

立法會
Legislative Council

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

Background brief prepared by Legislative Council Secretariat

Purpose

This paper provides background information on the District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013 ("Amendment of Schedules 1 and 3) Order").

Background

2. Before each District Council ("DC") ordinary election, the Electoral Affairs Commission ("EAC") is required under the Electoral Affairs Commission Ordinance (Cap. 541) to recommend the boundaries of DC constituencies for the DC election following the existing boundaries of Districts and the existing number of elected seats for each of the DCs specified in the District Councils Ordinance (Cap. 547) ("DCO"). The ordinary election of the fifth-term DCs will be conducted in late 2015. According to the Administration, EAC will have to start considering the DC constituency boundaries for the 2015 DC election in the beginning of 2014.

3. According to the Legislative Council ("LegCo") Brief (File Ref: CMAB C2/23) on the (Amendment of Schedules 1 and 3) Order, during the Administration's review of the number of elected seats for the fifth-term DCs, 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. There was a suggestion that the Government should consider adjusting the boundaries of Eastern and Wan Chai Districts by transferring two existing Eastern DC constituency areas ("DCCAs") (i.e. Tin Hau (C16) and Victoria Park (C18)) to Wan Chai District (the "two-DCCA proposal").

4. The Administration has consulted Eastern and Wan Chai DCs, local residents and the public on the two-DCCA proposal. A one-month public

consultation was conducted from 19 July to 17 August 2013. A forum for local residents was also held on 31 July 2013. According to the Administration, the two-DCCA proposal has the general support of Eastern and Wan Chai DCs, the local residents and the public.

Increase in the number of elected members of nine of the 18 DCs as from the fifth-term DCs

5. 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**).

6. The District Councils Ordinance (Amendment of Schedule 3) Order 2013 ("(Amendment of Schedule 3) Order"), which sought 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 DCs commencing on 1 January 2016, was approved by LegCo on 6 November 2013. The overall increase will be 19 elected members¹ (from the present total of 412 elected members to 431). Under the (Amendment of Schedule 3) Order, the number of elected seats of Eastern and Wan Chai DCs will remain unchanged.

The (Amendment of Schedules 1 and 3) Order

7. The (Amendment of Schedules 1 and 3) Order proposes that –

- (i) the boundaries of Eastern and Wan Chai Districts be adjusted to reflect the transfer of the area of the existing Tin Hau DCCA (C16) and Victoria Park DCCA (C18) to Wan Chai District; 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.

8. To implement the above proposals, Part II of Schedule 1² to DCO needs to be amended by updating the reference of the maps of the areas of Eastern and

¹ 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.

² 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.

Wan Chai Districts, which need to be substituted by new maps that delineate the new areas of Eastern and Wan Chai Districts. Moreover, the respective number of elected members for Eastern and Wan Chai DCs in Part 1 of Schedule 3 to DCO has to be amended to effect the amendment of elected members as set out in paragraph 7(ii).

Panel discussion

9. The Panel on Constitutional Affairs has not been consulted on the (Amendment to Schedules 1 and 3) Order. However, when the Panel was briefed on the review of the number of elected seats for the fifth-term DCs on 20 May 2013, some members expressed concern that Wan Chai DC with a small number of elected seats might face operational problems following the abolition of all appointed seats from the fifth-term DCs in 2016. They enquired whether there would be realignment of DC boundaries to address the problem of a small number of elected seats of Wan Chai DC. The Administration advised that it was open to different views and would listen further to the residents, DCs and LegCo.

Recent development

10. During the scrutiny of the (Amendment of Schedule 3) Order earlier, the Subcommittee concerned was informed by the Administration that Wan Chai and Eastern DCs had recently agreed on the two-DCCA proposal to address the problem of Wan Chai DC having a small number of seats. The Administration would consider introducing a new order to amend relevant schedules to DCO to reflect the adjustment to the boundaries of Eastern and Wan Chai Districts, as well as the consequential adjustment to the number of elected seats of the two DCs.

11. On 22 October 2013, the Chief Executive in Council made the (Amendment to Schedules 1 and 3) Order to implement the above-mentioned adjustments. At the House Committee ("HC") meeting on 1 November 2013, Members agreed to form a subcommittee to study the (Amendment to Schedules 1 and 3) Order. At the request of HC, the Secretary for Constitutional and Mainland Affairs has withdrawn his notice for moving the motion for the (Amendment to Schedules 1 and 3) Order at the Council meeting of 13 November 2013, in order to allow time for the Subcommittee to study the (Amendment to Schedules 1 and 3) Order.

Relevant documents

12. A list of the relevant documents is in **Appendix II** for Members' reference. These papers/documents are available on the LegCo's website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
19 November 2013

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/> <hr/>

Relevant documents

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	20 May 2013 (Item III)	Agenda Minutes
House Committee	25 October 2013	Report of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2013

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