

# 立法會

## *Legislative Council*

LC Paper No. LS68/12-13

### **Paper for the House Committee Meeting on 5 July 2013**

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

The Secretary for Constitutional and Mainland Affairs (the Secretary) has given notice to move a motion at the meeting of the Legislative Council (LegCo) of 17 July 2013. The motion seeks the approval of the LegCo of the District Councils Ordinance (Amendment of Schedule 3) Order 2013 (2013 Order) made by the Chief Executive in Council on 25 June 2013 under section 8 of the District Councils Ordinance (Cap. 547) (the Ordinance). Under section 8, the Chief Executive in Council may, among other things, specify the number of members to be elected to a District Council (DC).

2. Part 1 of Schedule 3 to the Ordinance provides for the number of members of each DC. After the District Councils (Amendment) Ordinance 2013, which abolishes the system of appointing members into DCs by the Chief Executive, was passed by the LegCo on 22 May 2013, Schedule 3 now only provides for the number of elected DC members. The 2013 Order proposes to amend Part 1 of Schedule 3 to increase the number of elected members of nine of the 18 DCs as from the fifth term DC commencing on 1 January 2016. The overall increase will be 19 elected members (from the present total of 412 elected members to 431). The proposed increases and their distribution are set out below –

<b>DC</b>	<b>Current number of elected members</b>	<b>Proposed number of elected members</b>	<b>Proposed number of additional elected members</b>
Tsuen Wan	17	18	1
North	17	18	1
Sham Shui Po	21	23	2
Kowloon City	22	24	2
Kwun Tong	35	37	2
Yau Tsim Mong	17	19	2
Sha Tin	36	38	2
Sai Kung	24	27	3
Yuen Long	31	35	4
		Total	19

3. According to the LegCo Brief dated 26 June 2013 issued by the Constitutional and Mainland Affairs Bureau (File Ref: CMAB C2/23) and the draft speech of the Secretary, the proposed increase is to reflect the result of the review of the number of DCs elected seats. The review has taken into consideration –

- (a) the forecast of the population of Hong Kong by mid-2015 (7 311 300);
- (b) the continued application of a population quota of about 17 000 residents to one DC elected seat;
- (c) the abolition of DC appointed seats from the fifth term DCs onward; and
- (d) the increasingly important role DCs will play in district administration.

4. The LegCo Brief explains that although according to calculation the number of elected seats for some DCs should have a reduction in the number of elected seats, no reduction will be made.

### **Consultation**

5. According to the LegCo Brief, the Administration has consulted the Chairmen and vice Chairmen of the 18 DCs, they supported generally the recommendation to increase the number of elected DCs seats. However, there were views that the boundary of certain DCs should be reviewed. The Administration does not propose to deal with the issue in the 2013 Order.

6. According to the clerk to the Panel on Constitutional Affairs, the Panel was briefed by the Administration on the review of the number of elected seats and the proposed increase for the fifth-term DCs at its meeting on 20 May 2013. While members raised no objection to the recommendation to increase the number of elected seats, some members expressed concern on the level of population quota for calculating the number of elected DCs seats, and whether there should be realignment of district boundaries so as to reduce the disparity of elected DC membership between certain DCs.

## **Commencement**

7. The 2013 Order will come into operation in two stages. For the purpose of enabling arrangements to be made for the DC ordinary election in 2015, the 2013 Order shall come into operation on the day on which the Resolution approving the 2013 Order is published in the Gazette.

8. The actual increase in the number of elected DC seats will come into operation on 1 January 2016, which is the same day on which District Councils (Amendment) Ordinance 2013 comes into operation and the fifth term DC commences.

## **Concluding remarks**

9. No difficulties in the legal and drafting aspects of the proposed resolution have been identified.

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