

CHAPTER 2

TERMS OF REFERENCE AND SCOPE OF WORK

2.1 Section 4(a) of the EAC Ordinance provides that functions of the Commission include the consideration and review of the boundaries of District Council constituencies (“DCCs”) for the purpose of making recommendations under Part V of the EAC Ordinance, which Part comprises sections 17 to 23 of the EAC Ordinance.

2.2 Under section 18 of the EAC Ordinance, the Commission is to submit to the Chief Executive by 31 May 1999 [s 18(3)(b)(i)] a report containing the following:

- (a) recommendations as to the delineation of DCCs for the purpose of the first District Councils (“DCs”) ordinary election to be held under the District Councils Ordinance (No. 8 of 1999) (“the DC Ordinance”) to elect persons to be the elected members of District Councils [s 18(1)(b) & s 17(1)];
- (b) the name proposed by the Commission for each of such DCCs [s 18(1)(b)];
- (c) the reasons for the recommendations [s 18(1A)(a)];

- (d) the explanation for departing, pursuant to section 20(5), from the strict application of the provisions of section 20(1)(d) [s 18(1A)(b)]; and
- (e) where the Commission receives any representations under section 19(4), the representations, or a summary of them, as the Commission considers appropriate in each case [s 18(1A)(c)].

2.3 Section 18(2) of the EAC Ordinance provides that the recommendations above-mentioned shall be made with reference to a map or maps

- (a) showing the demarcation of the boundaries of each proposed DCC;
- (b) supplemented, where the Commission considers it appropriate, by a description, whether by reference to the map or maps, or otherwise of any boundary shown on such map or maps, which shall be submitted with the report.

2.4 Section 19(1) of the EAC Ordinance provides that the Commission shall, when it has provisionally determined the recommendations it proposes to make for the purposes of section 18 in respect of a DC ordinary election, and before it submits a report under that section, cause a map or maps

(a) showing the delineation of the proposed DCCs and the demarcation of their boundaries; and

(b) with a name assigned to each proposed DCC,

to be exhibited, for a period of not less than 14 days [s 19(1) & (9)(a)], for inspection by the public at reasonable hours and free of charge, at any place considered appropriate by the Commission for such purpose. By section 19(2), it is also provided that the Commission shall give notice in the Gazette of the place and hours at which the map or maps may be so inspected and specify in the notice an address to send any representations in writing for the purpose of this section.

2.5 Any person may make representations to the Commission regarding its proposed recommendations within the period of not less than 14 days beginning on the date of the Gazette notice referred to above [s 19(4) & (9)(b)] in writing (including by facsimile transmission) or at any meeting that may be held by the Commission [s 19(5) & (6)]. The Commission shall notify the public in such manner as it thinks fit, of the

date, time and place of such a meeting to be held [s 19(7)(a)]. The Commission shall have regard to any such representations when making recommendations under section 18 [s 19(8)].