

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/12

LC Paper No. CB(2)1112/12-13  
(These minutes have been seen  
by the Administration)

**Bills Committee on  
District Councils (Amendment) Bill 2013**

**Minutes of the second meeting  
held on Wednesday, 27 March 2013, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Starry LEE Wai-king, JP  
Hon Paul TSE Wai-chun, JP  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon Emily LAU Wai-hing, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon Alan LEONG Kah-kit, SC  
Dr Hon Elizabeth QUAT, JP
- Public Officers attending** : Mr LAU Kong-wah  
Under Secretary for Constitutional and Mainland Affairs  
  
Ms Anne TENG  
Principal Assistant Secretary for Constitutional and Mainland  
Affairs  
  
Miss Emma WONG  
Senior Government Counsel  
  
Mr Henry CHAN  
Government Counsel
- Clerk in attendance** : Ms Joanne MAK  
Chief Council Secretary (2) 3

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Miss Cindy HO  
Senior Council Secretary (2) 3

Mrs Fanny TSANG  
Legislative Assistant (2) 3

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(3)358/12-13, LS24/12-13, CB(2)860/12-13(01) and (02)]

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

2. The Bills Committee completed the clause-by-clause scrutiny of the District Councils (Amendment) Bill 2013.

Follow-up actions required of the Administration

**Admin** 3. At the request of Dr Hon Kenneth CHAN, the Administration undertook to examine whether the abolition of District Council ("DC") appointment system with effect from 1 January 2016 would impact on existing appointments to statutory and advisory boards and committees with the period of appointment straddling beyond 1 January 2016 involving post-holders who were currently appointed DC members.

**II. Any other business**

4. The Chairman reminded members that the next meeting of the Bills Committee would be held on 9 April 2013 at 9:00 am. In view of the number of deputations/individuals attending the meeting, members agreed that the ending time of the next meeting be revised to 11:00 am.

5. There being no other business, the meeting ended at 9:40 am.

**Proceedings of the second meeting of the  
Bills Committee on District Councils (Amendment) Bill 2013  
held on Wednesday, 27 March 2013, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000002 - 000501	Chairman Administration	Opening remarks  Briefing by the Administration on the Bill which introduced amendments to the District Councils Ordinance (Cap. 547) ("DCO") and other relevant subsidiary legislation to abolish the system of appointing members to the District Councils ("DCs") by the Chief Executive ("CE") with effect from 1 January 2016, i.e. the commencement date of the fifth-term DCs. The systems of DC elected and ex officio members would not be dealt with by the Bill. [File Ref : CMAB C2/7]	
000502 - 000716	Chairman Mr Christopher CHUNG Mr LEUNG Che-cheung	While expressing support for the Administration's proposal, Mr Christopher CHUNG and Mr LEUNG Che-cheung raised the following concerns -  (a) Mr CHUNG's views that the operation of some DCs with a small elected membership would be affected following the abolition of all the appointed seats. He asked what was the specified number of seats for maintaining the operation of a DC; and  (b) Mr LEUNG's views about maintaining the ex-officio seat as a component of DCs.	
000717 - 001246	Chairman Administration Mr Christopher CHUNG	The Administration's explanation in response to Mr Christopher CHUNG that the number of elected seats for each DC and its increase were largely determined by the population size of the district concerned based on a population quota for a DC constituency area ("DCCA") (i.e. 17 282). The Administration considered that it would be more appropriate for the Panel on Constitutional Affairs to follow up the review of the number of elected members.  Mr Christopher CHUNG asked if the Administration's proposal would result in major changes to the number of DCCAs and the boundaries of existing DCCAs. He noted that	

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		<p>some residents were concerned on whether certain existing DCCAs would be merged with or subdivided into other constituencies. Mr CHUNG emphasized the need to preserve the integrity of DCCAs which was an issue of great concern to local residents, pointing out that it would have implication on the provision of major public facilities for holding large-scale events in local areas.</p> <p>The Chairman's expression of views about the future operation of DCs with a small elected membership such as the Wan Chai DC which might face operational problem after abolishing all the appointed DC seats. He urged the Administration to consider ways to minimize the impact on the operation of DCs. He called on the Administration to look into this issue with a view to maintaining the operational efficiency of DCs.</p>	
001247 - 001934	Chairman Mr LEUNG Che-cheung Administration	<p>Mr LEUNG Che-cheung's request for the Administration to consider re-naming the ex-officio seats to reflect the very nature of this type of membership which was taken up by Rural Committees ("RC") Chairmen who had individually gone through an election procedure to become ex-officio members in various New Territories DCs.</p> <p>Regarding the 27 ex-officio members who were RC Chairmen, the Administration's explanation that the Village Representative Election would return the Indigenous Inhabitant Representatives and Resident Representatives. They would then elect among themselves the RC Executive Committee members among whom the RC Chairman would be elected, or the RC Chairman would be elected in an RC general meeting. Ex-officio members were not members appointed by the Administration and were not required to undergo an appointment procedure applicable to appointed members. Hence, the handling of ex-officio seats could be different from the appointed seats. The Administration noted that public opinions differed on whether to retain the ex officio seats in the DCs. Some considered that there was a need to retain ex-officio membership in the DCs due to their unique functions and historical background, while some</p>	

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		<p>considered that the ex-officio seats should be abolished. Since the public had yet to reach a consensus on the issue, it was necessary to conduct in-depth deliberation and more extensive consultation with the stakeholders before deciding on the way forward.</p> <p>The Chairman took a neutral stance on the terminology of "ex-officio member" which was also found in the Election Committee ("EC"), in that members of the Legislative Council ("LegCo") were ex-officio members of EC and constituted the LegCo subsector. His view that the issue could be further explored in the future.</p>	
001935 - 002339	Chairman Miss Alice MAK Administration	Miss Alice MAK's expression of views that appointed DC members had made significant contributions to the community. Nevertheless, she noted that the abolition of the DC appointment system was proposed having regard to the constitutional development of Hong Kong.	
002340 - 003120	Chairman Dr Kenneth CHAN Administration	<p>Responding to Dr Kenneth CHAN about the possible impact of the abolition of appointed seats on appointments to statutory and advisory boards and committees with the period of appointment straddling beyond 1 January 2016, the Administration advised that appointments to statutory boards and committees were made very often on account of a person's professional qualifications or in his personal capacity, not necessarily by virtue of his capacity as an appointed DC member. Nevertheless, the Administration undertook to examine whether it would impact on any existing appointments to statutory boards and committees with the period of appointment straddling beyond 1 January 2016 involving post-holders who were appointed DC members.</p> <p>The Chairman noted that appointments to some district hospital management committees would normally tie in with the term of office of a DC member.</p>	<b>Admin</b> (paragraph 3 of the minutes)
003121 - 003919	Chairman Mr Christopher CHUNG Administration Miss Alice MAK	Mr Christopher CHUNG's view that the interests of electors in the New Territories DCs were already represented by their respective elected DC members. These electors had additional votes	

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		and representation by ex-officio members in the relevant DCs which, in his view, was an arrangement unfair to electors in Hong Kong and Kowloon DCs. He called on the Administration to rationalize the arrangement by creating ex-officio seats also in other DCs. The Administration reiterated that the issue would require more in-depth deliberation and extensive consultation with the stakeholders.	
<b>Clause-by-clause examination of the Bill</b>			
003920 - 004004	Chairman Administration Mr Christopher CHUNG	<b>Part 1 – Preliminary (clauses 1 and 2)</b> Short title and commencement date	
004005 - 005504	Chairman Administration Mr Christopher CHUNG	<b>Part 2 – amendments to DCO (clauses 3 to 14)</b>  Members noted that clauses 3 to 14 of the Bill sought to amend the DCO to repeal all references to the appointed members in the DCO. The amended provisions and headings included section 2, heading of Part II, sections 5, 8, 9 and 10, Division 1 of Part IV (namely sections 11 to 16), sections 72, 83 and 84 of, and Schedule 3 and Schedule 4 to, the DCO.  Referring to section 10 of DCO which provided that an elected member would be taken to have resigned on becoming an ex officio member, Mr CHUNG expressed concern about the appropriateness for an elected member to change to be an ex officio member as the former was directly elected by DC voters. The Administration noted Mr CHUNG's view.	
005505 - 010142	Chairman Administration	<b>Part 3 – amendments consequential to repeal of Division 1 of Part IV of DCO (clauses 15 to 18)</b>  Members noted that clauses 15 to 18 of the Bill sought to amend sections 22(7)(b) and (8)(b) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A), sections 42(9)(b) and (10)(b) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation	

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		(Cap. 541 sub. leg. B) and Schedules 1 and 2 to the Electronic Transactions (Exclusion) Order (Cap. 553 sub. leg. B) as consequences of the repeal of Division 1 of Part IV of the DCO.	
010143 - 010320	Chairman	Completion of clause-by-clause scrutiny of the Bill  Date and time of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
9 May 2013