立法會 Legislative Council

LC Paper No. LS71/05-06

Paper for the House Committee Meeting on 26 May 2006

Legal Service Division Report on Proposed Resolution under section 8 of the District Councils Ordinance (Cap. 547)

District Councils Ordinance (Amendment of Schedule 3) Order 2006

The Secretary for Constitutional Affairs has given notice to move a motion at the Legislative Council meeting of 7 June 2006. The purpose of the motion is to seek the Legislative Council's approval of the District Councils Ordinance (Amendment of Schedule 3) Order 2006 made under section 8 of the District Councils Ordinance (Cap. 547) ("the Ordinance").

- 2. Section 8 of the Ordinance provides that the Chief Executive in Council may, subject to the approval of the Legislative Council, amend Schedule 1, 2 or 3 to the Ordinance. Schedule 3 provides for the number of elected members and appointed members to a District Council ("DC").
- 3. The purpose of this Order is to increase the number of elected members, in the case of the Islands District Council, from 8 to 10 and in the case of the Sai Kung District Council, from 20 to 23 respectively. The increase is to take into account the projected population growth of the two District Council constituency areas ("DCCAs").
- 4. Members may refer to the LegCo Brief (File ref. CAB C2/23) issued by the Constitutional Affairs Bureau dated 17 May 2006 for details. According to the LegCo Brief, the two District Councils concerned have been consulted. They are supportive of the proposal.
- 5. The LegCo Panel on Constitutional Affairs has also been consulted at its meeting on 20 February 2006. While members expressed support for the proposal, they had sought clarification on the justifications for providing additional seats on the two DCs, and not the remaining 16 DCs. Some members considered that there was great variation in the population-to-seat ratio among the 18 DCs, e.g. the ratio in the Wan Chai DC was 13 000 and that in the Kwai Tsing DC was 19 000. New DC seats should be provided to districts with overall population growth, and not just districts with population growth in new towns. Further, on 25 May 2006, two Ma Wan residents have made submissions requesting that an elected seat should be provided for Ma Wan (please see Annex and in Chinese version only).

- 6. The Administration had explained that section 20(1) of the Electoral Affairs Commission Ordinance (Cap. 541) required that the population sizes of DCCAs should be as close to the population quota as possible, and that deviation from the population quota should be within 25%. If additional seats were not provided for the Islands and Sai Kung districts, the population-to-seat ratio in Tung Chung and Tseung Kwan O which had experienced rapid population growth would exceed the population quota by over 25% in 2007. As regards the remaining 16 districts, the population growth was quite even and the average population size of their constituency areas in 2007 was expected to stay within the statutory deviation limit of 25% of the population quota.
- 7. For the purpose of enabling arrangements to be made for the holding of the District Council ordinary election, the Order shall come into operation on 14 July 2006. Except for this purpose, the Order shall come into operation on 1 January 2008. That is to say, when electoral arrangements are made on or after 14 July 2006 in accordance with the Ordinance to elect District Council members for the new term from 1 January 2008, they will be made on the basis of the increased number of elected seats. However, the increased elected seats may only be filled as from the new term.
- 8. No difficulties relating to the legal and drafting aspects of the proposed resolution have been identified.

Prepared by

HO Ying-chu, Anita Assistant Legal Adviser Legislative Council Secretariat 25 May 2006

LS/R/14/05-06

致: 呂明華主席/立法會政制事務委員會

林瑞麟 局長/政制事務局

抄本致: 曾鈺成副主席/立法會政制事務委員會

胡國興 主席/選舉管理委員會

日期: 二〇〇六年五月二十五日

有關:要求在第三屆區議會增加馬灣的民選議席

本人要求政制事務局及立法會政制事務委員會,考慮在第三屆區議會增加 馬灣的民選議席,原因如下:

- 因應荃灣郊區西選區由 2003 年上屆區議會選舉至 2007 年來屆區議會選舉的數年間的推算人口增長,預計整個選區人口會超越 28,000 人,根據選舉管理委員會在劃出選區分界時,選舉管理委員會必須遵守《選舉管理委員會條例》第 20 條(附件一)所定的準則。第 20(1)條規定區議會選區的人口須盡可能接近全港所有選區的平均人口(稱為"標準人口基數"^{≛1}),偏離幅度須在 25%之內。如不增加議席,到 2007 年荃灣郊區西的人口將達 28,000 人,超出標準人口基數 60%。
- 另外,《選舉管理委員會條例》第 20(5)條亦容許選舉管理委員會爲顧 及維持地方聯繫、社區獨特性和有關區域的自然特徵等因素,是可以讓 某些選區超越偏離幅度 25%的規定;由於荃灣郊區西選區由深井以西至 青龍頭及馬灣兩大地區組成,而兩區並未有直接的交通網絡可連接,一 直以來令有關選區的議員^{註2}難以兼顧兩地之社區事務。
- 此外,循馬灣鄉事委員會成為的當然議員
 註3,主要的服務對象為鄉事委員會的村民,亦難以兼顧馬灣於另一個私人屋苑日益增長的人口需要,而且就社區獨特性而言,政府亦准予一些離島社區如南丫島
 註4,容許由當然議員及民選議員服務當地社區。
- 根據立法會文件 CB(2)1137/05-06(01)號(附件二),整體荃灣區人口亦有4%之增長,雖然行政選區增長幅度不及離島區及西貢區,然而荃灣各選區之間的人口分佈仍存在不平均的現象;就本年度四月政制事務局諮詢區議會角色、職能及組成的檢討諮詢文件而言,如不增加馬灣的民選議席,勢將影響荃灣區議會於馬灣社區的行政效率,亦削弱馬灣當地居民參予社區服務的積極性。

希望政制事務局及立法會政制事務委員會考慮本人的意見,於本年度七月修訂有關法例時增加馬灣的民選議席。

謝謝!

Edward

馬灣珀麗灣居民

註一:標準人口基數等於全港 400 個區議會選區的平均人口。2007 年的基數 17,483 人

是由 18 區的總人口(6,993,300)除以民選區議會議席的總數(400)而得出。

註二:現任荃灣郊區西議員爲蔡成火先生,爲青龍頭豪景花園之居民。 註三:現任馬灣鄉事委員會主席及荃灣區議會當然議員爲鄒鑑傳先生。

註四:南丫島人口不超過8,000人,由三位離島區議員服務,包括兩位當然區議員周玉

堂先生及方錦鴻先生,另有一位民選議員余麗芳女士

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本人要求政制事務局及立法會政制事務委員會,考慮在第三屆區議會增加 馬灣的民選議席,原因如下:

- 因應荃灣郊區西選區由 2003 年上屆區議會選舉至 2007 年來屆區議會選舉的數年間的推算人口增長,預計整個選區人口會超越 28,000 人,根據選舉管理委員會在劃出選區分界時,選舉管理委員會必須遵守《選舉管理委員會條例》第 20 條(附件一)所定的準則。第 20(1)條規定區議會選區的人口須盡可能接近全港所有選區的平均人口(稱為"標準人口基數"^{≛1}),偏離幅度須在 25%之內。如不增加議席,到 2007 年荃灣郊區西的人口將達 28,000 人,超出標準人口基數 60%。
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希望政制事務局及立法會政制事務委員會考慮本人的意見,於本年度七月修訂有關法例時增加馬灣的民選議席。

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