

Legislative Council Panel on Constitutional Affairs

Composition of the Second Term District Councils

Purpose

This paper sets out the Administration's proposals relating to the composition of the second term District Councils (DCs).

Background

2. According to Schedule 1 to the District Councils Ordinance (Cap.547), there shall be 18 districts, and the area for each district is delineated in a map deposited in the office of the Director of Home Affairs. Schedule 2 provides that a DC should be established in each of the 18 districts. Schedule 3 sets out the composition of the 18 DCs. Schedules 1, 2 and 3 are at Annex
_____ A.

3. Pursuant to section 18 of the Electoral Affairs Commission Ordinance (Cap. 541), for the second term DC elections to be held in late 2003, the Electoral Affairs Commission (EAC) has to make recommendations on constituency boundaries to be submitted to the Chief Executive on or before 27 November 2002. Before finalising the recommendations, the EAC will conduct a one-month public consultation in September 2002 to solicit public views on its draft proposals.

4. In making its recommendations on District Council Constituencies (DCCs), section 20 of the Electoral Affairs Commission Ordinance provides that the EAC should –

- (a) have regard to the community identities and the preservation of local ties as well as physical features such as size, shape, accessibility and development of the relevant area;
- (b) ensure that the population in each constituency is as near the population quota as practicable (the population quota, by definition, means the total population of Hong Kong divided by the total number of elected members to be returned in a particular election); and
- (c) where it is not practicable to comply with the requirement at (b), ensure that the extent of each constituency is such that the population in that constituency does not exceed or fall short of the population quota by more than 25%.

5. It should be noted that the EAC is empowered under section 20(5) of the Electoral Affairs Commission Ordinance to depart from the application of the requirements at (b) and (c) above if a consideration referred to in (a) renders such a departure necessary or desirable. In the 1999 DC ordinary elections, the EAC had allowed the population in 14 DCCs to deviate from the population quota by more than 25%.

Arrangements for the Second Term DCs

6. At present, the 18 DCs are made up of 390 elected seats, 102 appointed seats and 27 ex-officio seats in total. In the 1999 DC ordinary elections, there were 390 DCCs, each returning an elected member. These 390 DCCs were delineated on the basis of an average population quota of about 17,000 per constituency. Latest forecast shows that the territorial population will reach 6.88 million in mid 2003. The distribution of population in the 18 districts has also changed, with the greatest population growth in some districts in the New Territories while other districts have either minimal or even negative population growth.

7. The population criterion of 17,000 was adopted since the 1994 District Board (DB) elections (in the 1991 DB elections, the corresponding figure was 25,000). If the population quota is to be maintained for future DC elections, it would lead to a continuous increase in the total number of elected DC seats to tie in with future increase in population. At the district level, the number of elected DC seats in fast-growing districts will continue to increase, while that of other districts will shrink in size due to dwindling population. Indeed, in the Review of District Organisations conducted by the Constitutional Affairs Bureau in 1998, the views on the appropriate size of DCCs were diverse.

— The relevant excerpt from the 1998 Consultation Report is at Annex B.

8. In 2001, the Home Affairs Bureau (HAB) undertook a Review of the Roles and Functions of DCs. This review resulted in the implementation of a package of measures in early 2002 to enhance the role of the DCs and the

support for DC members. In formulating these measures, the Administration was mindful that the proposals would not lead to the proliferation of executive authorities at the district level, each making policy decisions and exercising executive functions independently. While acknowledging the need for the Government to strike a balance between enhancing the roles of DCs and maintaining the integrity of public policies and the efficiency of the Administration, many Legislative Council and DC members were of the view that DCs should be given more responsibilities in the management of district affairs.

9. The issues identified in paragraphs 7-8 above warrant further examination by the Administration. As considerable time would be required for conducting a comprehensive review, it is unlikely that changes can be implemented in time for the second term DCs. Against this background, we believe that in the context of the second term DCs, we can do no better than maintaining the status quo.

10. For the second term DCs, we therefore propose retaining the existing district boundaries of the 18 DCs. We recommend that the total number of elected seats should be capped at 390, while maintaining the size of elected membership for each district at the existing level (Annex C). Due to an overall population increase in the territory, the population quota will, as a result, be slightly increased from the existing 17,000 to 17,635. We also recommend that the size of appointed and ex-officio membership should remain unchanged. In overall terms, the second term DCs will continue to be made up of 390 elected members, 102 appointed members and 27 ex-officio members.

Third and Subsequent Term DCs

11. We also propose that a review should be conducted for the third and subsequent terms DCs. We intend to start the review after the second term DC elections, as the first term DCs will by then have been operated for almost four years and the recommendations on the review of the roles and functions of DCs undertaken by HAB implemented for about two years. These operational experiences will be useful to our review.

Way Forward

12. We will consult the DCs on our proposals. Pursuant to section 20(4A) of the Electoral Affairs Commission Ordinance, the EAC will follow the existing boundaries and the existing number of elected seats for each of the 18 DCs as specified under the District Councils Ordinance in formulating recommendations on constituency boundaries for the second term DC elections.

Advice Sought

13. Members are invited to express views on the proposals set out in this paper.

*Constitutional Affairs Bureau
May 2002*

SCHEDULE 1

NUMBER OF AND DECLARATION OF DISTRICTS

PART I

NUMBER OF DISTRICTS

The number of Districts to be declared for the purposes of this Ordinance is 18.

PART II

DECLARATION OF DISTRICTS

Item	District	Delineation of District area
1.	Central and Western District	That area delineated and edged grey on the map numbered DC/2000/A and deposited in the office of the Designated Officer.
2.	Eastern District	That area delineated and edged grey on the map numbered DC/2000/C and deposited in the office of the Designated Officer.
3.	Kowloon City District	That area delineated and edged grey on the map numbered DC/2000/G and deposited in the office of the Designated Officer.
4.	Kwun Tong District	That area delineated and edged grey on the map numbered DC/2000/J and deposited in the office of the Designated Officer.
5.	Sham Shui Po District	That area delineated and edged grey on the map numbered DC/2000/F and deposited in the office of the Designated Officer.
6.	Southern District	That area delineated and edged grey on the maps numbered DC/2000/D1 and DC/2000/D2 and deposited in the office of the Designated Officer.
7.	Wan Chai District	That area delineated and edged grey on the map numbered DC/2000/B and deposited in the office of the Designated Officer.
8.	Wong Tai Sin District	That area delineated and edged grey on the map numbered DC/2000/H and deposited in the office of the Designated Officer.
9.	Yau Tsim Mong District	That area delineated and edged grey on the map numbered DC/2000/E and deposited in the office of the Designated Officer.
10.	Islands District	That area delineated and edged grey on the map numbered DC/2000/T and deposited in the office of the Designated Officer.
11.	Kwai Tsing District	That area delineated and edged grey on the map numbered DC/2000/S and deposited in the office of the Designated Officer.
12.	North District	That area delineated and edged grey on the maps numbered DC/2000/N1 and DC/2000/N2 and deposited in the office of the Designated Officer.
13.	Sai Kung District	That area delineated and edged grey on the maps numbered DC/2000/Q1 and DC/2000/Q2 and deposited in the office of the Designated Officer.
14.	Sha Tin District	That area delineated and edged grey on the map numbered DC/2000/R and deposited in the office of the Designated Officer.
15.	Tai Po District	That area delineated and edged grey on the maps numbered DC/2000/P1 and DC/2000/P2 and deposited in the office of the Designated Officer.
16.	Tsuen Wan District	That area delineated and edged grey on the map numbered DC/2000/K and deposited in the office of the Designated Officer.
17.	Tuen Mun District	That area delineated and edged grey on the map numbered DC/2000/L and deposited in the office of the Designated Officer.
18.	Yuen Long District	That area delineated and edged grey on the map numbered DC/2000/M and deposited in the office of the Designated Officer.

[sections 4 & 8]

SCHEDULE 2
ESTABLISHMENT OF DISTRICT COUNCILS

Item	Name of District	Name of District Council	Date of establishment
1.	Central and Western District	Central and Western District Council	1 January 2000
2.	Eastern District	Eastern District Council	1 January 2000
3.	Kowloon City District	Kowloon City District Council	1 January 2000
4.	Kwun Tong District	Kwun Tong District Council	1 January 2000
5.	Sham Shui Po District	Sham Shui Po District Council	1 January 2000
6.	Southern District	Southern District Council	1 January 2000
7.	Wan Chai District	Wan Chai District Council	1 January 2000
8.	Wong Tai Sin District	Wong Tai Sin District Council	1 January 2000
9.	Yau Tsim Mong District	Yau Tsim Mong District Council	1 January 2000
10.	Islands District	Islands District Council	1 January 2000
11.	Kwai Tsing District	Kwai Tsing District Council	1 January 2000
12.	North District	North District Council	1 January 2000
13.	Sai Kung District	Sai Kung District Council	1 January 2000
14.	Sha Tin District	Sha Tin District Council	1 January 2000
15.	Tai Po District	Tai Po District Council	1 January 2000
16.	Tsuen Wan District	Tsuen Wan District Council	1 January 2000
17.	Tuen Mun District	Tuen Mun District Council	1 January 2000
18.	Yuen Long District	Yuen Long District Council	1 January 2000

[sections 5, 8, 9 & 11]

SCHEDULE 3

PART I

NUMBER OF ELECTED MEMBERS AND
APPOINTED MEMBERS

Item	District Council	Number of elected members	Number of appointed members
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5
4.	Kwun Tong District Council	34	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	16	4
10.	Islands District Council	7	4
11.	Kwai Tsing District Council	28	7
12.	North District Council	16	5
13.	Sai Kung District Council	17	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	23	7

PART II

RURAL COMMITTEES IN DISTRICTS

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
1.	Islands District	Islands District Council	8	Cheung Chau Rural Committee Lamma Island (North) Rural Committee Lamma Island (South) Rural Committee Mui Wo Rural Committee Peng Chau Rural Committee South Lantau Rural Committee Tai O Rural Committee Tung Chung Rural Committee Tsing Yi Rural Committee
2.	Kwai Tsing District	Kwai Tsing District Council	1	
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tau Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwu Ling District Rural Committee
4.	Sai Kung District	Sai Kung District Council	2	Hang Hau Rural Committee Sai Kung Rural Committee
5.	Sha Tin District	Sha Tin District Council	1	Sha Tin Rural Committee
6.	Tai Po District	Tai Po District Council	2	Sai Kung North Rural Committee Tai Po Rural Committee
7.	Tsuen Wan District	Tsuen Wan District Council	2	Ma Wan Rural Committee Tsuen Wan Rural Committee
8.	Tuen Mun District	Tuen Mun District Council	1	Tuen Mun Rural Committee
9.	Yuen Long District	Yuen Long District Council	6	Ha Tsuen Rural Committee Kam Tin Rural Committee Pat Heung Rural Committee Ping Shan Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

Extract of the Consultation
Review of District Organisations
Issued in October 1998

4.8 The views on the appropriate size of future District Board constituencies were also diverse. Some criticised that the population criterion of 17,000 adopted in the 1994 District Boards election gave rise to small constituencies which resulted in some District Board members putting emphasis on narrow parochial interests. On the other hand, many believed that the size of District Board constituencies was appropriate as it facilitated the maintenance of close contacts between the elected members and their constituents. A majority of the respondents in the questionnaire survey conducted by the Constitutional Affairs Bureau and District Offices favoured maintaining the existing population criterion of 17,000.

Annex C

Composition of Second Term District Councils :
assuming that the number of elected, ex-officio and appointed seats for each DC remains at existing levels

District Council	Number of elected seats ¹	Number of ex-officio seats ¹	Number of appointed seats ¹	Total number of seats (a) + (b) + (c)	Population forecasts as of 30 June 2003 ²	Average population size per constituency (e) ÷ (a)
	(a)	(b)	(c)	(d)	(e)	(f)
Central & Western	15	-	4	19	250,500 (267,563) ³	16,700
Eastern	37	-	9	46	598,500 (629,463)	16,176
Kowloon City	22	-	5	27	374,800 (386,608)	17,036
Kwun Tong	34	-	8	42	585,300 (585,530)	17,215
Sham Shui Po	21	-	5	26	347,700 (369,122)	16,557
Southern	17	-	4	21	284,100 (287,860)	16,712
Wan Chai	11	-	3	14	152,300 (172,138)	13,845
Wong Tai Sin	25	-	6	31	452,000 (428,067)	18,080
Yau Tsim Mong	16	-	4	20	259,000 (284,516)	16,188
Islands	7	8	4	19	113,200 (84,909)	16,171
Kwai Tsing	28	1	7	36	509,000 (479,919)	18,179
North	16	4	5	25	296,000 (268,992)	18,500
Sai Kung	17	2	5	24	375,900 (295,211)	22,112
Sha Tin	36	1	9	46	643,400 (621,722)	17,872
Tai Po	19	2	5	26	306,200 (319,278)	16,116
Tsuen Wan	17	2	5	24	265,800 (284,805)	15,635
Tuen Mun	29	1	7	37	529,900 (489,589)	18,272
Yuen Long	23	6	7	36	534,000 (391,364)	23,217
Total	390	27	102	519	6,877,600 (6,646,656)	17,635

¹ As currently prescribed in Schedule 3 to the District Councils Ordinance.

² The figures are the latest population forecast provided by a working group under the Planning Department.

³ The population figure as at 31 March 1999.