

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 22 January 2014

Proposed resolution under the District Councils Ordinance

The Secretary for Constitutional and Mainland Affairs will move a proposed resolution under section 8 of the District Councils Ordinance (Cap. 547) at the Council meeting of 22 January 2014. The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

District Councils Ordinance

Resolution

(Under section 8 of the District Councils Ordinance (Cap. 547))

Resolved that the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013, made by the Chief Executive in Council on 22 October 2013, be approved.

District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013

(Made by the Chief Executive in Council under section 8 of the District Councils Ordinance (Cap. 547) subject to the approval of the Legislative Council)

1. Commencement

This Order comes into operation—

- (a) for all purposes relating to the District Council ordinary election in 2015—on the day on which the Resolution of the Legislative Council approving this Order is published in the Gazette; and
- (b) in so far as it has not come into operation under paragraph (a)—on 1 January 2016.

2. District Councils Ordinance amended

The District Councils Ordinance (Cap. 547) is amended as set out in sections 3 and 4.

3. Schedule 1 amended (number of and declaration of Districts)

- (1) Schedule 1, Part II, item 2, column 3—

Repeal

“DC/2000/C”

Substitute

“DC/2013/C”.

- (2) Schedule 1, Part II, item 7, column 3—

Repeal

“DC/2000/B”

Substitute

“DC/2013/B”.

4. Schedule 3 amended

- (1) Schedule 3, Part 1, item 2, column 3—

Repeal

“37”

Substitute

“35”.

- (2) Schedule 3, Part 1, item 7, column 3—

Repeal

“11”

Substitute

“13”.

Clerk to the Executive Council

COUNCIL CHAMBER

9th October, 2013

Explanatory Note

The purpose of this Order is to amend Schedule 1 to the District Councils Ordinance (Cap. 547) to give effect to the revision of delineation of District areas and revised map references of Eastern and Wan Chai Districts.

2. Schedule 3 to the Ordinance is consequentially amended—
 - (a) to change the number of elected members of Eastern District Council from 37 to 35; and
 - (b) to change the number of elected members of Wan Chai District Council from 11 to 13.
3. The change will take effect on 1 January 2016, but will also take effect for the purpose of the District Council ordinary election to be held in 2015.

(TRANSLATION)

Speech by
the Secretary for Constitutional
and Mainland Affairs
on a motion to pass
the District Councils Ordinance
(Amendment of Schedules 1 and 3) Order 2013
at the Legislative Council on 22 January 2014

President,

I move that the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 (“the Order”) be approved. The purpose of this piece of subsidiary legislation is to implement the adjustment to the boundaries of the Eastern and Wan Chai Districts and the related amendment to the number of elected members of the Eastern and Wan Chai District Councils (“DCs”), starting from the fifth-term DCs which will commence operation on 1 January 2016.

Background

2. During the review of the number of elected seats for the fifth-term DCs, there were views suggesting that the Wan Chai DC would have a relatively small number of elected seats and the Eastern DC would have a relatively large one, resulting in possible impact on the daily operation of both DCs, and views suggesting that the Government might consider adjusting the boundaries of the Eastern and Wan Chai Districts by transferring some DC elected seats from the Eastern DC to the Wan Chai DC. The proposal to transfer the area of the existing Tin Hau and Victoria Park DC constituency areas (“DCCAs”) from the Eastern District to the Wan Chai District was considered as one of the most feasible options.

3. We launched a formal consultation last summer with the Eastern and Wan Chai DCs, local

residents and the public on the following two options, namely, whether to transfer the two existing Tin Hau and Victoria Park DCCAs from the Eastern District to the Wan Chai District or to maintain the status quo. The outcome of the consultation indicates general support by the Eastern and Wan Chai DCs, local residents and the public for the transfer of the existing Tin Hau and Victoria Park DCCAs from the Eastern District to the Wan Chai District.

4. Therefore, our recommendation is to amend Schedules 1 and 3 to the District Councils Ordinance to formally adjust the boundaries of the Eastern and Wan Chai Districts in order to reflect the transfer of the existing Tin Hau and Victoria Park DCCAs from the Eastern District to the Wan Chai District, and to correspondingly revise the number of elected seats of the Eastern DC from 37

to 35 and the number of elected seats of the Wan Chai DC from 11 to 13.

5. The Chief Executive in Council made the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 at the Executive Council meeting on 22 October 2013 to implement these adjustments. The House Committee of the Legislative Council examined the Order at its meeting on 1 November 2013 and decided that there was a need to form a Subcommittee on Subsidiary Legislation to scrutinise the Order. The Subcommittee on Subsidiary Legislation has completed the scrutiny after holding three meetings. I wish to take this opportunity to thank the Hon. Ip Kwok-him, Chairman of the Subcommittee and other Subcommittee members for their work.

School net arrangement

6. The school net arrangement for the three public schools in the area of the two DCCAs is the major concern of Subcommittee members during the scrutiny of the Order.

7. At present, admission of students to Primary One and Secondary One in public sector schools is administered through the Primary One Admission (“POA”) System and the Secondary School Places Allocation (“SSPA”) System respectively. School places without any restriction by virtue of school net, i.e., those under the Discretionary Places stage and Part A “Unrestricted School Choices” of the Central Allocation stage, could take up about 55% of a school’s Primary One places and about 39% of a school’s Secondary One places.

8. Subject to the passage of the Order, a primary school and two secondary schools will become located in the Wan Chai District instead of the Eastern District from 1 January 2016. Any implication that the Order may bring about to the school net of the schools concerned or the so-called “School Places Allocation System” should however take effect from the 2016/17 school year, i.e., the school year beginning in September 2016.

9. According to established mechanism, the Education Bureau has consulted the POA Committee and SSPA Committee, and will adopt the following arrangements to facilitate the concerned schools to adjust to the change in school net.

10. For the primary school concerned, the POA Committee has advised that, in principle, the practice of demarcation of school nets based on

district administration boundary should continue to be adhered to, and that relevant stakeholders should be consulted through the kindergartens on the proposed transfer of the primary school from Net 14 to Net 12 under the POA. The POA Committee has also reconfirmed that the established arrangement of avoiding disruption to students already in the primary school concerned should in principle be adopted. Specifically, students studying in the primary school who will participate in the SSPA from 2016 to 2020 will be provided with the option to choose from participating secondary schools in either the Eastern District or Wan Chai under the SSPA Central Allocation of Restricted School Choices.

11. Besides, as regards the two secondary schools concerned, the SSPA Committee has remarked that there is still some time to prepare for the cycle of 2016; the relevant discussion will

continue at the SSPA Committee's next meeting in March this year to be followed by consultation of stakeholders by the Education Bureau.

12. In line with the administrative districts, the whole territory is divided into 18 secondary school nets. When the Order takes effect, the two secondary schools will be transferred to the Wan Chai District. This notwithstanding, to facilitate the concerned schools and students to adjust to the change in school net, the Education Bureau is prepared to follow the established practice to allow these two schools to net some school places to the Eastern District for Central Allocation to primary students studying in schools in the district, in principle, in each Secondary School Places Allocation cycle until the 2014 Primary One cohort is admitted to Secondary One in the 2020/21 school year. The Education Bureau will consult stakeholders and schools on the number of places

concerned. The Education Bureau has engaged the two secondary schools on the relevant arrangements and the schools have indicated in-principle agreement to these arrangements. The Education Bureau will also follow up on the views of the schools on other facilitating arrangements and render necessary assistance.

Other concerns

13. During the scrutiny of the Order by the Subcommittee, we have confirmed that the implementation of the Order will not affect the provision of services to the public by various bureaux and departments in the two Districts concerned.

Next steps

14. I hope that the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 will be approved by the Legislative Council today, so that the Electoral Affairs Commission can carry out the follow-up work as soon as possible, i.e., to make recommendations for the demarcation of constituency boundaries for the DC ordinary election to be conducted in 2015 having regard to the new District boundaries and the correspondingly revised number of seats, and to make preparations for that election accordingly.

15. With the above, I invite Members to approve the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 to implement the adjustment to the boundaries of the Eastern and Wan Chai Districts and the related amendment to the number of elected members of the Eastern and Wan Chai DCs starting from the

fifth-term DCs which will commence operation on 1 January 2016.

16. Thank you, President.