立法會
Legislative Council

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Tel　:　3919 3300

Date　:　16 October 2017

From　:　Clerk to the Legislative Council

To　:　All Members of the Legislative Council

Council meeting of 1 November 2017

Proposed resolution under the District Councils Ordinance

　　　　The Secretary for Constitutional and Mainland Affairs will move the proposed resolution in **Appendix 1** under section 8 of the District Councils Ordinance (Cap. 547) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2.　　　　The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

District Councils Ordinance

Resolution

(Under section 8 of the District Councils Ordinance (Cap. 547))

Resolved that the District Councils Ordinance (Amendment of Schedule 3) Order 2017, made by the Chief Executive in Council on |0 *October* 2017, be approved.

District Councils Ordinance (Amendment of Schedule 3) Order 2017

(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 2019—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 2020.

2. District Councils Ordinance amended

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

3. Schedule 3 amended

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

    Repeal

    "24"

    Substitute

    "25".

    (2)   Schedule 3, Part 1, item 4, column 3—

    Repeal

    "37"

    Substitute

    "40".

    (3)   Schedule 3, Part 1, item 5, column 3—

    Repeal

    "23"

    Substitute

    "25".

    (4)   Schedule 3, Part 1, item 9, column 3—

    Repeal

    "19"

    Substitute

    "20".

    (5)   Schedule 3, Part 1, item 11, column 3—

    Repeal

    "29"

    Substitute

    "31".

    (6)   Schedule 3, Part 1, item 13, column 3—

    Repeal

    "27"

    Substitute

    "29".

    (7)   Schedule 3, Part 1, item 14, column 3—

    Repeal

    "38"

    Substitute

"41".

(8)   Schedule 3, Part 1, item 16, column 3—

Repeal

"18"

Substitute

"19".

(9)   Schedule 3, Part 1, item 17, column 3—

Repeal

"29"

Substitute

"31".

(10)   Schedule 3, Part 1, item 18, column 3—

Repeal

"35"

Substitute

"39".

Explanatory Note

This Order amends Schedule 3 to the District Councils Ordinance (Cap. 547) to increase the number of elected members of—

(a)   Kowloon City District Council from 24 to 25;

(b)   Kwun Tong District Council from 37 to 40;

(c)   Sham Shui Po District Council from 23 to 25;

(d)   Yau Tsim Mong District Council from 19 to 20;

(e)   Kwai Tsing District Council from 29 to 31;

(f)   Sai Kung District Council from 27 to 29;

(g)   Sha Tin District Council from 38 to 41;

(h)   Tsuen Wan District Council from 18 to 19;

(i)   Tuen Mun District Council from 29 to 31; and

(j)   Yuen Long District Council from 35 to 39.

2.   The increase is applicable to the District Council ordinary election to be held in 2019, and will fully take effect on 1 January 2020.

Clerk to the Executive Council

COUNCIL CHAMBER

10ᵗʰ October, 2017

Speech by
the Secretary for Constitutional
and Mainland Affairs
on a motion to approve
the District Councils Ordinance
(Amendment of Schedule 3) Order 2017
at the Legislative Council on 1 November 2017

President,

I move that the motion on the District Councils Ordinance (Amendment of Schedule 3) Order 2017 ("the Order"), as printed on the Agenda, be passed. The purpose of this piece of subsidiary legislation is to increase the number of elected seats of ten District Councils ("DCs") by 21, starting from the sixth-term DCs which will commence operation on 1 January 2020. Accordingly, the amendments are also applicable to the 2019 DC ordinary election which returns members of the sixth-term DCs.

2.   The increase in the number of elected seats proposed by the Government is based on the forecast of the population of Hong Kong by mid-2019 and the population in mid-2016 derived from the 2016 Population By-census (whichever is the greater), the continued application of a population quota of about 17 000 residents to one DC elected seat and the methodology used in the last review, and the abolition of DC appointed seats from the fifth-term DCs onwards.

3.   Our specific recommendation is to increase the number of elected seats by one for Kowloon City, Yau Tsim Mong and Tsuen Wan DCs respectively; by two for Sham Shui Po, Kwai Tsing, Tuen Mun and Sai Kung DCs respectively; by three for Kwun Tong and Sha Tin DCs respectively; and by four for Yuen Long DC.

4.   The Constitutional and Mainland Affairs Bureau listened to the views of the Legislative Council Panel on Constitutional Affairs and the Chairmen and Vice Chairmen of the 18 DCs on the proposal in July this year. There was general support of the principles adopted in the review and the resultant increase in the number of elected seats. That said, we received comments emphasising the importance of the preservation of community identities and local ties and physical features of the area in determining the number of elected seats and in demarcating the District Council constituency area ("DCCA") boundaries. For example, there was request for giving due consideration to the unique geographical feature of the scattering islands of the Islands DC and the lack of transportation linkages among the islands and providing an additional elected seat for the Islands DC. There was also request for providing an

additional seat to the North DC with rapid population growth.

5.   We have considered the views collected carefully. Since the current review of the number of elected seats is conducted based on established methodology and objective population data, we decide to maintain the resulting proposal of increasing 21 elected seats for the sixth-term DCs. That said, we appreciate the importance of the preservation of community identities and local ties. It is indeed a statutory requirement for the Electoral Affairs Commission ("EAC") to have regard to community identities and the preservation of local ties, and the physical features such as size, shape, accessibility and development of the relevant area or any part of the relevant area for the demarcation of DCCA boundaries.

6.   During the consultation, we also received views related to the mechanism for determining the number of elected seats.   In view of the growing overall population in Hong Kong and the possible impact of the expanding/ dwindling population on the operation of individual DCs in the longer term, we consider that we should review and improve the mechanism for determining the number of elected seats for the seventh-term DCs (2024-2027), and consider the merits of suggestions received in this exercise in one go.

7.   The Chief Executive in Council made the Order at the Executive Council meeting on 10 October 2017.   The House Committee of the Legislative Council examined the Order at its meeting on 20 October and decided that there was no need to form a Subcommittee on Subsidiary Legislation to scrutinise the Order.

8. Subject to the approval of the District Councils Ordinance (Amendment of Schedule 3) Order 2017 by the Legislative Council today, the EAC will make recommendations for the demarcation of constituency boundaries for the 2019 DC ordinary election next year having regard to the revised number of DC elected seats. The Registration and Electoral Office will also make preparation for the conduct of the 2019 DC ordinary election in accordance with the revised number of DC elected seats.

9. With the above, I invite Members to approve the District Councils Ordinance (Amendment of Schedule 3) Order 2017 to implement the increase of 21 elected seats for the sixth-term DCs.

10. Thank you, President.