

立法會
Legislative Council

Ref : CB2/SS/7/09

LC Paper No. CB(2)289/10-11
(These minutes have been seen
by the Administration)

Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2010

Minutes of the first meeting
held on Tuesday, 26 October 2010, at 2:15 pm
in Conference Room B of the Legislative Council Building

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon CHEUNG Hok-ming, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Kwok-kin, BBS
Hon Alan LEONG Kah-kit, SC

Members absent : Hon LEUNG Yiu-chung
Hon LEE Wing-tat
Hon Starry LEE Wai-king, JP

Public Officers attending : Item II

Constitutional and Mainland Affairs Bureau

Miss Adeline WONG
Under Secretary for Constitutional and Mainland Affairs

Ms Anne TENG
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Mr Christopher LAU
Assistant Secretary for Constitutional and Mainland
Affairs

Department of Justice

Miss Emma WONG
Senior Government Counsel

**Clerk in
attendance** : Ms Amy YU
Senior Council Secretary (2)3

**Staff in
attendance** : Ms Clara TAM
Assistant Legal Adviser 9

Ms Wendy LO
Council Secretary (2)3

Mrs Fonny TSANG
Legislative Assistant (2)3

Action

I. Election of Chairman

Mr IP Kwok-him was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[CMAB/C2/23, LC Paper Nos. LS97/09-10 and CB(2)122/10-11(01)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions

Admin

3. The Administration was requested to -

- (a) expedite the work and advance the timetable on finalizing the delineation of boundaries of District Council ("DC") constituency areas for the Fourth Term DC election as far as practicable; and

Action

- (b) consider members' views on further increasing the number of elected seats for DCs where the number of elected seats calculated according to the projected population and the population quota was higher than the proposed number of seats.

III. Any other business

Invitation of public views and date of next meeting

4. Members agreed that the Subcommittee should invite public views on the District Councils Ordinance (Amendment of Schedule 3) Order 2010 and post a notice on the website of the Legislative Council to invite public views. In accordance with established practice, invitation would be extended to the 18 DCs. Members further agreed that the next meeting would be held on Tuesday, 16 November 2010 at 4:30 pm to receive views from deputations and continue discussion with the Administration.
5. There being no other business, the meeting ended at 3:15 pm.

Council Business Division 2
Legislative Council Secretariat
15 November 2010

**Proceedings of the first meeting of the
Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2010
on Tuesday, 26 October 2010, at 2:15 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000132 - 000246	Ir Dr Raymond HO Mr CHEUNG Hok-ming Mr WONG Kwok-kin Mrs Sophie LEUNG Mr IP Kwok-him	Election of Chairman	
000247 - 000756	Chairman Administration	Briefing by the Administration on the District Councils Ordinance (Amendment of Schedule) 3 Order 2010 ("the Order").	
000757 - 001537	Ms Emily LAU Administration Chairman	<p>Referring to the joint submission from eight Sai Kung District Council ("DC") members at Appendix III to LC Paper No. CB(2)122/10-11(01), Ms Emily LAU enquired why the Administration had not taken on board the proposal put forward in the submission for allocating two additional elected seats to the Sai Kung DC.</p> <p>The Administration responded that -</p> <p>(a) on the basis of the projected population of each district, the Administration had calculated the number of elected seats for each DC in 2011 according to the population quota of 17 275 proposed to be adopted for the coming DC election ("calculated number of seats"). In considering the allocation of the seven new seats among DCs, the Administration had taken into account the difference between the current number of seats and calculated number of seats in each DC and considered it appropriate to allocate one extra seat to the Sai Kung DC; and</p> <p>(b) the Administration recognized the concern of residents in the Sai Kung district about the population growth in new towns. The Electoral Affairs Commission ("EAC") would consider the population growth in new towns in making recommendations on the boundaries of corresponding DC constituency areas ("DCCAs").</p> <p>Ms Emily LAU's view that the existing population quota should be raised and the proportional representation system should be adopted for returning DC members so as to make elected DC</p>	

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		<p>members answerable to electors of larger constituencies and enhance their representativeness.</p> <p>On Ms Emily LAU's enquiry about the procedure and arrangement as well as the timetable for the demarcation of the boundaries of DCCAs, the Administration responded that -</p> <ul style="list-style-type: none"> (a) should the Subcommittee complete its scrutiny work in November 2010, the Administration would give notice to move a resolution to seek the approval of the Legislative Council ("LegCo") for the Order in December 2010; (b) upon obtaining LegCo's approval for the Order and publication of the Order in the Gazette, the commencement date would be appointed by the Secretary for Constitutional and Mainland Affairs; (c) EAC to make provisional recommendations on the boundaries of DCCAs in accordance with the number of elected seats for each DC. In demarcating the constituency boundaries, EAC had to follow the relevant statutory criteria; (d) EAC to conduct public consultation on its provisional recommendations for a period of not less than 30 days as required by law; (e) EAC to submit a report containing its final recommendations, taking into account views received during the consultation period, to the Chief Executive ("CE") by March or April 2011; and (f) the EAC report received by CE would be considered by the CE in Council. The decision of the CE in Council would be effected by way of an order subject to the negative vetting procedure. <p>The Chairman enquired how the above timetable compared with that for the Third Term DC election in 2007. The Administration advised that the current timetable was a few months late as compared with that of the last DC election. The Administration further explained that it had focused its work on the two electoral methods for 2012 in the earlier part of the year. After undertaking an overall review on the number of elected seats for each DC, the Administration had briefed the Panel on Constitutional Affairs on its proposals at the Panel meeting on 19 July 2010. The Administration then submitted the Order to LegCo for approval as soon</p>	

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		<p>as the new session began in October 2010 after the summer recess.</p> <p>In response to Ms Emily LAU's enquiry, the Administration advised that the delineation of DCCAs would be carried out independently by EAC.</p>	
001538 - 002218	<p>Ms Emily LAU Dr LAM Tai-fai Mr WONG Yung-kan Chairman Mr Ronny TONG Administration</p>	<p>Noting that the Fourth Term DC election would be held in November 2011, Ms Emily LAU expressed grave dissatisfaction with the delay in the timetable of work relating to the delineation of DCCAs which would affect the preparation work of prospective candidates. The Chairman, Dr LAM Tai-fai and Mr WONG Yung-kan expressed similar views and urged the Administration to compress the timetable and expedite the timetable for finalizing the delineation of DCCAs. Dr LAM Tai-fai's view that the delineation of DCCAs should be finalized before the Chinese New Year in early February 2011 at the latest.</p> <p>Mr Ronny TONG agreed to the need to expedite the timetable for delineation of DCCAs which was a matter of concern for prospective candidates. His view that as the Order concerned only the number of additional elected DC seats and was not controversial, the Subcommittee could consider expediting the scrutiny of the Order to advance the timetable.</p> <p>The Subcommittee agreed that the Administration should be requested to expedite the work and advance the timetable on finalizing the delineation of boundaries of DCCAs for the Fourth Term DC election as far as practicable.</p> <p>The Administration responded that -</p> <p>(a) it might not be feasible to have the delineation of DCCAs finalized before the Chinese New Year in early February 2011 having regard to the time required for certain procedures. For instance, EAC was required by law to conduct public consultation on its provisional recommendations for a period of not less than 30 days. After the public consultation, EAC would require some time to collate and consider the public views received and make amendments as necessary before submitting its final recommendations to CE; and</p> <p>(b) nevertheless, the Administration would critically review the relevant procedures and discuss with EAC to examine whether there was room for compressing the timetable with a view</p>	<p>Admin (para. 3 of minutes)</p>

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		to expediting the work on the finalization of boundaries of DCCAs as far as practicable, and would revert to the Subcommittee.	
002219 - 002827	Ms Cyd HO Administration	<p>Noting that the proposed number of elected seats for certain DCs, such as the Yuen Long, Yau Tsim Wong and Kwun Tong DCs, was lower than the calculated number of seats by one to two seats, Ms Cyd HO considered that the number of additional elected seats to be allocated to the relevant DCs should be based strictly on the figures calculated in accordance with the projected population and the population quota. She appreciated the need to have some flexibility in deviating from the population quota but stressed that such flexibility should only be exercised by EAC in the delineation of the constituency boundaries, and not by the Administration in the allocation of additional elected seats.</p> <p>The Administration responded that -</p> <ul style="list-style-type: none"> (a) the Administration's proposal on the allocation of the seven additional elected seats was made having regard to the projected population of each district and the current number of elected seats of each DC; (b) for DCs where the calculated number of seats was lower than the existing number of seats, no change would be made to the number of elected seats so as not to affect the provision of services to the public in the districts concerned. In view of such and having regard to the total number of seven additional elected seats for the Fourth Term DCs in accordance with the projected population and population quota, the proposed number of elected seats for some DCs would be less than the calculated number of seats; and (c) while the proposed number of elected seats for the Yuen Long, Yau Tsim Wong and Kwun Tong DCs were lower than the calculated number of seats, the extent of deviation from the population quota in these DCs was slight (only a few percentage points) and well within the 25% limit. <p>Ms Cyd HO's view that all appointed DC seats should be abolished with effect from the Fourth Term DC.</p>	

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002828 - 003151	Ms Emily LAU Chairman Administration	<p>Ms Emily LAU asked whether consideration could be given to allocating more seats to the DCs concerned in accordance with calculated number of seats.</p> <p>The Administration responded that -</p> <p>(a) should additional seats be allocated according to the calculated number of seats for all DCs where the calculated number of seats was higher than the existing number of seats, the total number of elected seats would increase while the population quota would be lowered correspondingly. The Administration considered that the population quota of 17 275 for the Third Term DCs had been functioning well and should continue to be adopted; and</p> <p>(b) the extent of increase in the number of elected seats for the Fourth Term DCs (i.e. an addition of seven elected seats for a population increase of some 0.12 million) was already higher than that for the Second Term (i.e. an addition of 10 elected seats for a population increase of some 0.23 million) and Third Term DCs (i.e. an addition of five elected seats for a population increase of some 0.19 million).</p> <p>In response to Ms Emily LAU's enquiry on whether LegCo had the power to amend or repeal the Order, the Administration advised that pursuant to section 8 of the District Councils Ordinance (Cap. 547), the CE in Council might, subject to the approval of LegCo, amend Schedule 3 by order published in the Gazette. In other words, the amendments to Schedule 3 as proposed in the Order required the approval of LegCo.</p>	
003152 - 003634	Chairman Mr Ronny TONG Ms Cyd HO Administration	<p>On Ms Cyd Ho's enquiry on the demarcation of constituency boundaries concerning DCs with fluctuation in population due to urban renewal, the Administration responded that EAC would delineate the constituency boundaries on the basis of the projected mid-year population for the election year (i.e. mid-2011 for the Fourth Term DC election).</p>	
003635 - 004122	Mr CHEUNG Man-kwong Chairman Administration	<p>Mr CHEUNG Man-kwong's views that -</p> <p>(a) for the five DCs (i.e. Kwun Tong, Yau Tsim Mong, North, Sai Kung and Yuen Long DCs) where the proposed number of elected seat was lower than the calculated number of elected seats, there was a total shortfall of six seats. Should the population quota be adjusted slightly downward to around 17 033, the total number</p>	

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		<p>of elected seats for the Fourth Term DCs would increase from 412 to 418 (i.e. projected total population of Hong Kong of 7 120 200 divided by 17 033), and the six extra elected seats could then be allocated to the five DCs concerned to meet the shortfall in the proposed number of elected seats; and</p> <p>(b) as there had been slight adjustments in the population quota for the Second and Third Term DCs, he did not see any reason why the population quota for the Fourth Term DCs could not be slightly adjusted to 17 033 which was close to the population quota of 17 043 adopted for the First Term DCs.</p> <p>The Administration reiterated that the extent of increase in the number of elected seats for the Fourth Term DCs was higher than that for the Second and Third Term DCs, and the Administration considered it appropriate to continue to adopt the population quota of 17 275 for the 2007 DC election.</p>	
004123 - 004233	Mr Ronny TONG Administration	<p>Noting that Yuen Long DC was the only DC with a shortfall of two elected seats between the proposed number of seats and the calculated number of seats while the shortfall for the other DCs was only one seat, Mr Ronny TONG suggested that consideration should be given to allocating at least one more additional elected seat to the Yuen Long DC.</p> <p>The Administration explained that with the proposed addition of two extra seats for the Yuen Long DC, there would only be a slight deviation from the population quota, given the large population of Yuen Long and the large existing number of elected seats in the Yuen Long DC.</p>	
004234 - 004420	Mr WONG Kwok-kin Administration	<p>Mr WONG Kwok-kin was concerned about the impact on the integrity of local communities should the relevant DCs be allocated with all the additional seats in accordance with the calculated number of seats.</p> <p>The Administration responded that -</p> <p>(a) for existing DCCAs where the population deviation fell within the 25% deviation limit, generally EAC would not change their boundaries; and</p> <p>(b) should a larger number of elected seats be added in the Fourth Term DCs, it might necessitate the adjustment of the boundaries of more existing DCCAs in order to comply with the population quota requirement.</p>	

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004421 - 004706	Ms Cyd HO Administration	Ms Cyd HO's reiteration of her view that the number of elected seats for each DC should be based strictly on the figure derived by dividing the projected population of each district by the population quota without being constrained by the total number of seats for the Fourth Term DC calculated on the basis of the total population of Hong Kong. The Administration responded that it was considered appropriate to adopt the proposed mechanism for allocation of new seats.	
004707 - 005040	Chairman Ms Emily LAU	<p>While expressing support in principle for increasing the number of elected DC seats to provide for more room for political participation, the Chairman considered it important to ensure that the addition of elected seats would not result in major changes to the boundaries of existing DCCAs which would disrupt the established cohesiveness of local communities.</p> <p>The Administration was requested to consider members' views on further increasing the number of elected seats for the relevant DCs and revert to the Subcommittee.</p>	Admin (para. 3 of minutes)
005041 - 005904	Chairman Dr LAM Tai-fai Ms Emily LAU Ms Cyd HO Administration	<p>The Chairman echoed the view that the delineation of DCCAs should be finalized before the Chinese New Year in early February 2011.</p> <p>Ms Cyd HO's view that other than the public consultation which was required by law to be of no less than 30 days, the Administration should make every effort to expedite the other procedures.</p> <p>Members' agreement to invite public views on the Order and to hold the next meeting on 16 November 2010 at 4:30 pm.</p> <p>Members agreed to expedite the scrutiny of the Order as far as practicable and aimed at completing its scrutiny work in November 2010.</p>	