

Legislative Council Panel on Constitutional Affairs and Home Affairs

Composition of the Second Term District Councils: Increase of Elected Seats for New Towns

Introduction

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

Background

2. We consulted Members on 4 June 2002 on the proposed composition for the second term DCs. Specifically, we recommended that the existing district boundaries should be retained, and that each DC should continue to be made up of the existing number of elected, appointed and ex-officio members. Members agreed to our proposals in general, but asked the Administration to consider seriously increasing the number of elected seats for districts with substantial population increases.

3. We also consulted the 18 DCs on the above proposals in June and July 2002. The majority of the DCs generally supported the proposal of maintaining the status quo for the composition of the DCs. However, three DCs, namely, Islands, Sai Kung and Yuen Long, expressed reservation about the proposals. They considered that the proposed arrangements could not cater for the sharp and significant population growth which the new towns would undergo by the time of the 2003 DC elections.

Arrangements for the Second Term DCs

4. As our proposals were considered generally acceptable by Members and the majority of the DCs, we would maintain the status quo for the composition of the second term DCs by retaining the existing district boundaries as well as the number of appointed and ex-officio seats for the DCs. However, in response to the views expressed by Members

and the three DCs, we decided to further examine and study the number of elected seats for the Islands, Sai Kung and Yuen Long DCs.

Projected population figures of 18 districts by 2003

5. We have set out at Annex A the projected population figures of the 18 DCs as at June 2003, the extent of population increase or decrease expressed in percentage terms, as well as the average population size per constituency for each DC if the number of elected seats remains unchanged. Of the 18 districts, 10 would have negative population growth. The remaining eight districts have varying degrees of population increases. The extent of increase in Islands, Sai Kung and Yuen Long, in particular the new towns, is far more significant than the other five districts. As a matter of fact, the new towns of Tung Chung, Tseung Kwan O and Tin Shui Wai would undergo a population expansion of 40% to 123%. As a result of the significant population growth in these new towns, the average population size per constituency of Sai Kung and Yuen Long would exceed the territory-wide population quota (i.e. 17,635) by more than 25%.

Proposed additional seats for three districts

6. On the basis of the following considerations, we consider that a limited number of elected seats should be increased for the three districts –

- (a) The average population per constituency in Sai Kung and Yuen Long would be as high as 22,000 to 23,000 people, if the status quo were to be maintained. This would be well above the territory-wide average of 17, 635 people per constituency. If the number of elected seats for Islands remained constant, the two constituencies in Tung Chung would have to support some 60,000 people in total.
- (b) Major changes to the boundaries of the existing constituencies in Sai Kung and Yuen Long would be unavoidable, as each constituency would have to shoulder a larger population if the number of elected seats were to remain unchanged. It is also possible that some rural constituencies would have to be

combined to provide seats in the new towns to cater for the population increase. These changes would disrupt the community identity and cohesiveness among residents already established since the 1999 DC elections. This would affect the integrity of the community. Concerns have been expressed by the relevant DCs that maintaining the status quo could not address the sharp and significant population increases in the new towns of the three districts, and that elected members in these districts would have difficulty in serving the large number of constituents adequately.

- (c) The Government attached considerable importance to the work of the DCs. We appreciate the role played by the DC members at the district level as a bridge between the Government and residents. As new town residents require much community services, we consider that more elected seats should be given to these districts so that the relevant DCs would be in a better position to respond to, and take care of, their needs.

7. Specifically, we recommend that three elected seats should be added to Sai Kung and six to Yuen Long. As a result, their respective average population size per constituency will exceed the territory-wide population quota by less than 25%, but will still be higher than the other districts. Furthermore, given the unique circumstances of the Islands District, we propose to provide an extra elected seat for the district to cater for the increase of population in Tung Chung. An analysis comparing this option against the original option is at Annex B.

Extension of deadline for EAC to submit report

8. Under the Electoral Affairs Commission Ordinance (Cap. 541), the Electoral Affairs Commission ((EAC) has to submit recommendations on constituency boundaries for the second term DCs on or before 27 November 2002. To provide the EAC with the necessary time to redraw the constituency boundaries in the light of the changes to the elected seats for Islands, Sai Kung and Yuen Long, we will seek the approval of the Chief Executive to extend the above statutory deadline, under section 18(4)

of the Electoral Affairs Commission Ordinance¹, by about six months.

Voter Registration Cycle

Existing arrangements

9. At present, the Registration and Electoral Office (REO) needs to publish the provisional register (PR) and final register (FR) of electors for geographical constituencies (GCs) and functional constituencies (FCs) before 15 April and 25 May in each year respectively in accordance with section 32 of the Legislative Council Ordinance (Cap. 542). Pursuant to section 14 of the Schedule to the Chief Executive Election Ordinance (Cap. 569), the REO is also required to publish the PR and FR of voters for Election Committee (EC) subsectors by the same deadlines.

Deferring publication dates of electoral registers

10. The Legislative Council (LegCo) Panel on Constitutional Affairs had once suggested to the Government that consideration should be given to reducing the time gap between the publication of electoral registers and the polling day as far as practicable, so as to ensure that the electors' data therein would be more up-to-date. The same suggestion was also made by the EAC in its report on the 1999 DC elections. In response to the request of Members and the EAC, we propose that, starting from 2003, the publication of electoral registers should be brought closer to the polling day. The specific proposals are as follows –

	Publication of PRs for GC, FC and EC Subsectors	Publication of FRs for GC, FC and EC Subsectors
Proposed deadlines in DC election years	15 August (15 April)*	25 September (25 May)*
Proposed deadlines in LegCo election years and other years	15 June (15 April)*	25 July (25 May)*

*Dates in brackets refer to existing deadlines.

¹ The Chief Executive is empowered under the provision to extend the statutory deadline for EAC to submit its recommendations.

11. We have proposed two different sets of publication dates for the electoral registers, with a view to reducing the time gap between the publication of FRs and the polling day for DC and LegCo elections respectively to about two months. As DC elections are normally held in the month of November, we propose that the PR and FR be published in August and September respectively in years where DC elections are held. LegCo elections are normally held in the month of September. We, therefore, propose deferring the corresponding deadlines to June and July in years where LegCo elections are held. In other years (i.e. years in which no DC or LegCo elections are held), we propose adopting the same voter registration cycle as in LegCo election years i.e. the PRs will be published in June and FRs in July.

Proposed Arrangements for Third and Subsequent Term DCs

12. As we have originally proposed, we plan to conduct a review on the composition of the third and subsequent term DCs after the second term DC elections have been held in late 2003.

Legislative Amendments Involved

13. We need to amend Schedule 3 to the District Councils Ordinance (Cap. 547) to implement the proposal of increasing the number of elected seats for Islands, Sai Kung and Yuen Long. We also need to amend the relevant provisions of the Legislative Council Ordinance and the Chief Executive Election Ordinance to revise the publication dates of electoral registers. Schedule 3 to the District Councils Ordinance can be amended by way of subsidiary legislation. However, as our proposals involve amendments to a number of ordinances, we propose to introduce all the necessary amendments in the form of a composite bill for scrutiny by LegCo. In brief, the bill will provide for the following-

- (a) to amend the District Councils Ordinance to change the number of elected seats for Islands DC, Sai Kung DC and Yuen Long DC to 8, 20 and 29 respectively;
- (b) to amend the Legislative Council Ordinance to adjust the cycle for the publication of electoral registers and accordingly the date on or before which a person must reach 18 years of age in order to be eligible for registration as an elector;

- (c) to amend the Chief Executive Election Ordinance to adjust the cycle for the publication of registers of EC subsector voters; and
- (d) to amend the District Councils Ordinance to replace references to outdated terms and expressions in the disqualification provisions for members, candidates and electors. These terms and expressions were previously adopted in the Bankruptcy Ordinance (Cap. 6) and the Mental Health Ordinance (Cap. 136) but have been amended² subsequently. We will propose technical amendments to the District Councils Ordinance, so that the relevant terms and expressions therein are consistent with the references in Cap. 6 and Cap. 136.

14. We will publish the bill in the Gazette on 4 October and issue a LegCo brief on the bill beforehand. We will then introduce the bill into the LegCo at the first sitting on 9 October after the commencement of the new legislative session. We hope that Members can accord priority to the bill and complete the scrutiny as soon as possible, so that the EAC can complete demarcation of constituencies in time and consult the public on its recommendations at the earliest possible time. At the same time, we can also proceed with other preparations for the next DC elections, including the drafting of the related subsidiary legislation and the preparatory work for the voter registration campaign.

Conclusion

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

Constitutional Affairs Bureau
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² The terms and expressions involved are “voluntary arrangement” referred to in the Bankruptcy Ordinance and “unsound mind” in the Mental Health Ordinance.

Population Figures of 18 DCs

		Population in March 1999	Population projection as of June 2003	% of increase/ decrease	Average population size per constituency ¹
(1)	Islands <i>(Tung Chung</i>	84,909 <i>31,579</i>	113,538 <i>60,598</i>	+34% <i>+92%</i>	16,220
(2)	Sai Kung <i>(Tseung Kwan O</i>	295,211 <i>221,362</i>	376,451 <i>309,620</i>	+28% <i>+40%</i>	22,144
(3)	Yuen Long <i>(Tin Shui Wai</i>	391,364 <i>122,233</i>	542,615 <i>272,681</i>	+39% <i>+123%</i>	23,592
(4)	North Tuen Mun Kwai Tsing Wong Tai Sin Sha Tin	268,992 489,589 479,919 428,067 621,722	296,343 527,155 510,553 450,892 636,562	+10% +8% +6% +5% +2%	18,521 18,178 18,234 18,036 17,682
(5)	Remaining 10 districts	ranging from 172,138 to 629,463	ranging from 153,100 to 600,339	ranging from -11% to 0%	ranging from 13,918 to 17,158
(6)	18 districts as a whole	6,646,656	6,877,553	+3%	17,635

¹ this figure is derived by dividing the projected population of the district as of June 2003 by the existing number of elected seats

Number of Elected Seats for Individual District Councils
Original Proposal (i.e. maintaining status quo) vs "6 / 3 / 1" Option

District Council	Population projections as of June 2003 (a)	Original Proposal			"6 / 3 / 1" Option		
		No. of elected seats (b)	Average population size per constituency (a)÷(b)	+/-% of population quota ¹	No. of elected seats (c)	Average population size per constituency (a)÷(c)	+/-% of population quota ¹
Islands	113,538	7	16,220	-8.02%	8	14,192	-17.46%
Sai Kung	376,451	17	22,144	25.57%	20	18,823	9.47%
Yuen Long	542,615	23	23,592	33.78%	29	18,711	8.82%
North	296,343	16	18,521	5.03%	16	18,521	7.72%
Kwai Tsing	510,553	28	18,234	3.40%	28	18,234	6.05%
Tuen Mun	527,155	29	18,178	3.08%	29	18,178	5.72%
Wong Tai Sin	450,892	25	18,036	2.27%	25	18,036	4.90%
Sha Tin	636,562	36	17,682	0.27%	36	17,682	2.84%
Kwun Tong	583,356	34	17,158	-2.71%	34	17,158	-0.21%
Central and Western	251,696	15	16,780	-4.85%	15	16,780	-2.41%
Kowloon City	369,130	22	16,779	-4.85%	22	16,779	-2.42%
Southern	284,567	17	16,739	-5.08%	17	16,739	-2.64%
Sham Shui Po	347,624	21	16,554	-6.13%	21	16,554	-3.72%
Yau Tsim Mong	260,229	16	16,264	-7.77%	16	16,264	-5.41%
Eastern	600,339	37	16,225	-7.99%	37	16,225	-5.63%
Tai Po	306,687	19	16,141	-8.47%	19	16,141	-6.12%
Tsuen Wan	266,716	17	15,689	-11.03%	17	15,689	-8.75%
Wan Chai	153,100	11	13,918	-21.08%	11	13,918	-19.05%
Total	6,877,553	390	17,635	-	400	17,194	-

¹ The population quota is worked out by dividing the total population by the total number of elected seats.