

**LEGISLATIVE COUNCIL BRIEF
DISTRICT COUNCILS ORDINANCE
(AMENDMENT OF SCHEDULES 1 AND 3) ORDER 2013**

INTRODUCTION

At the meeting of the Executive Council on 22 October 2013, the Council **ADVISED** and the Chief Executive **ORDERED** that, the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 (“the Order”) at Annex A should be made. The Order seeks to implement the adjustment to the boundaries of Eastern and Wan Chai Districts and the related amendment to the number of elected members of Eastern and Wan Chai District Councils (“DCs”).

JUSTIFICATIONS

“Two-DCCA proposal”

2. During the review of the number of elected seats for the fifth-term DCs, there were views that Wan Chai DC would have a relatively small number of elected seats and Eastern DC would have a relatively large one, resulting in the possible impact on the daily operation of both DCs, and some suggested the Government to consider adjusting the boundaries of Eastern and Wan Chai Districts by transferring some DC elected seats from Eastern DC to Wan Chai DC. The proposal to transfer the area of two existing Eastern DC constituency areas (“DCCAs”) (Tin Hau (C16) and Victoria Park (C18)) to Wan Chai District (“two-DCCA proposal”) (at Annex B) was considered as one of the most feasible options for further consideration.

3. We subsequently launched a formal consultation with Eastern and Wan Chai DCs, local residents and the public on two options, namely-

- (a) the two-DCCA proposal; and
- (b) the status quo.

Consultation with DCs

4. We consulted Wan Chai DC on 2 July 2013, and Eastern DC on 4 July and 3 October 2013. On 2 July, Wan Chai DC unanimously supported

the two-DCCA proposal. Eastern DC passed a motion on 3 October in support of the two-DCCA proposal.

Public consultation

5. A one-month public consultation was conducted from 19 July to 17 August 2013. A forum for local residents was held on 31 July 2013.

6. About 120 members of the public attended the forum. 23 of the attendees expressed their views. 15 (65%) of them supported the two-DCCA proposal and five (22%) disagreed. The remaining three (13%) mainly raised enquiries without indicating support or disagreement. The reasons cited in support of the transfer of Tin Hau and Victoria Park DCCAs to Wan Chai District are that these two DCCAs are in proximity to Wan Chai District, and the two-DCCA proposal can maintain the District identity of Eastern District without drastically changing the District boundary. Those who disagree with the two-DCCA proposal prefer the status quo or propose to transfer more DCCAs from Eastern District to Wan Chai District.

7. For the public consultation, 76 written submissions were received from individuals, schools, organisations and political parties with 58 submissions (76%) in support of the two-DCCA proposal and four (5%) in support of the status quo. The remaining 14 (18%) mentioned other proposals and views including the transfer of more DCCAs to Wan Chai District. The main reason cited in support of the two-DCCA proposal is the proximity of Tin Hau and Victoria Park DCCAs to Wan Chai District. The views received at the local consultation forum and during the public consultation are summarised at Annex C.

8. With the support of Eastern and Wan Chai DCs, the local residents and the public for the two-DCCA proposal, we propose that the boundaries of Eastern and Wan Chai Districts be adjusted to reflect the transfer of the area of the existing Tin Hau DCCA (C16) and Victoria Park DCCA (C18) to Wan Chai District, correspondingly the number of elected seats of Eastern DC be revised from 37 to 35, and the number of elected seats of Wan Chai DC be revised from 11 to 13, from the fifth-term DCs.

Legislative amendment

9. Each area declared to be a District for the purposes of the District Councils Ordinance (“DCO”) by reference to the map delineating such area is set out in Part II of Schedule 1 to the DCO. In order to re-delineate the areas of Eastern and Wan Chai Districts, the existing maps which delineate

the existing areas of Eastern and Wan Chai Districts need to be substituted by new maps that delineate the new areas of Eastern and Wan Chai Districts. Part II of Schedule 1 to the DCO therefore needs to be amended by updating the reference of the maps of the two Districts. The number of elected members for each of the 18 DCs is stipulated in Part 1 of Schedule 3 to the DCO. The respective number of elected members for Eastern DC and Wan Chai DC in Part 1 of Schedule 3 to the DCO has to be amended to effect the amendment of elected members as set out in paragraph 8.

10. Under section 8 of the DCO, Chief Executive (“CE”) in Council may, subject to the approval of the LegCo, amend Schedules 1 or 3 by order published in the Gazette. Details of the Order are set out in paragraph 11.

THE ORDER

11. The Order at Annex A consists of four sections. Section 1 specifies the commencement arrangement of the Order. Sections 2 to 4 provide for the amendment of the map references of Eastern and Wan Chai Districts in Part II of Schedule 1 to the DCO and the number of elected members for Eastern and Wan Chai DCs in Part 1 of Schedule 3 to the DCO.

12. The existing provisions being amended (namely Part II of Schedule 1 and Part 1 of Schedule 3 to the DCO) are at Annex D.

LEGISLATIVE TIMETABLE

13. The Secretary for Constitutional and Mainland Affairs has notified the Legislative Council (“LegCo”) of his intention to move the motion for the Order at Annex A at the meeting on 13 November 2013. We hope that the Order can be approved by the LegCo as soon as practicable, so that when the Electoral Affairs Commission prepares the recommendations on the delineation of the DCCAs for the fifth-term DCs election, it can take into account the new District boundaries and the revised number of elected members of Eastern and Wan Chai DCs.

IMPLICATIONS OF THE PROPOSALS

14. The legislative proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the binding effect of the DCO. It has no economic, environmental, productivity or family implications and has insignificant sustainability implication. The implementation of the proposal will not require additional financial or manpower resources.

15. The demarcation of school nets for allocation of Primary One and Secondary One students centrally through a computer system under the Primary One Admission System and the Secondary School Places Allocation System, administered by the Education Bureau (EDB), is underpinned primarily by the boundary of Districts. Upon adjustment of the boundaries of Eastern and Wan Chai Districts, two public sector secondary schools and one public sector primary school, subject to views of major stakeholders upon consultation by the EDB, would have to change District and school net to which they previously belonged. On the other hand, the two-DCCA proposal does not affect the provision of public services which are used by Hong Kong residents generally.

PUBLIC CONSULTATION

16. We consulted Wan Chai DC on 2 July 2013, and Eastern DC on 4 July and 3 October 2013, as set out in paragraph 4. A one-month public consultation, including a forum for local residents was also conducted. Details are set out in paragraphs 5 to 7 above. The outcome of the consultation indicates support by Eastern and Wan Chai DCs and the public for the two-DCCA proposal.

PUBLICITY

17. A press release is issued on 22 October 2013 and a spokesperson is made available to address media enquiries, if any.

ENQUIRY

18. Any enquiries on the brief should be addressed to Ms Anne TENG, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

Constitutional and Mainland Affairs Bureau
22 October 2013

District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013

Section 1

1

**District Councils Ordinance (Amendment of Schedules
1 and 3) Order 2013**

(Made by the Chief Executive in Council under section 8 of the District Councils Ordinance (Cap. 547) subject to the approval of the Legislative Council)

1. Commencement

This Order comes into operation—

- (a) for all purposes relating to the District Council ordinary election in 2015—on the day on which the Resolution of the Legislative Council approving this Order is published in the Gazette; and
- (b) in so far as it has not come into operation under paragraph (a)—on 1 January 2016.

2. District Councils Ordinance amended

The District Councils Ordinance (Cap. 547) is amended as set out in sections 3 and 4.

3. Schedule 1 amended (number of and declaration of Districts)

- (1) Schedule 1, Part II, item 2, column 3—

Repeal

“DC/2000/C”

Substitute

“DC/2013/C”.

- (2) Schedule 1, Part II, item 7, column 3—

Repeal

“DC/2000/B”

Substitute

“DC/2013/B”.

4. Schedule 3 amended

(1) Schedule 3, Part 1, item 2, column 3—

Repeal

“37”

Substitute

“35”.

(2) Schedule 3, Part 1, item 7, column 3—

Repeal

“11”

Substitute

“13”.

Clerk to the Executive Council

COUNCIL CHAMBER

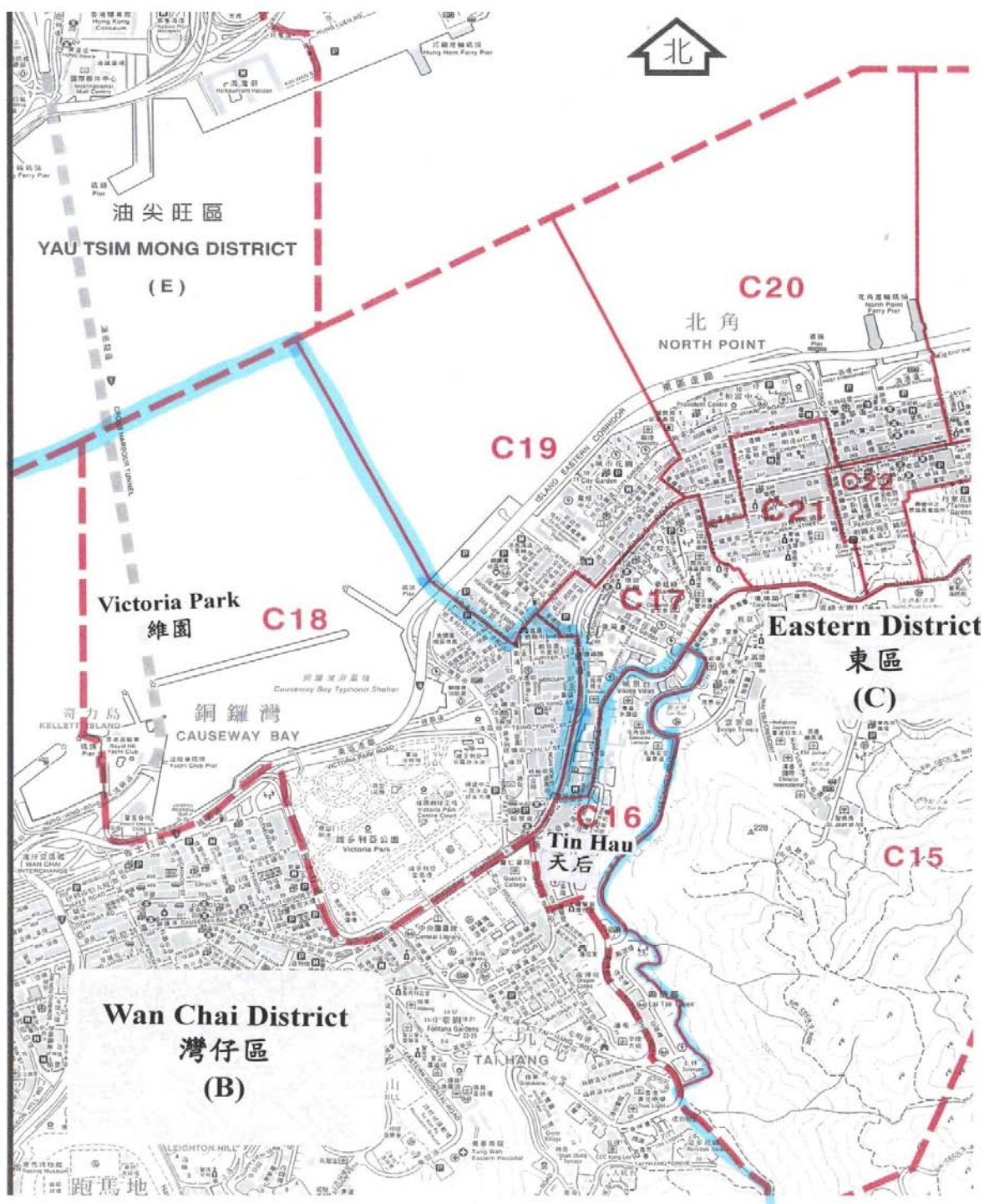
2013

Explanatory Note


The purpose of this Order is to amend Schedule 1 to the District Councils Ordinance (Cap. 547) to give effect to the revision of delineation of District areas and revised map references of Eastern and Wan Chai Districts.

2. Schedule 3 to the Ordinance is consequentially amended—
 - (a) to change the number of elected members of Eastern District Council from 37 to 35; and
 - (b) to change the number of elected members of Wan Chai District Council from 11 to 13.
3. The change will take effect on 1 January 2016, but will also take effect for the purpose of the District Council ordinary election to be held in 2015.

Proposed option (transferring two DCCAs (i.e. Tin Hau (C16) and Victoria Park (C18)) from Eastern District to Wan Chai District)



 Proposed boundary between Eastern and Wan Chai Districts

 Current boundary of the District

 Current boundary of District Council constituency areas

Views received during public consultation

(A) Local consultation forum held on 31 July 2013

- 23 members of the public spoke at the local consultation forum.
- **15 (65%) supported the two DCCAs proposal.** Reasons were –
 - residents of the Tin Hau and Victoria Park DCCAs generally used the transportation, medical and recreational facilities in the neighbouring Wan Chai District;
 - as Victoria Park was contiguous with Wan Chai District, its current management relied on the close cooperation with Wan Chai DC. If the two-DCCA proposal was implemented, it would be more convenient in respect of the management of Victoria Park;
 - part of Causeway Bay was currently located in Eastern District while part of it in Wan Chai District. It would be more desirable if the whole Causeway Bay district would be put under Wan Chai District;
 - the incumbent DC elected members of Tin Hau and Victoria Park DCCAs accepted the transfer of the two DCCAs to Wan Chai District. Wan Chai DC also welcomed the arrangement;
 - the proposal could solve the problem of Wan Chai DC having a relatively small number of elected seats while maintaining the District identity of Eastern District;
 - the demographic composition and structure of Tin Hau and Victoria Park DCCAs were relatively similar to those of Wan Chai District.
- **5 (22%) disagreed with the two-DCCA proposal.** Reasons were –
 - supported the status quo. If it was really necessary to transfer some DCCAs from Eastern District to Wan

Chai District, the transfer of the DCCAs around North Point was strongly objected because the community identity and sense of belonging of the residents should not be neglected;

- the Administration should transfer more DCCAs from Eastern District to Wan Chai District so that the operation of Eastern DC and Wan Chai DC could be more efficient. The two-DCCA proposal could not help enhance the operational efficiency of Eastern DC;
 - after implementing the two-DCCA proposal, the population of Eastern district would still be nearly three times the population of Wan Chai District. The problem of uneven allocation of resources could not be resolved;
 - the Administration should actively consider the suggestion of using the Area Committee as the basis and transfer the DCCAs under the North Point Area Committee to Wan Chai District; and
 - the Administration should not neglect the voices in Eastern DC that supported the transfer of more DCCAs to Wan Chai simply because Wan Chai DC did not want to take up more DCCAs.
- **3 (13%) queried the proposals** —
 - whether the Administration would consider merging Wan Chai District and Central and Western District in order to solve the problem of Wan Chai DC having a relatively small number of seats;
 - the criteria of resources allocation of each DC;
 - the implication of the two-DCCA proposal for school nets, medical services and other public services; and
 - requesting the Administration to conduct a territory-wide review on the distribution of population and resources allocation for DCs.

(B) Public consultation from 19 July to 17 August 2013

- **During the public consultation period, 76 written submissions were received.**
- **58 (76%) submissions¹ supported the two-DCCA proposal—**
 - 35 submissions: the two DCCAs were in proximity to Wan Chai District. Moreover, many community facilities in the two DCCAs were named with reference to Causeway Bay, such as Causeway Bay Kaifong Welfare Association. These two DCCAs should not be included in Eastern District when in fact they were areas near Causeway Bay MTR station in Wan Chai District;
 - 19 submissions: reasons were cited in support of the proposal from the angle of the use of community facilities or district management: residents in the two DCCAs had always been using facilities and services in Wan Chai District. Transferring the two DCCAs to Wan Chai District would make it more convenient for residents to express their views. If Victoria Park was transferred to Wan Chai District, it would facilitate the management of the park;
 - 10 submissions: after the transfer of the two DCCAs to Wan Chai District, the allocation of resources per capita in Wan Chai District would be greater than that in Eastern District because the population in Wan Chai was less than that in Eastern District;
 - 4 submissions: supported the two-DCCA proposal without giving any reasons.
- **4 (5%) supported the status quo one —**
 - a school in one of the DCCAs and its sponsoring body expressed concerns that if the school was transferred to Wan Chai school net, the long-term district networking

¹ As some submissions mentioned more than one reasons, the total of the mentioned submissions is more than 58.

built by the school in Eastern District would be affected. There would be adverse implication for the development of the school.

- **14 (18%) gave other alternatives or views** –
 - 6 submissions: supported the transfer all of the 11 DCCAs² to Wan Chai District;
 - 4 submissions: agreed that the area of Eastern District was relatively large. If some DCCAs were transferred to Wan Chai District, the resources allocation would be more even. However, the submissions did not state which DCCAs should be transferred;
 - 1 submission: considered that two-DCCA proposal was realistic but would not solve the problem concerning the operational difficulty of Eastern DC. The transfer of all six DCCAs under North Point West Area Committee³ to Wan Chai District was considered more reasonable ;
 - 1 submission: supported the merger of Central and Western District and Wan Chai District;
 - 2 submissions: did not state any views or raised unrelated views.

² Braemar Hill (C15) 、 Tin Hau (C16) 、 Fortress Hill (C17) 、 Victoria Park (C18) 、 City Garden (C19) 、 Provident (C20) 、 Fort Street (C21) 、 Kam Ping (C22) 、 Tanner (C23) 、 Healthy Village (C24)and Quarry Bay (C25)

³ Tin Hau (C16) 、 Fortress Hill (C17) 、 Victoria Park (C18) 、 City Garden (C19) 、 Provident (C20)and Fort Street (C21)

Chapter: 547 Title: **DISTRICT COUNCILS ORDINANCE** Gazette L.N. 156 of Number: 2006

Schedule: 1 Heading: **NUMBER OF AND DECLARATION OF DISTRICTS** Version Date: 01/01/2008

[sections 3 & 8]

PART II

DECLARATION OF DISTRICTS

Item	District	Delineation of District area
1.	Central and Western District	That area delineated and edged grey on the map numbered DC/2000/A and deposited in the office of the Designated Officer.
2.	Eastern District	That area delineated and edged grey on the map numbered DC/2000/C and deposited in the office of the Designated Officer.
3.	Kowloon City District	That area delineated and edged grey on the map numbered DC/2000/G and deposited in the office of the Designated Officer.
4.	Kwun Tong District	That area delineated and edged grey on the map numbered DC/2000/J and deposited in the office of the Designated Officer.
5.	Sham Shui Po District	That area delineated and edged grey on the map numbered DC/2006/F and deposited in the office of the Designated Officer.
6.	Southern District	That area delineated and edged grey on the maps numbered DC/2000/D1 and DC/2000/D2 and deposited in the office of the Designated Officer.
7.	Wan Chai District	That area delineated and edged grey on the map numbered DC/2000/B and deposited in the office of the Designated Officer.
8.	Wong Tai Sin District	That area delineated and edged grey on the map numbered DC/2000/H and deposited in the office of the Designated Officer.

9. Yau Tsim Mong District That area delineated and edged grey on the map numbered DC/2000/E and deposited in the office of the Designated Officer.
10. Islands District That area delineated and edged grey on the map numbered DC/2000/T and deposited in the office of the Designated Officer.
11. Kwai Tsing District That area delineated and edged grey on the map numbered DC/2006/S and deposited in the office of the Designated Officer.
12. North District That area delineated and edged grey on the maps numbered DC/2000/N1 and DC/2000/N2 and deposited in the office of the Designated Officer.
13. Sai Kung District That area delineated and edged grey on the maps numbered DC/2000/Q1 and DC/2000/Q2 and deposited in the office of the Designated Officer.
14. Sha Tin District That area delineated and edged grey on the map numbered DC/2000/R and deposited in the office of the Designated Officer.
15. Tai Po District That area delineated and edged grey on the maps numbered DC/2000/P1 and DC/2000/P2 and deposited in the office of the Designated Officer.
16. Tsuen Wan District That area delineated and edged grey on the map numbered DC/2000/K and deposited in the office of the Designated Officer.
17. Tuen Mun District That area delineated and edged grey on the map numbered DC/2000/L and deposited in the office of the Designated Officer.
18. Yuen Long District That area delineated and edged grey on the map numbered DC/2000/M and deposited in the office of the Designated Officer.

(Amended L.N. 156 of 2006)

Chapter: 547 Title: **DISTRICT COUNCILS ORDINANCE** Gazette E.R. 2 of Number: 2012

Schedule: 3 Heading: Version Date: 02/08/2012

[sections 5, 8, 9 & 11]

Part 1

Number of Elected Members and Appointed Members

Item	District Council	Number of elected members	Number of appointed members
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5
4.	Kwun Tong District Council	35	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	17	4
10.	Islands District Council	10	4
11.	Kwai Tsing District Council	29	7
12.	North District Council	17	5
13.	Sai Kung District Council	24	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	31	7

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010)