

立法會
Legislative Council

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Paper for the House Committee

**Report of the Subcommittee on District Councils Ordinance
(Amendment of Schedules 1 and 3) Order 2013**

Purpose

This paper reports on the deliberations of the Subcommittee on District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013.

Background

2. Before each District Council ("DC") ordinary election, the Electoral Affairs Commission ("EAC") is required under the Electoral Affairs Commission Ordinance (Cap. 541) ("EACO") to recommend the boundaries of DC constituencies for the DC election having regard to the existing boundaries of Districts as well as the existing number of members to be elected to a DC as specified in or under the District Councils Ordinance (Cap. 547) ("DCO"). In demarcating the boundaries of DC constituencies, EAC must follow the criteria laid down in section 20 of EACO¹. The next DC ordinary election will be held in late 2015. According to the Administration, EAC will have to start considering the boundaries of DC constituencies for the 2015 DC election in the beginning of 2014.

3. The number of elected seats for each of the 18 DCs is stipulated in Schedule 3 to DCO. At present, a total of 412 elected seats are specified for the 18 DCs (breakdown in **Appendix I**).

4. On 6 November 2013, the Legislative Council ("LegCo") approved the DCO (Amendment of Schedule 3) Order 2013 which sought to increase the

¹ Section 20(1) requires that the population size of DC constituency areas ("DCCAs") should be as near the population quota (currently at about 17 000) as practicable, and that deviation from the population quota should be within 25%. Section 20(5) allows EAC to depart from the strict application of section 20(1), if EAC considers such a departure necessary or desirable having regard to "community identities and the preservation of local ties; and physical features such as size, shape, accessibility and development of the relevant area or any part thereof".

number of elected members of nine of the 18 DCs as from the fifth-term DCs commencing 1 January 2016. The overall increase will be 19 elected members² (from the present total of 412 elected members to 431) for the fifth-term DCs.

The DCO (Amendment of Schedules 1 and 3) Order 2013 ("the Order")

5. In October 2013, the Secretary for Constitutional and Mainland Affairs ("SCMA") gave notice to LegCo of his intention to move a motion to pass the Order at the Council meeting of 13 November 2013. The Order proposes that –

- (i) the boundaries of the Eastern and Wan Chai Districts be adjusted to reflect the transfer of the area of the existing Tin Hau and Victoria Park DCCAs from the Eastern District to the Wan Chai District ("two-DCCA proposal"); and
- (ii) the number of elected seats of Eastern DC be revised from 37 to 35, and the number of elected seats of Wan Chai DC be revised from 11 to 13, from the fifth-term DCs correspondingly.

6. To implement the above proposals, Part II of Schedule 1³ to DCO needs to be amended by updating the reference of the maps of the areas of the Eastern and Wan Chai Districts, which need to be substituted by new maps that delineate the new areas of the Eastern and Wan Chai Districts. Also, the respective numbers of elected members for Eastern and Wan Chai DCs in Part 1 of Schedule 3 to DCO have to be amended to reflect the corresponding changes in the number of elected seats as set out in paragraph 5(ii).

The Subcommittee

7. At the House Committee ("HC") meeting on 1 November 2013, Members agreed to form a subcommittee to study the Order. At the request of HC, SCMA has withdrawn his notice for moving the motion for the Order at the Council meeting of 13 November 2013, in order to allow time for the Subcommittee to study the Order.

² The allocation of the 19 newly-added DC elected seats is as follows –

- (a) one seat each for Tsuen Wan and North DCs;
- (b) two seats each for Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong and Sha Tin DCs;
- (c) three seats for Sai Kung DC; and
- (d) four seats for Yuen Long DC.

³ Each area declared to be a District for the purposes of DCO by reference to the map delineating such area is set out in Part II of Schedule 1 to DCO.

8. The membership list of the Subcommittee is in **Appendix II**. Under the chairmanship of Mr IP Kwok-him, the Subcommittee has held three meetings with the Administration, and received views from deputations at one of the meetings. A list of the organizations/individuals that have submitted views to the Subcommittee is in **Appendix III**.

Deliberations of the Subcommittee

Justifications of the two-DCCA proposal

9. The Subcommittee has enquired about the justifications for the two-DCCA proposal and the background. The Administration has advised that during its review of the number of elected seats for the fifth-term DCs commencing 1 January 2016 ("the Review"), there were views that Wan Chai DC had a relatively small number of elected seats whereas Eastern DC had a relatively large one, which might impact on the daily operation of both DCs. It was suggested that the Administration should consider adjusting the boundaries of the Eastern and Wan Chai Districts by transferring some DC elected seats from Eastern DC to Wan Chai DC. The Administration subsequently consulted Eastern and Wan Chai DCs, local residents and the public. A one-month public consultation exercise was conducted from 19 July to 17 August 2013. Also, a forum for local residents was held on 31 July 2013. According to the Administration, the two-DCCA proposal has the support of Eastern and Wan Chai DCs⁴, the local residents and the public.

10. The Subcommittee has noted that there was also a suggestion of changing the boundary among the Wong Tai Sin, Kowloon City and Kwun Tong Districts⁵ during the Review. The Subcommittee has enquired why the Administration had decided not to pursue this suggestion. The Administration has explained that it had also met with representatives of Wong Tai Sin, Kowloon City and Kwun Tong DCs to discuss the suggestion. The Administration has noted that while Kowloon City DC objects strongly to the proposal, Kwun Tong DC is unenthusiastic. As the issue does not involve any

⁴ According to the Administration, Wan Chai DC unanimously supported the two-DCCA proposal on 2 July 2013. Eastern DC passed a motion on 3 October 2013 in support of the two-DCCA proposal.

⁵ According to the LegCo Brief [File Ref: CMAB C2/23] issued on 26 June 2013 in respect of the DCO (Amendment of Schedule 3) Order 2013, Wong Tai Sin DC has also expressed a wish to take over the northeastern part of the Kai Tak Development Area ("KTDA"), which currently falls within the boundary of Kowloon City District, mainly on the grounds that this area is geographically in close proximity to Wong Tai Sin, and that it is a natural extension to the coastline along Kai Tak River (i.e. Kai Tak Nullah). Kowloon City DC objects strongly to any proposal to change its current District boundary on the grounds that KTDA has been, and should remain, an "inalienable" part of Kowloon City District and Kowloon City DC has been heavily involved in KTDA consultations. Kwun Tong DC is unenthusiastic in taking over any part of KTDA.

problem of possible difficulty for the operation of a DC and a consensus has not been reached even at the DC level, the Administration has decided not to deal with the issue in this legislative exercise. The two-DCCA proposal has been pursued because it would address the problem of Wan Chai DC having a small number of seats, and a consensus has also been reached by the two DCs in this regard.

11. Some members including Ms Emily LAU, Mr LEUNG Che-cheung, and Mr SIN Chung-kai consider that the difference in the number of elected seats between Eastern and Wan Chai DCs would still be large after implementing the two-DCCA proposal. Mr SIN has suggested transferring more DCCAs, with a view to achieving a more balanced allocation of elected seats between the two DCs and alleviating operational difficulty that might be posed to Eastern DC due to its large membership. The Administration has explained that in considering any proposal of introducing substantial changes to District boundaries, matters including district identity, residents' acceptance, views of community personnel and impact on the provision of public services (particularly impact on school nets) have to be taken into careful consideration. Based on views received during the public consultation exercise, the Administration believes that the transfer of more than two DCCAs from Eastern DC to Wan Chai DC would meet opposition from local residents.

12. The Subcommittee has asked why the Administration has conducted public consultation on only two options, namely the two-DCCA proposal and maintaining status quo, but not offering more options for consideration by the DCs and residents concerned. The Administration has advised that it had also considered other proposals but opposition had been met at the preliminary stage. These proposals therefore had not been included for consultation. At the request of the Subcommittee, the Administration has provided details of the views received during the public consultation exercise (LC Paper No. CB(2)459/13-14(02)).

Implications of the two-DCCA proposal

School net arrangement

13. The Subcommittee has noted that subject to the passage of the Order, three public sector schools, namely (i) the Concordia Lutheran School (North Point), (ii) the TWGH Lee Ching Dea Memorial College and (iii) the North Point Government Primary School (Cloud View Road) will become located in the Wan Chai District instead of the Eastern District when the Order takes effect from 1 January 2016. However, both the Concordia Lutheran School (North Point) and the TWGH Lee Ching Dea Memorial College have expressed

grave concern about the proposed changes⁶. In gist, they have advised that they are both well-established in the Eastern District. Should their school net be transferred to the Wan Chai District, much extra time and resources would have to be devoted to establishing their local network anew in the Wan Chai District. While the TWGH Lee Ching Dea Memorial College has expressed opposition to being transferred, the Concordia Lutheran School (North Point) has requested the Education Bureau ("EDB") to provide adequate assistance and support to the school to enable it to develop in the new school net. The Subcommittee has urged the Administration to address the schools' concerns and explore all feasible options (e.g. allowing a longer transitional period or allowing both schools to reserve Secondary One places for students of both the Eastern and the Wan Chai Districts) to minimize impacts on the schools and students.

14. The Administration has subsequently reverted to the Subcommittee as follows: given that the two schools concerned and students studying in primary schools participating in the Secondary School Places Allocation ("SSPA") System in the Eastern District (including the 2014 cohort of Primary One students) may be used to having the two schools concerned in the school choice list of the Eastern District, EDB is prepared to follow the established practice to allow these two schools to net some school places to the Eastern District for the Central Allocation, subject to the views of stakeholders on the number of places to be netted / provided in each SSPA cycle. The Administration has explained that the two secondary schools concerned would virtually remain a choice for primary students studying in schools in the Eastern District during the Central Allocation stage, until the 2014 Primary One cohort progresses to Primary Six in the 2019-2020 school year for Secondary One admission in the 2020-2021 school year. The number of Secondary One places to be netted / provided to the Eastern District and other districts (if any) for the Central Allocation will be worked out subject to consultation with schools. The relevant discussion will continue at the SSPA Committee's next meeting in March 2014 to be followed by consultation with stakeholders by EDB. EDB has engaged the two secondary schools on the relevant arrangements and the schools have indicated in-principle agreement to these arrangements. EDB will also follow up on the views of the schools on other facilitating arrangements and render necessary assistance.

15. The Administration has also advised that students studying in the North Point Government Primary School (Cloud View Road) who will participate in

⁶ The submissions provided by the two secondary schools are respectively CB(2)469/13-14(01) and CB(2)497/13-14(01).

SSPA⁷ from 2016 to 2020 will be provided with the option to choose from participating secondary schools in either the Eastern District or Wan Chai District under the SSPA Central Allocation of Restricted School Choices. The Administration has explained that this would avoid disruption to students already in the primary school concerned.

Provision of public services and government statistical data

16. The Subcommittee has expressed concern about whether the two-DCCA proposal would have adverse impact on the provision of services to the public by various bureaux and departments in the two DCCAs or Districts concerned. The Administration has confirmed that the implementation of the two-DCCA proposal will not have any impact in this regard, including the hospital and fire/ambulance services. Members have asked whether each of the 18 districts is allocated the same amount of resources for provision of facilities regardless of the population size of the district concerned. The Administration has explained that in planning the leisure facilities to be provided for individual districts, the Leisure and Cultural Services Department ("LCSD") takes into account a host of factors including the Hong Kong Planning and Standard Guidelines, the planned population of the districts, the utilization, geographical locations and distribution of the existing facilities, the resources available and the view of DCs concerned.

17. The Subcommittee has noted that some members of Eastern DC have asked for an increase in the provision of soccer pitches and swimming pool after the transfer of the C18 (Victoria Park) DCCA to the Wan Chai District. The Administration has advised that upon the implementation of the two-DCCA proposal, there will be a greater shortfall in seven-a-side soccer pitches for the Eastern District but a significant surplus in the Wan Chai District with the transfer of the six seven-a-side soccer pitches in the Victoria Park from the former to the latter. There is no shortfall in swimming pools in the Eastern District before or after the transfer. Given the close proximity of the two districts which are well-served by public transport services, residents in the Eastern District can continue to use these facilities conveniently. LCSD will continue to explore with Eastern DC the possibility of providing more leisure facilities that are in shortfall in the district.

18. Some members have asked whether the Census and Statistics Department ("C&SD") could provide statistical data, on a need basis, down to DCCA level for the two DCCAs concerned, to facilitate academic analysis after the transfer. The Administration has advised that according to the established arrangement

⁷ The secondary school net to which a Primary Six student belongs under SSPA is determined by the physical location of the primary school the student attends.

of C&SD, statistical data down to DCCA level have been available for statistical surveys which are designed for such purpose. For the other statistical surveys which are designed for release of statistics at district level, the sample size so determined may not be able to support additional data requirements for DCCA-based statistics due to data limitation. This arrangement will remain the same before and after the implementation of the two-DCCA proposal. The Administration has also advised that at present, population censuses/by-censuses cover a wide range of information such as demographic, educational, economic, household and housing statistics down to the DCCA level and research organisations could readily make use of the information for their comparison and study. The Administration has also undertaken that after the implementation of the Order, if there are requests for statistics down to DCCA level, C&SD will entertain the requests by providing available DCCA statistics as far as practicable. C&SD will also continue the existing practice of providing assistance, on a cost recovery basis, in compiling tailor-made statistics from past population censuses according to specific users' requirements to facilitate academic research as far as practicable.

Recommendation

19. The Subcommittee supports SCMA giving fresh notice to move the motion on the Order at the Council meeting of 22 January 2014. The Subcommittee and the Administration have not proposed any amendment to it.

Advice sought

20. Members are invited to note the deliberations of the Subcommittee.

Appendix I

Number of Elected Seats on District Councils

<u>District Council</u>	<u>Number of Elected Seats</u>
Central and Western District Council	15
Eastern District Council	37
Kowloon City District Council	22
Kwun Tong District Council	35
Sham Shui Po District Council	21
Southern District Council	17
Wan Chai District Council	11
Wong Tai Sin District Council	25
Yau Tsim Mong District Council	17
Islands District Council	10
Kwai Tsing District Council	29
North District Council	17
Sai Kung District Council	24
Sha Tin District Council	36
Tai Po District Council	19
Tsuen Wan District Council	17
Tuen Mun District Council	29
Yuen Long District Council	31
Total :	<hr/> 412 <hr/>

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

Membership list

Chairman	Hon IP Kwok-him, GBS, JP
Members	Hon Emily LAU Wai-hing, JP Hon Cyd HO Sau-lan Hon Starry LEE Wai-king, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon Paul TSE Wai-chun, JP Hon Alan LEONG Kah-kit, SC Hon Gary FAN Kwok-wai Hon MA Fung-kwok, SBS, JP Hon CHAN Han-pan Dr Hon Kenneth CHAN Ka-lok Hon LEUNG Che-cheung, BBS, MH, JP Hon KWOK Wai-keung Hon SIN Chung-kai, SBS, JP Dr Hon Elizabeth QUAT, JP Hon Christopher CHUNG Shu-kun, BBS, MH, JP Total : 16 Members
Clerk	Ms Joanne MAK
Legal Adviser	Mr Kelvin LEE
Date	20 November 2013

《2013年區議會條例(修訂附表1及3)令》小組委員會
Subcommittee on District Councils Ordinance
(Amendment of Schedules 1 and 3) Order 2013

曾向小組委員會表達意見的團體/個別人士名單
List of organizations/individuals which/who have
submitted views to the Subcommittee

名稱	<u>Name</u>
1. 工黨	Labour Party
2. 公民黨	Civic Party
3. 北角協同中學	Concordia Lutheran School (North Point)
* 4. 本地觀點	HK Local View
5. 余啟泉先生	Mr YU Kai-chuen
6. 李玉蘭女士	Ms LI Yuk-lan
7. 東區區議會議員周潔冰博士	Dr Jennifer CHOW Kit-bing, member of Eastern District Council
8. 東華三院李潤田紀念中學	TWGHs Lee Ching Dea Memorial College
9. 東華三院李潤田紀念中學 家長教師會	TWGHs Lee Ching Dea Memorial College Parent-Teacher Association
10. 東華三院李潤田紀念中學 校友會	TWGHs Lee Ching Dea Memorial College Alumni Association
11. 東華三院教育科	Education Division, Tung Wah Group of Hospitals
12. 逸東社區網絡協會	Yat Tung Community Network Association
* 只提交意見書 Provided submissions only	