

立法會
Legislative Council

Ref : CB2/BC/2/12

LC Paper No. CB(2)1478/12-13
(These minutes have been seen
by the Administration)

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

**Minutes of the third meeting
held on Tuesday, 9 April 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
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 Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members absent** : Hon Starry LEE Wai-king, JP
Hon CHAN Han-pan
- 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
- Attendance by invitation** : Mr AU Nok-hin
Member of Southern District Council

The Civic Party

Mr HON Chun-yin
District Developer NTW

Democratic Party

Mr TSOI Yiu-cheong
Convenor, Constitutional Group

Go! Hong Kong

Mr CHAN Chung-yau
Chairman

Yat Tung Community and Network Association

Mr KWOK Chung-man

Joint Meeting of the Ma On Shan Residents

Mr TUNG Wai-ming

Kwai Chung South Resident Association

Mr CHENG Kwok-kee

Democratic Alliance for the Betterment and Progress of
Hong Kong

Mr YEUNG Hok-ming
Deputy Spokesperson on Constitutional Affairs

Neo Democrats

Mr KU Chun-hin
Member

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

Action

I. Meeting with deputations and the Administration

[LC Paper Nos. CB(3)358/12-13, CB(2)860/12-13(01),
CB(2)902/12-13(01)-(04) and CB(2)969/12-13(01)-(02)]

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

2. The Bills Committee received views from representatives of nine deputations/individuals on the Bill.

3. After discussion, the Chairman asked if members had any further questions or views on the Bill. As no more questions or comments were raised, the Chairman said that the Bills Committee had completed the scrutiny of the Bill at the last meeting. In response to the Chairman's enquiry, the Administration advised that it intended to resume the Second Reading debate on the Bill at the Council meeting of 15 May 2013. No members raised objection. Members agreed that the Bills Committee would report its deliberations to the House Committee at its meeting on 3 May 2013. Members noted that the deadline for giving notice to move Committee Stage amendments to the Bill was 6 May 2013.

II. Any other business

4. There being no other business, the meeting ended at 10:20 am.

Council Business Division 2
Legislative Council Secretariat
27 June 2013

**Proceedings of the third meeting of the
Bills Committee on District Councils (Amendment) Bill 2013
held on Tuesday, 9 April 2013, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|------------------------------|--|-----------------|
| 000403 - 000552 | Chairman | Opening remarks | |
| 000553 - 000907 | Chairman Mr AU Nok-hin | Mr AU Nok-hin's expression of support for the Bill and other major views - (a) the role and functions of District Councils ("DCs") should be reviewed and strengthened. DCs should be delegated the powers of the former Municipal Councils in the areas of management of public markets and liquor licensing; and (b) the system of ex officio members should also be abolished. | |
| 000908 - 001152 | Chairman The Civic Party | Presentation of major views - [LC Paper No. CB(2)969/12-13(01)] (a) expression of support for the abolition of DC appointment system, and the Administration should undertake not to restore the DC appointed seats; (b) the Administration should enhance the responsibilities of DCs in district administration; and (c) the Administration should review the electoral method for returning the DC seats. Consideration should be given to a mixed election model combining the "single seat single vote system" and the "proportional representation system". The existing DC constituency areas ("DCCAs") should be merged to form bigger constituencies with DC members to be returned through the "proportional representation system". | |
| 001153 - 001513 | Chairman Democratic Party | Presentation of major views - (a) DC appointment system should have been abolished long ago; | |

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|---|---|-----------------|
| | | <p>(b) ex officio seats in DCs should also be abolished in tandem with appointed DC seats;</p> <p>(c) DC election system should be reviewed and consideration should be given to a mixed election model combining the "single seat, single vote system" and the "proportional representation system"; and</p> <p>(d) there should be further devolution of powers to DCs in district administration.</p> | |
| 001514 - 001544 | Chairman Go! Hong Kong | <p>Presentation of major views -</p> <p>(a) the DC appointment system should be abolished; and</p> <p>(b) enquiry on how the DC (second) functional constituency ("FC") seats could help enhance the representativeness of DCs.</p> | |
| 001545 - 001832 | Chairman Yat Tung Community and Network Association | <p>Presentation of major views -</p> <p>(a) advocating merging of DCCAs to form bigger constituencies so as to enable an elected member to represent the interests of a bigger DCCA; and</p> <p>(b) ex officio seats in DCs should also be abolished in tandem with the appointed seats.</p> | |
| 001833 - 002051 | Chairman Joint Meeting of the Ma On Shan Residents | <p>Presentation of major views -</p> <p>(a) appointed members had made significant contributions to the work of DCs;</p> <p>(b) consideration should be given to creating additional elected seats in DCs so as to provide more opportunities for participation in community affairs; and</p> <p>(c) support the retention of ex officio seats in DCs. 27 ex officio members in various New Territories DCs were Rural Committees ("RCs") Chairmen who had individually gone through the relevant election procedure to become ex officio members. They were representatives of the rural residents and had public mandate.</p> | |

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|--|--|-----------------|
| 002052 - 002355 | Chairman Kwai Chung South Resident Association | Presentation of major views - (a) appointed members had also made significant contributions to the work of DCs; and (b) the Administration should consider the post-office arrangements for DC appointed members so that they could continue to make contributions at district levels. | |
| 002356 - 002654 | Chairman Democratic Alliance for the Betterment and Progress of Hong Kong | Presentation of major views - (a) appointed members came from different sectors of the community. Their working background, expertise and experience as well as their commitment to community services had enabled them to give significant contributions to the work of the DCs. Nevertheless, the proposed abolition of DC appointment system was supported to tie in with the constitutional development in Hong Kong; and (b) the Administration should consider the impact of the Bill on the operation of DC following the abolition of all appointed seats. To ensure smooth functioning of the district administration, the population quota for each DCCA should be adjusted downwards so that more elected seats could be created. | |
| 002655 - 003012 | Chairman Neo Democrats | Presentation of major views - [LC Paper No. CB(2)902/12-13(01)] (a) expression of support for the abolition of the DC appointment system; and (b) ex officio seats in rural DCs should be abolished in tandem with DC appointed seats as the interests of electors in the New Territories DCs were already represented by their respective elected DC members. These electors had additional votes and representation by ex-officio members in the relevant DCs and this was not fair to the electors in the urban area. | |
| 003013 - 003547 | Chairman Ms Cyd HO | Ms Cyd HO's views that the role and functions of DC should be enhanced and the election system of | |

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|--|--|-----------------|
| | <p>Democratic Party Mr AU Nok-hin Yat Tung Community and Network Association</p> | <p>DC should be reviewed, and consideration could be given to returning DC members through the "proportional representation system".</p> <p>Democratic Party's suggestions that -</p> <p>(a) under its proposal of mixed election model combining the "single seat single vote system" and the "proportional representation system", the appointed seats should be replaced by elected seats to be returned by the "proportional representation system". In the long run, all DC members (or at least half of all elected seats) should be returned through the "proportional representation system"; and</p> <p>(b) DCCAs should not be sub-divided into smaller constituency areas even if there was an increase in the number of elected seats.</p> <p>Yat Tung Community and Network Association's suggestion of re-defining the DC boundaries of the 18 DCs (to be increased to 27 DCs) and returning all DC members by the "proportional representation system".</p> | |
| 003548 - 004114 | <p>Chairman Mr Christopher CHUNG Mr AU Nok-hin Democratic Party</p> | <p>Mr Christopher CHUNG's suggestion of forming a transport committee comprising representatives from 18 DCs to discuss the territory-wide transport matters. In his view, this would help broaden the horizon of DC members. He considered that the manpower of DC secretariats was inadequate and should be strengthened.</p> <p>Democratic Party's view that the population of the existing DC constituencies was so small that DC members lacked representativeness and often discussed public policies and community issues from a narrow perspective. The DC election system should be reformed to address the problem.</p> | |
| 004115 - 004409 | <p>Chairman Mr LEUNG Che-cheung</p> | <p>Mr LEUNG Che-cheung's views that DC members should be given additional responsibilities, particularly in the areas of advising on food and environmental hygiene. Mr LEUNG enquired about the timetable on a review of the functions of DCs.</p> | |

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|---|---|-----------------|
| 004410 - 004728 | Chairman Administration | The Administration's response that on the basis of the population distribution projections, the Administration would work out the number of elected seats for each DC taking into account the population quota and other relevant considerations. The Administration would revert to the Panel on Constitutional Affairs on its review of the number of elected seats for the fifth-term DCs at the Panel meeting on 20 May 2013. | |
| 004729 - 005353 | Chairman Dr Priscilla LEUNG Democratic Party Yat Tung Community and Network Association | Dr Priscilla LEUNG's view that "proportional representation system" implemented in LegCo might not be the appropriate system for returning DC members. | |
| 005354 - 010116 | Chairman Dr Kenneth CHAN Joint Meeting of the Ma On Shan Residents Kwai Chung South Resident Association Administration | <p>Dr Kenneth CHAN's views that -</p> <p>(a) The Administration should commence review of the ex officio membership of DCs as early as possible, including whether the ex officio seats should be abolished and how to ensure transparency of the process of returning these ex officio members; and</p> <p>(b) consideration should be given to providing DCs with independent secretariats that could provide DCs with more professional services without having to rely on the support provided by the Home Affairs Department.</p> <p>Joint Meeting of the Ma On Shan Residents' view that the RC Chairmen had individually gone through the relevant election procedure and had a wide electorate basis.</p> <p>Kwai Chung South Resident Association's view that the RC Chairmen were representatives of the rural residents. Rural residents required the service of these ex officio members and therefore ex officio seats should be retained.</p> <p>The Administration's response that it was aware of the calls from Members for a review of the role and functions of DCs. Those issues should be followed up by the relevant Panel.</p> | |
| 010117 - 010723 | Chairman Mr Paul TSE Mr AU Nok-hin | Mr Paul TSE's discussion with deputations on the possible reasons for retention of ex officio seats in 1994 when the appointed seats were abolished. | |

| Time Marker | Speaker(s) | Subject(s) | Action required |
|-----------------|---|---|-----------------|
| | <p>Joint Meeting of the Ma On Shan Residents Neo Democrats Yat Tung Community and Network Association Democratic Party Administration</p> | <p>The Administration's explanation that the 27 ex officio members in various New Territories DCs are RC Chairmen who had individually gone through the relevant election procedure to become ex officio members under DCO. Moreover, public opinions differed on whether to retain the ex officio seats in DCs.</p> | |
| 010724 - 011214 | <p>Chairman Ms Cyd HO Administration</p> | <p>Ms Cyd HO's view that the Administration should allocate additional resources to strengthen the manpower of the secretariats of the respective DCs to enhance support for DC operation. The Chairman shared the view.</p> <p>The Administration's explanation that matters relating to support to DC operation were under the purview of the Home Affairs Bureau, and should be followed up at meetings of the Panel on Home Affairs.</p> <p>In response to Dr Kenneth CHAN's query raised at the last meeting, the Administration advised that the abolition of DC appointment system would not affect existing appointments to statutory and advisory boards and committees with the period of appointment straddling beyond 1 January 2016.</p> | |
| 011215 - 011536 | <p>Chairman Ms Emily LAU Administration</p> | <p>Ms Emily LAU opposed the retention of the ex officio seats and considered that the existing DCCAs should be merged into bigger constituencies so that DC members were accountable to more electors and larger constituencies.</p> | |
| 011537 - 011720 | <p>Chairman Administration</p> | <p>The Bills Committee's agreement that it would report its deliberations to the House Committee on 3 May 2013.</p> | |