

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Ref: CB2/SS/7/98

**Subcommittee on
subsidiary legislation relating to
District Councils election**

**Minutes of meeting
held on Monday, 7 June 1999, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Cyd HO Sau-lan
Hon LEE Wing-tat
Hon LAU Kong-wah
Hon CHOY So-yuk

Members absent : Hon Ronald ARCULLI, JP
Hon Ambrose CHEUNG Wing-sum, JP

Public Officers attending : Mr Robin IP
Deputy Secretary for Constitutional Affairs

Mr Bassanio SO
Principal Assistant Secretary for Constitutional Affairs

Mr James O'NEIL
Deputy Solicitor General (Constitutional)

Mr Lawrence PENG
Deputy Principal Government Counsel (Acting)

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I Meeting with the Administration on the Declaration of Constituencies (District Councils) Order 1999
(LegCo Brief (Ref. CAB C2/11) and LC Paper No. LS 197/98-99)

At the invitation of the Chairman, Deputy Secretary for Constitutional Affairs (DSCA) briefed members on the Declaration of Constituencies (District Councils) Order 1999. He said that in accordance with the statutory requirement under the Electoral Affairs Commission Ordinance (Cap. 541)(EACO), the Electoral Affairs Commission (EAC) had published its provisional recommendations on the delineation of constituencies for the 1999 District Councils (DCs) election for public consultation on 22 March 1999. In response to the public consultation, EAC had adjusted the boundaries of 49 constituencies and the names of five constituencies. The final recommendations of EAC were submitted to the Chief Executive (CE) on 15 May 1999 and were accepted without amendment by the CE in Council.

Basis for the delineation of constituencies and criteria for the consideration of representations

2. DSCA informed members that the boundaries of the 1994 District Boards (DB) constituencies had formed the basis of the current delineation exercise. In the delineation of constituencies, EAC had adhered to the requirement of keeping the population in each constituency as close to the population quota as practicable. EAC might depart from the requirement only if a consideration provided in section 20(3) of EACO rendered a departure necessary or desirable.

3. As regards the representations received on the provisional recommendations, DSCA said that suggested adjustments received in the consultation exercise had been considered by EAC only if -

(a) they were supported by cogent reasons and would result in

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substantial and apparent improvement under community, geographical and development considerations;

- (b) they would not in turn affect a large number of unaltered constituencies;
- (c) all the resulting populations would not exceed or fall short of the population quota by more than 25%; and
- (d) no representation supporting the provisional recommendations had been received.

He suggested that members refer to the “Report of EAC on the Recommended Constituency Boundaries in respect of the 1999 DCs Election” for EAC’s detailed responses to each representation.

Numbers of Districts and elected members

4. On the question of whether the number of Districts would remain unchanged in the future, DSCA informed members that the number of Districts and the number of elected members in each District were set out in Schedule 1 to the District Councils Ordinance (Cap. 547) (DCO). Any change in the numbers would require an amendment to DCO. He added that the number of elected members in each District was related to the population size.

Members’ views on the delineation of constituencies

5. Mr LEE Wing-tat said that although the Democratic Party noted the substantial deviation of the population size of some constituencies from the population quota, it would not propose any amendments to the delineation of constituencies so as to avoid any suspicion that the Party was proposing amendments only for its own interests. Miss CHOY So-yuk shared the view that the population size of some constituencies deviated substantially from the population quota.

6. Mr LAU Kong-wah said that the Democratic Alliance for the Betterment of Hong Kong had not submitted any views on the delineation of constituencies. While noting that the population size of some constituencies deviated substantially from the population quota, he also noted that the deviations were necessary for geographical reasons. He added that the changes in the boundaries of constituencies over those for the 1994 DB election were relatively small in comparison with the past. In this connection, DSCA confirmed that in EAC’s final recommendations, the boundaries of 204 constituencies had remained the same as those for the 1994 DB election.

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7. Referring to the delineation of constituencies for the 1995 LegCo election, Miss Cyd HO questioned why a temporary housing area near Shing Mun River was delineated as a part of NT South East Constituency. In this connection, the Chairman said that as delineation was based on population size, some peculiarity in the boundaries might be inevitable.

Drafting aspects of the Order

8. In response to the Chairman, Assistant Legal Adviser 3 said that the drafting of the Order was in order.

Way forward

9. As members made no particular comments on the drafting of the Order, the Chairman concluded that the Subcommittee supported the subsidiary legislation and a report would be made to the House Committee at its meeting on 11 June 1999.

II Date of next meeting

10. Members noted that all subsidiary legislation relating to the 1999 DCs election would have been tabled in the LegCo by 9 June 1999. They agreed that a meeting would be held on 10 June 1999 at 8:30 am to examine the Electoral Affairs Commission (Electoral Procedure)(District Councils) Regulation and the District Councils (Election Petition) Rules.

11. The meeting ended at 3:05 pm.

Legislative Council Secretariat

15 July 1999