

# 立法會

## *Legislative Council*

LC Paper No. LS7/13-14

### **Paper for the House Committee Meeting on 1 November 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 has given notice to move a motion at the meeting of the Legislative Council (LegCo) of 13 November 2013. The motion seeks the approval of LegCo of the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 (the Order) made by the Chief Executive in Council on 22 October 2013 under section 8 of the District Councils Ordinance (Cap. 547) (DCO) to implement the adjustment to the boundaries of Eastern District Council (DC) and Wan Chai DC and their number of elected members.

### **Background**

2. According to the LegCo Brief, during the review of the number of elected seats for the fifth-term DCs<sup>1</sup>, there were views that Wan Chai DC had a relatively small number of elected seats and Eastern DC had a relatively large one, which might impact on the daily operation of both DCs. Some views suggested the Government to consider adjusting the boundaries of Eastern DC and Wan Chai DC by transferring some DC constituency areas (DCCAs) from Eastern DC to Wan Chai DC. The Administration considered that the transfer of two existing Eastern DCCAs, namely Tin Hau (C16) and Victoria Park (C18), to Wan Chai DC as the most feasible option for further consideration, and consulted Eastern DC and Wan Chai DC. The proposed transfer would reduce the total number of elected members of Eastern DC by two (37 to 35) and that of Wan Chai DC would be increased by two (11 to 13).

---

<sup>1</sup> To be implemented by the District Councils Ordinance (Amendment of Schedule 3) Order 2013, which will be moved by the Secretary for Constitutional and Mainland Affairs for the approval of LegCo at its meeting on 6 November 2013. Upon the review, there is no change to the number of elected members in Eastern DC and Wan Chai DC.

## **The Order**

3. The third column of Part II of Schedule 1 of DCO sets out the reference of the map delineating the areas of each DC. As the proposed transfer involves re-delineation of Eastern DC and Wan Chai DC, the Order proposes to replace the two existing map references with new references.

4. The Order also proposes to change the number of elected members set out in Schedule 3 of DCO of Eastern DC from 37 to 35, and that of Wan Chai DC from 11 to 13, as a result of the proposed transfer.

## **Consultation**

5. According to the LegCo Brief, the Administration consulted the two DCs, local residents and the public as to whether the proposed transfer should be implemented or the status quo should be maintained. Both DCs supported the proposed transfer. The Administration also conducted public consultation including a public forum and considered that the proposed transfer was supported by the public.

6. According to the Clerk to the Panel on Constitutional Affairs, while the panel has not been consulted on the Order, the Administration has advised the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2013 that Eastern DC and Wan Chai DC have agreed on the proposed transfer of two DCCAs from Eastern DC to Wan Chai DC to address the latter's problem of having a small number of seats.

## **Commencement**

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

8. The actual change in the number of elected DCs seats comes into operation on 1 January 2016.

**Concluding remarks**

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

Prepared by

Kelvin Ka-yun LEE  
Assistant Legal Adviser  
Legislative Council Secretariat  
30 October 2013

LS/R/2/13-14