

立法會
Legislative Council

Ref : CB2/SS/7/09

LC Paper No. CB(2)671/10-11
(These minutes have been seen
by the Administration)

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

**Minutes of the second meeting
held on on Tuesday, 16 November 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon IP Kwok-him, GBS, JP (Chairman)
 - Hon CHEUNG Man-kwong
 - Hon LEUNG Yiu-chung
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon WONG Kwok-hing, MH
 - Hon LEE Wing-tat
 - Hon CHEUNG Hok-ming, GBS, JP
 - Hon Ronny TONG Ka-wah, SC
 - Hon CHIM Pui-chung
 - Hon Starry LEE Wai-king, JP
 - 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** :
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Cyd HO Sau-lan
- Public Officers attending** :
- 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

Registration and Electoral Office

Mr Raymond WANG
Deputy Chief Electoral Officer

Department of Justice

Miss Emma WONG
Senior Government Counsel

Attendance by invitation : Yat Tung Community Network Association

Mr KWOK Chong-man

Civic Party

Mr Sumly CHAN
Representative

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 Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with deputations and the Administration

[CMAB/C2/23, LC Paper Nos. LS97/09-10, CB(2)122/10-11(01), CB(2)250/10-11(01) to (03) and CB(2)302/10-11(01)]

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

2. The Subcommittee completed the scrutiny of the District Councils Ordinance (Amendment of Schedule 3) Order 2010 ("the Order").

3. The Subcommittee supported the Administration giving fresh notice to move a motion on the Order at the Council meeting on 1 December 2010. Members agreed that the Subcommittee would make a verbal report on its deliberations to the House Committee on 19 November 2010 and would submit a written report to the House Committee in the following week.

II. Any other business

4. There being no other business, the meeting ended at 5:17 pm.

Council Business Division 2
Legislative Council Secretariat
23 December 2010

**Proceedings of the second meeting of the
Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2010
on Tuesday, 16 November 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000321 - 000627	Chairman	Opening remarks	
000628 - 001106	Yat Tung Community Network Association	Presentation of views - (a) the existing 405 District Council ("DC") constituencies should be merged to form about 100 larger constituencies with DC members to be returned through the proportional representation system instead of the current "first-past-the-post" system with a view to enhancing the representativeness of DC members; and (b) when and how the Administration would abolish the appointed DC seats would have bearing on the number of elected seats in the fourth term DCs.	
001107 - 001350	Civic Party	Presentation of views - (a) the demarcation of DC constituency areas ("DCCAs") should be based strictly on the population quota of 17 275 proposed to be adopted for the coming DC election so as to reduce the disparity in population sizes among DCCAs; (b) the Electoral Affairs Commission ("EAC") should provide detailed justifications on its provisional recommendations on the boundaries of DCCAs during the public consultation exercise to enhance transparency; and (c) all DC appointed seats should be abolished in one go in the coming DC election in 2011.	
001351 - 001616	Chairman Mr WONG Kwok-kin Yat Tung Community Network Association	Yat Tung Community Network Association's elaboration of its proposal of returning DC members from larger constituencies through the proportional representation system.	

Time Marker	Speaker(s)	Subject(s)	Action required
001617 - 001901	Chairman Administration	<p>The Administration's response to views of deputations -</p> <p>(a) when the Panel on Constitutional Affairs ("CA Panel") was consulted on the legislative proposals at its meeting in July 2010, members had expressed different views on the level of the population quota. While some members had suggested raising the population quota by merging the existing DCCAs and adopting the proportional representation system for returning DC members, some other members considered the existing population quota of 17 275 appropriate as it enabled individual DC members to maintain a close relationship with local residents and grasp the needs of the relevant constituency. The Administration considered that the existing population quota of 17 275 had been operating well and should continue to be adopted in the 2011 DC election;</p> <p>(b) in demarcating the constituency areas, EAC would follow the relevant statutory criteria, including the requirement that the population sizes of DCCAs should be as near the population quota as practicable, as well as the established working principles adopted in previous exercises. EAC would explain the bases for its provisional recommendations on the boundaries of DCCAs in the public consultation document; and</p> <p>(c) the Administration would separately put forward its proposal on abolition of DC appointed seats for discussion later.</p>	
001902 - 001929	Chairman	Written submissions from individuals not attending the meeting [LC Paper Nos. CB(2)250/10-11(01)-(02) and CB(2)302/10-11(01)].	
001930 - 002332	Chairman Administration	Briefing by Administration on its responses to issues raised by the Subcommittee at the last meeting [LC Paper No. CB(2)250/10-11(03)].	
002333 - 002648	Chairman Administration	The Chairman enquired whether there was room for further advancing the timetable for the current exercise such that the EAC report containing its final recommendations on the delineation of DCCAs ("EAC Report") could be submitted to the Chief Executive by early March 2011.	

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		<p>The Administration's response that -</p> <p>(a) the time required for the production of the EAC report would depend on the number of written and oral representations received by EAC during the public consultation period;</p> <p>(b) EAC had to consider all the representations having regard to the relevant statutory criteria and the established working principles adopted in the previous exercises. For representations submitting that special physical characteristics of individual areas should be taken into account in the delineation exercise, staff of the Registration and Electoral Office might conduct site visits to the specific areas concerned;</p> <p>(c) pursuant to section 18 of the EAC Ordinance (Cap. 541), the EAC Report should contain summaries of all the representations received and the reasons for EAC's recommendations; and</p> <p>(d) given the time required for production of the DCCA boundary maps and the compilation of the EAC Report, it was expected that the EAC Report would be submitted to the Chief Executive by March 2011.</p>	
002649 - 003039	Chairman Administration	<p><u>Scrutiny of the provisions of the District Councils Ordinance (Amendment of Schedule 3) Order 2010 ("the Order")</u></p> <p>Section 1</p>	
003040 - 003102	Administration	Section 2	
003103 - 003211	Administration	Section 3	
003212 - 004551	Chairman Mr LEUNG Yiu-chung Administration	<p>Mr LEUNG Yiu-chung's views that -</p> <p>(a) it was necessary to review the existing arrangement of determining the number of additional elected seats for the relevant DCs before embarking on the delineation of DCCAs, with a view to reducing the disparity in population sizes among DCCAs; and</p> <p>(b) a more reasonable and fair approach was to delineate the DCCAs first in accordance with</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>the population quota to work out the number of elected seats for each DC before determining the total number of new elected seats to be added.</p> <p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) its proposal for increasing the number of elected seats for the DCs concerned was made on the basis of the projected population increase of the districts in 2011; (b) in demarcating the constituency areas, EAC would be mindful of the statutory requirement that the population in each constituency should be as near the population quota as practicable; (c) in practice, there would inevitably be deviations from the population quota on account of community and geographical considerations; (d) under the existing statutory provisions, EAC was required to make recommendations on the boundaries of DCCAs with regard to the number of elected seats as stipulated in the District Councils Ordinance (Cap. 547). The Administration envisaged that EAC would have encountered considerable difficulties in making determinations on representations made during public consultation if there had been no prescribed number of elected seats for each DC, given that deviations from the population quota were allowable; and (e) the Administration considered that the existing arrangement had been working well and should continue to be adopted. <p>Mr LEUNG Yiu-chung maintained his view that the boundaries of DCCAs should be delineated first in accordance with such criteria as the population quota and the $\pm 25\%$ deviation, before determining the total number of new elected seats to be added.</p> <p>The Chairman's view that there were bound to be disparities in population sizes among DCCAs, irrespective of whether the delineation of constituency boundaries was undertaken before or after determining the number of elected seats. He stressed that major changes to the boundaries of existing DCCAs should be avoided as far as possible.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
004552 - 004805	Chairman Administration	<p>The Subcommittee's expression of support for the Administration giving fresh notice to move the motion on the Order at the Council meeting on 1 December 2010.</p> <p>The Subcommittee's agreement that it would give a verbal report to the House Committee on 19 November 2010.</p>	

Council Business Division 2
Legislative Council Secretariat
23 December 2010