

立法會
Legislative Council

LC Paper No. CB(2)2638/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/PL/CA

**Legislative Council
Panels on Constitutional Affairs and Home Affairs**

**Minutes of joint meeting
held on Tuesday, 4 June 2002 at 2:40 pm
in Conference Room A of the Legislative Council Building**

Members Present : Members of Panel on Constitutional Affairs

- * Hon Andrew WONG Wang-fat, JP (Chairman)
- * Hon Emily LAU Wai-hing, JP (Deputy Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- Hon Margaret NG
- Hon CHEUNG Man-kwong
- Hon HUI Cheung-ching, JP
- Hon Howard YOUNG, JP
- Dr Hon YEUNG Sum
- Hon YEUNG Yiu-chung, BBS

Members of Panel on Home Affairs

- # Hon IP Kwok-him, JP (Chairman)
- Dr Hon David CHU Yu-lin, JP
- Hon Cyd HO Sau-lan
- Hon NG Leung-sing, JP
- Hon James TO Kun-sun
- Hon CHOY So-yuk
- Dr Hon TANG Siu-tong, JP
- Hon Henry WU King-cheong, BBS
- Hon WONG Sing-chi
- Hon MA Fung-kwok

Members : Member of Panel on Constitutional Affairs
Absent

Hon SZETO Wah

Members of Panel on Home Affairs

Hon Andrew CHENG Kar-foo (Deputy Chairman)

Hon Albert HO Chun-yan

Hon LAU Wong-fat, GBS, JP

Hon Timothy FOK Tsun-ting, SBS, JP

Hon Tommy CHEUNG Yu-yan, JP

Hon Michael MAK Kwok-fung

Hon Albert CHAN Wai-yip

* Also a member of Panel on Home Affairs

Also a member of Panel on Constitutional Affairs

Public Officers : Mr Robin IP
Attending Deputy Secretary for Constitutional Affairs

Ms Doris HO

Principal Assistant Secretary for Constitutional Affairs

Mr Kevin YEUNG

Principal Assistant Secretary for Home Affairs

Mr K C LEE

Assistant Director of Home Affairs

Clerk in : Mr Paul WOO
Attendance Chief Assistant Secretary (2)6

Staff in : Miss Flora TAI
Attendance Chief Assistant Secretary (2)2

Miss Lolita SHEK

Senior Assistant Secretary (2)7

I. Election of Chairman

Mr Andrew WONG was elected Chairman of the joint meeting.

II. Composition of the Second Term District Councils (LC Paper No. CB(2)2086/01-02(01))

2. At the invitation of the Chairman, Deputy Secretary for Constitutional Affairs (DS/CA) introduced the information paper which set out the Administration's proposals relating to the composition of the second term District Councils (DCs). In the paper, it was explained that arising from the Review of District Organisations and Review of the Roles and Functions of DCs conducted by the Administration in 1998 and 2001 respectively, issues had been identified which called for a detailed review by the Administration. The Administration recommended that a comprehensive review of DCs should be conducted for the third and subsequent terms DCs after the second term DC elections in late 2003. Pending this review, the Administration proposed to maintain the status quo for the second term DCs. In overall terms, the Administration proposed to retain the existing district boundaries of the 18 DCs. The DCs would continue to be made up of 390 elected members, 102 appointed members and 27 ex-officio members. Due to an overall population increase in the territory, the population quota for each DC constituency (DCC) would be increased from the existing 17 000 to 17 635. The size of elected membership for each district would also be maintained at the existing level.

3. DS/CA further advised that pursuant to section 20(4A) of the Electoral Affairs Commission Ordinance (EACO) (Cap. 541), the Electoral Affairs Commission (EAC) would follow the existing boundaries of DCs and the existing number of elected seats for each of the 18 DCs as specified under the District Councils Ordinance (DCO) in formulating recommendations on constituency boundaries for the second term DC elections. Before finalising its recommendations, EAC would conduct a one-month public consultation in September 2002 to solicit public views on the draft proposals.

Size of elected membership of DCs

4. Referring to Annex C to the Administration's paper, Dr TANG Siu-tong pointed out that the population of Yuen Long was expected to increase drastically by more than 140 000 from 391 364 in March 1999 to 534 000 by 30 June 2003. The average population size per constituency in the district would reach 23 217 and become the largest among the 18 DCs, exceeding the existing population quota by 35%. He opined that it would be unfair to the residents in Yuen Long to have only 23 elected seats for their district, as compared with, for example, Wanchai with 11 elected seats but whose population size (152 300) would be less than one-third of that of Yuen Long by

June 2003. Dr TANG considered that the Government should increase the number of elected seats for the second term DCs for districts with sharp population increases such as Yuen Long and reduce the seats for districts of which the population had dropped. He said that such reallocation might not necessarily affect the number of elected seats of DCs taken as a whole.

5. Ms Cyd HO, Mr WONG Sing-chi, Mr MA Fung-kwok and Mr HUI Cheung-ching shared similar view that it was unreasonable to maintain the same elected membership of all DCs in view of the great variations in the change of population of some of the districts. Mr MA Fung-kwok said that in his view, a total of 10 to 14 elected seats and a few appointed seats could be added to the DCs.

6. Mr Howard YOUNG said that he agreed that it might not be an opportune time to introduce drastic changes to DCs before the completion of a comprehensive review in 2003. However, in view of the sharp population increases in some of the districts such as Yuen Long and Sai Kung, he suggested that the elected seats should be increased for these districts. He added that apart from population, physical features such as size and accessibility of the communities should be considered in determining the boundaries of DCCs and the number of seats for DCs. He did not support reducing the number of elected seats for districts with fallen population. He further suggested that the maximum deviation from the population quota for a DCC should be increased from 25% to 35%.

7. Noting that the most drastic population increases were found in Yuen Long and Sai Kung, Mr James Tien suggested that more elected seats could be provided for these two DCs while the number of seats for other DCs might remain unchanged. He considered that minimum necessary changes could be introduced for the second term DCs.

8. The Chairman pointed out that the sharpest population increases existed in Tseung Kwan O of Sai Kung, Tin Shui Wai of Yuen Long and Tung Chung of the Island District. He suggested that the Administration might consider increasing the number of elected seats for these districts.

9. The Chairman further said that neither EACO nor DCO had specified a fixed population quota for DCCs. In accordance with section 8 of DCO, the Chief Executive (CE) in Council might, subject to the approval of the Legislative Council (LegCo), amend Schedule 1, 2 or 3 to DCO and hence the population quota and number of elected members for each DC.

10. Mr NG Leung-sing agreed that a comprehensive review of DCs, including issues relating to their resources, role and functions as well as the population criterion for future DC elections, should be conducted. He added that to ensure fair allocation of seats among DCs, there should be sufficient

justifications for increasing the number of seats for districts with population increases without cutting the number of seats for districts with reduced population.

11. In response to the above issues raised by members, Principal Assistant Secretary for Constitutional Affairs (PAS/CA) said that the Administration found it difficult to accept the proposition of increasing the number of seats for districts with population increases without reducing that for districts with population drop. She advised that if the number of elected seats should be altered in the light of population changes, a total of 13 districts would be affected. The number of elected seats would have to be increased for seven of the districts while that of the other six would be reduced. This would result in changes to the number and boundaries of constituencies in the districts concerned.

12. PAS/CA further said that the population criterion of 17 000 had been adopted since the 1994 District Board elections. If the same quota was to be maintained for future DC elections, it would lead to a continuous increase in the total number of elected seats to tie in with future increases in population. At the district level, the number of elected DC seats in fast-growing districts would continue to increase, while that of the other districts would shrink due to dwindling population. She said that in fact, in the Review of District Organisations conducted by the Constitutional Affairs Bureau in 1998, the views on the appropriate size of DCCs were diverse. In the views of the Administration, an ever-growing membership might not be conducive to the efficient operation of DCs. The Administration considered that these matters should be examined thoroughly in the context of a major review of the DCs.

13. As regards deviations from the population quota, PAS/CA explained that EAC was empowered under section 20(5) of EACO to allow the population of certain DCCs to deviate from the population quota by more than 25%, if a consideration relating to the community identities, preservation of local ties and physical features rendered such a deviation necessary or desirable. The Administration did not consider that legislative amendments should be introduced in this regard.

14. The Chairman said that the Administration had failed to apply its own stated principles consistently in determining the number of elected seats for the DCs. He quoted the examples of Tai Po and North District which were roughly of the same population size but differed in the number of elected seats in the DCs. In his view, the Government had not provided sufficient justifications for refusing to adjust the number of elected seats based on population changes. He also pointed out that a review of the roles and functions of DCs and a review of the number of elected seats for DCs were separate issues which could be conducted independently of each other.

15. PAS/CA said that the boundaries of DCCs were drawn up for the first term DCs in 1999 in accordance with the population quota and based on the population forecasts as of 31 March 1999. The average population size per constituency was close to the population quota of 17 000. She said that the Administration could provide the average population size per constituency in each of 18 district in 1999 for members' reference.

(Post-meeting note : The information provided by the Administration was issued to members vide LC Paper No. CB(2)2518/01-02(01) on 8 July 2002.)

16. Mr CHEUNG Man-kwong remarked that he was not satisfied that the Administration had been delaying the introduction of necessary changes to DCs on the pretext of a future review. In his view, the number of elected seats for DC should be adjusted having regard to significant population changes. He asked whether the Administration would proceed with the implementation of the proposals as stated in its paper despite the dissenting views from members. In response, DS/CA replied that he had the opportunity of seeking the views of some LegCo Members on certain occasions and quite a lot of them indicated support for the Administration's proposals to maintain the status quo for the second term DC elections. He informed the Panel that the Administration would consult all 18 DCs on the Administration's proposals.

17. Mr IP Kwok-him said that the Democratic Alliance for Betterment of Hong Kong supported the conduct of a comprehensive review of DCs and agreed that the present system should not be changed drastically, pending the completion of the review. The Democratic Alliance for Betterment of Hong Kong considered the Administration's proposals to be acceptable under the present circumstances. He added that there were valid grounds for the suggestion that additional elected seats should be provided for districts with hefty population increases and the Administration should seriously consider the suggestion in its future review. He further said that the Democratic Alliance for Betterment of Hong Kong considered that minimum changes should be made to DCC boundaries except for those with major population changes.

18. In response, DS/CA advised that EAC was responsible for making recommendations to CE on constituency boundaries for the 2003 DC elections. When drawing up the boundaries, EAC would take into account the population changes in various districts by mid 2003 and the statutory requirements provided for in EACO. PAS/CA said that it was not the intention of the Government that the boundaries of DCCs would be re-delineated all over again. In reply to Dr YEUNG Sum, PAS/CA said that the DCC boundaries might be changed having regard to population changes which were a relevant factor for consideration.

19. Dr YEUNG Sum and Mr CHEUNG Man-kwong held the view that with the population changes in most of the districts, DCC boundaries would need to be re-demarcated if the number of seats for the DCs remained unchanged. This might render the Administration's proposal to maintain the status quo unsustainable. This would also cause greater difficulties to EAC in drawing up DCC boundaries. They urged the Administration to seriously consider increasing the seats for districts with substantial increase in population.

20. PAS/CA said that population was one of the factors which EAC would take into account in drawing up district boundaries. She reiterated that other factors such as community identities and the preservation of local ties and physical features of the districts would also be considered. She added that the population criterion would be re-examined in the future comprehensive review of DCs.

21. The Chairman opined that it was desirable to maintain stability in constituency boundaries as far as possible to minimise disturbance to the residents. He pointed out that in the United Kingdom, constituency boundaries were changed only about once every 10 years.

22. Dr TANG Siu-tong said that in view of the sharp population increase in Yuen Long and the Government's refusal to increase the number of elected seats for the district, the boundaries of the constituencies of Yuen Long might need to be re-delineated, hence causing disturbances to the residents.

23. DS/CA reiterated that EAC would draw up constituency boundaries for the 2003 DC elections in accordance with the provisions in EACO and taking into account all the relevant factors.

Appointed membership of DCs

24. Dr YEUNG Sum and Ms Emily LAU said that they were extremely disappointed that the Administration had persistently ignored the requests of some of the LegCo Members and that of the wider community to increase the powers and responsibilities of DCs, and to remove all the appointed seats and increase the number of elected seats of DCs. Ms Emily LAU asked the Administration to confirm whether there were strong calls from the public during the Review of the Roles and Functions of DCs conducted in 2001 to urge the Government to quicken the pace of democracy in Hong Kong, and to enhance the roles and responsibilities of DCs in order to enable DCs to function more than just as advisory bodies to the Government. She also asked the Administration when the public could start submitting views on the composition of DCs and the boundaries of DCCs.

25. DS/CA replied that public consultation on proposed constituency boundaries would be conducted by EAC in September 2002 but members of

the public were welcome to offer their views to EAC before the formal consultation exercise began. He added that during the review in 2001, some LegCo Members as well as members of DCs and the public had expressed the view that DCs should play a greater role and assume greater responsibilities in the management of district affairs. The views would be considered in detail in the comprehensive review to be conducted in 2003. Principal Assistant Secretary for Home Affairs supplemented that the Administration was grateful for the views contributed by LegCo Members and other parties during the 2001 review and these views would be considered in the future review.

26. Ms Emily LAU stressed that in the review in 2001, a major view of the respondents was that the responsibilities of DCs should be increased. There were also concrete demands for quickening the democratic development in Hong Kong by dispensing with the appointed membership of DCs and increasing the number of directly elected seats. She criticised the Administration of playing delaying tactics and urged the Administration to proceed with the comprehensive review as a matter of urgency.

27. Mr James Tien and Mr MA Fung-kwok opined that the system of having a number of appointed members in DCs should continue at present. Mr MA reiterated that he supported that a comprehensive review of the roles and functions of DCs should be conducted. He also advocated that training for future political leaders should be strengthened. Mr IP Kwok-him said that while the Democratic Alliance for Betterment of Hong Kong supported the continuation of appointed membership for DCs, it considered that the number of appointed members should be reduced gradually.

28. The Chairman pointed out that a lot of views had been expressed by LegCo Members on issues relating to the composition of DCs and their role and functions. He called upon the Administration to study all the views carefully in the comprehensive review. The Administration noted the request.

III. Any other business

29. There being no other business, the meeting ended at 4:15 pm.