to the Legislative Council Panel on
Constitutional Affairs
Legislative Council
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Mrs Ma,

LegCo Panel on Constitutional Affairs
Additional Seat for the District Council Functional Constituency

Thank you for your letter of 22 January.

We note that the proposal of having an additional seat for the District Council (DC) functional constituency (FC) has been raised by the Shatin DC as a measure to enhance co-operation and liaison between the Legislative Council (LegCo) and DCs. But the Shatin DC has not put forth detailed justifications to substantiate its proposal. In particular, we are not sure why the Shatin DC considers an extra seat necessary, bearing in mind that one of the existing 30 FC members has been returned by all Members of District Councils to represent the latter's interests.

According to the Basic Law, the number of FC seats will remain unchanged at 30 in the 2004 LegCo elections. That being the case, an extra seat could only be given to the DC FC at the expense of one of the remaining FCs. We welcome Members' views as to whether this change is justified.

We should be grateful if you would convey our views to Members for consideration.

Yours sincerely,

(Ms Doris Ho)
for Secretary for Constitutional Affairs