

**Legislative Council House Committee
Subcommittee to Study the Administration's Proposals
for the Methods for Selecting the Chief Executive in 2007 and
for Forming the Legislative Council in 2008**

**The Fifth Report of the Constitutional Development Task Force:
Package of Proposals
Some Detailed Arrangements Regarding the Method
for Forming the Legislative Council**

Purpose

This paper sets out certain practical issues that need to be dealt with in local legislation in respect of the method for forming the Legislative Council ("LegCo") in 2008. Members of the Subcommittee are invited to provide views on these issues, including:

- (1) with the number of seats returned by geographical constituencies ("GC") through direct elections to be increased from 30 to 35, the arrangement for the delineation of the constituencies; and
- (2) with the number of LegCo functional constituency ("FC") seats to be increased from 30 to 35 and the number of seats to be returned by the District Council FC to be increased from one at present to six, the electoral method to be adopted in the District Council FC.

Arrangement for the Delineation of Geographical Constituencies

2. The Constitutional Development Task Force ("the Task Force") proposes that the number of LegCo GC seats be increased from 30 to 35. It is mentioned in paragraph 5.20 of the Fifth Report that the allocation of the GC seats may be specified in the context of the Legislative Council (Amendment) Bill.

3. On the basis of the Task Force's proposals on the method for forming LegCo in 2008, we need to amend the Legislative Council Ordinance to specify that a total of 35 Members are to be returned for all geographical constituencies for the fourth term LegCo^{Note 1}. Furthermore, we need to specify the following provisions in respect of the geographical constituencies for the fourth term LegCo in 2008:

- (1) Whether the number of geographical constituencies is to remain at five^{Note 2}; and
- (2) Whether the number of Members to be returned for each GC is to remain at a number not less than four nor greater than eight^{Note 3}.

4. Under the proposal that the number of LegCo GC seats be increased from 30 to 35, the population quota^{Note 4} represented by each seat will be slightly lowered. We may need to consider redelineating the existing GCs, or adjusting the upper and lower limits to the number of Members to be returned for each GC.

5. After the above amendments to the Legislative Council Ordinance are endorsed by LegCo, the Electoral Affairs Commission ("EAC") will submit to the Chief Executive ("CE"), in accordance with the provisions in the Electoral Affairs Commission Ordinance, recommendations for the delineation of GCs in relation to the LegCo general election^{Note 5}. In making such recommendations, the EAC shall have regard to criteria including the population quota of the concerned area, community identities and the preservation of local ties, physical features of the relevant area, and the existing boundaries of Districts and GCs^{Note 6}. The CE in Council shall consider the report as soon as practicable after its receipt,^{Note 7} and shall cause the report to be laid on the table of LegCo within a certain period of time. The CE in

Note 1 At present, it is stipulated in Section 19(1) of the Legislative Council Ordinance that 30 Members are to be returned for all GCs at the third term LegCo general election.

Note 2 At present, it is stipulated in Section 18(1) of the Legislative Council Ordinance that there are to be five GCs for the third term LegCo general election.

Note 3 At present, it is stipulated in Section 19(2) of the Legislative Council Ordinance that the number of Members to be returned for each GC is to be a number not less than four nor greater than eight.

Note 4 The prevailing population quota is computed by dividing the total population of Hong Kong by 30 (i.e., the total number of Members returned by all GCs). At the total population in mid-2004 was 6,842,500, the then population quota was around 228,100. If the number of GC seats is to be increased to 35, with the population figure in 2008 projected at 7,058,900, the population quota will be around 201,700.

Note 5 Section 18 of the Electoral Affairs Commission Ordinance.

Note 6 Section 20 of the Electoral Affairs Commission Ordinance.

Note 7 Section 21 of the Electoral Affairs Commission Ordinance.

Council may, after considering the report, declare areas of Hong Kong to be GCs by order published in the Gazette^{Note 8}.

Electoral Method for the District Council FC Seats

6. The Task Force proposes that all the newly-added FC seats be returned through election by District Council members from among themselves. The number of seats returned by the District Council FC shall be increased from one at present to six. As regards the electoral method to be adopted, for example, a block vote system or a proportional representation system, this may be dealt with in the context of the Legislative Council (Amendment) Bill. (See para. 5.17 of the 5th report.)

7. According to the Legislative Council Ordinance, the District Council FC is composed of all the 529 members of the District Councils.^{Note 9} The system of voting and counting of votes adopted for this FC is the same as those for the majority of FCs, i.e. simple or relative majority system of election (also known as the "first past the post" voting system).^{Note 10}

8. As stated in the Fifth Report of the Task Force, the Administration has not yet decided, at this stage, on the electoral method (for example, the block vote system or the proportional representation system) through which the six seats of the District Council FC are to be returned.

9. Under the block vote system, voting and counting of votes is conducted in accordance with the simple or relative majority system of election. The candidates receiving the most votes are elected. Under the block vote system, two different methods may be considered:

- (1) The number of candidates an elector can vote for must be fewer than or equal to the number of seats (six seats) (similar to the existing arrangement for the Labour FC); or
- (2) An elector must cast all six votes (similar to the system of voting and counting of votes for the Election Committee for the second term LegCo).

Note 8 Section 18(2) of the Legislative Council Ordinance.

Note 9 Section 20ZB of the Legislative Council Ordinance.

Note 10 Section 51 of the Legislative Council Ordinance. Among the FCs, only the four FCs which have fewer registered electors (the Heung Yee Kuk, the agriculture and fisheries, the insurance and the transport) adopt another kind of voting and counting systems, i.e. the "preferential elimination system of voting" (Section 50 of the Legislative Council Ordinance).

10. If the proportional representation system is adopted, the seats will, in principle, be allocated in accordance with the proportion of votes received by each list/candidate. The detailed method which may be considered include the "list voting system" under the proportional representation system. According to the list voting system, candidates stand for election in the form of lists. The number of candidates on each list should not exceed the total number of seats for the District Council FC, and the candidates must be ranked in order of priority. Each elector may cast one vote to support a list of candidates. The number of seats to be allocated to each list should largely reflect the proportion of votes it receives.

Conclusion

11. We are prepared to listen to Members' views on the above detailed arrangements in respect of the method for forming LegCo in 2008. According to the current legislative timetable, the Administration plans to introduce the Legislative Council (Amendment) Bill into LegCo in 2007 to firm up the various arrangements.

**Constitutional Affairs Bureau
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