

**立法會**  
**Legislative Council**

LC Paper No. LS34/18-19

**Paper for the House Committee Meeting  
on 4 January 2019**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 14 December 2018**

**Tabling in LegCo** : Council meeting of 9 January 2019

**Amendment to be made by** : Council meeting of 30 January 2019 (or that of 27 February 2019 if extended by resolution)

**Declaration of Constituencies (District Councils)  
Order 2018**

**(L.N. 263)**

L.N. 263 is made by the Chief Executive ("CE") in Council under section 6(1) of the District Councils Ordinance (Cap. 547) to declare, for the District Council ("DC") ordinary election in 2019 ("2019 DC Election"), the respective constituencies for the 18 Districts specified in Schedule 1 to Cap. 547 by delineating their areas and giving names to the constituencies.

2. Under L.N. 263, 452 constituencies are declared, 21 more than the existing number due to the increase in the number of seats for 10 DCs with effect from the commencement of the sixth term DCs<sup>1</sup> following the Legislative Council's approval of the District Councils Ordinance (Amendment of Schedule 3) Order 2017 which was published in the Gazette on 19 January 2018 (L.N. 8 of 2018). A subcommittee had been formed to study the Order ("Subcommittee") before it was approved by the Legislative Council ("LegCo"). Members may refer to the Subcommittee report (LC Paper No. CB(2)603/17-18) for information.

3. Under section 6(2) of Cap. 547, when making an order under section 6(1), the CE in Council must have regard to the recommendations made by the Electoral Affairs Commission ("EAC") in its last report submitted in

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<sup>1</sup> 21 seats were added to 10 DCs under the District Councils Ordinance (Amendment of Schedule 3) Order 2017 as follows: (a) one additional seat each for DCs in Kowloon City, Yau Tsim Mong and Tsuen Wan; (b) two additional seats each for DCs in Sham Shui Po, Kwai Tsing, Tuen Mun and Sai Kung; (c) three additional seats each for DCs in Kwun Tong and Sha Tin; and (d) four additional seats for the Yuen Long DC.

accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap. 541) for the purposes of the election to which the order relates ("the EAC report"). According to the LegCo Brief (File Ref: CMAB C2/11) issued by the Constitutional and Mainland Affairs Bureau on 12 December 2018, when making L.N. 263, the CE in Council accepted in their entirety the recommendations in the EAC report submitted to CE on 20 November 2018 on the delineation and names for the constituencies for the 2019 DC Election.

4. Members may refer to the LegCo Brief for the working principles adopted by EAC in arriving at its provisional recommendations and, following public consultation on its provisional recommendations, the approach it adopted in drawing up its final recommendations for the declaration and delineation of constituencies. According to paragraphs 15 and 16 of the LegCo Brief, EAC, having regard to the representations received, adjusted its provisional recommendations in respect of the boundaries of 27 constituencies and the names of two constituencies in its final recommendations. In the final recommendations, the boundaries of 123 constituencies were to be changed, and 17 constituencies exceed the 25% deviation limits in respect of the population quota, mainly due to the consideration of geographical and transport factors and the need to preserve local ties.

5. According to the Clerk to the Panel on Constitutional Affairs ("CA Panel"), the CA Panel has not discussed L.N. 263.

6. L.N. 263 (except for section 4) comes into operation on 1 March 2019. Section 4 of L.N. 263, which repeals the existing Declaration of Constituencies (District Councils) Order 2014 (Cap. 547G), comes into operation on 1 January 2020 (i.e. the commencement of the sixth term of office of DCs).

### **Concluding observations**

7. No difficulties have been identified in the legal and drafting aspects of the above item of subsidiary legislation.

Prepared by

Mark LAM  
Assistant Legal Adviser  
Legislative Council Secretariat  
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