

Legislative Council Panel on Constitutional Affairs

Composition of the Third Term District Councils - Addition of Elected Seats for New Towns

Purpose

This paper informs Members of our preliminary proposal to increase the number of elected seats on the Islands District Council (DC) and the Sai Kung DC in view of the projected rates of population growth in the two districts between the last DC election in 2003 and the coming DC election in 2007.

Statutory Framework

2. The number of elected seats on each of the 18 DCs is stipulated in Schedule 3 to the District Councils Ordinance. At present, there are a total of 400 elected DC members (breakdown at Annex A).

3. Within the number of elected seats for each DC, the Electoral Affairs Commission (EAC) has the statutory authority to recommend on the boundaries of corresponding DC constituency areas (DCCAs) before each DC election. In demarcating the constituency boundaries, the EAC must follow the criteria laid down in section 20 of the Electoral Affairs Commission Ordinance (Annex B). Section 20(1) requires that the population sizes of DCCAs should be as close to the territory-wide average (“the population quota”^{Note 1}) as possible, and that deviation from the population quota should be within 25%. If EAC considers a departure from the 25% rule to be necessary having regard to such factors as the preservation of local ties, community identities and physical features of the relevant areas, section 20(5) allows EAC to depart from the strict application of the rule.

4. According to section 18 of the Electoral Affairs Commission Ordinance, EAC shall submit to the Chief Executive its recommendations for the delineation of DCCAs within 36 months from the preceding DC election.

^{Note 1} The population quota is derived by dividing the total population of 18 districts by the total number of DCCAs in all districts.

Population Growth by 2007

5. According to the population projections published in 2004 by the Working Group on Population Distribution Projections (WGPD) led by Planning Department, the overall population growth of Hong Kong will be about 3% between 2003 and 2007 (Annex C). Among the 18 districts, it is projected that there will be population growth in 12 districts, and a decrease in population in the other six districts. The highest rates of projected population growth occur in the districts of Islands (32%) and Sai Kung (12%). To examine the case for additional DC seats in the two districts, we have studied further the situation.

Population Growth in Tung Chung

6. The rapid population growth of the Islands district is mainly due to the development of the Tung Chung new town. Between 2003 and 2007, the population of Tung Chung is projected to increase by 82% from 44,200 to 80,300. If additional seats are not provided, the population-to-seat ratio in Tung Chung will be over 40,000 in 2007, which is 130% above the population quota of 17,483^{Note 2}.

Population Growth in Tseung Kwan O

7. The high rate of population growth in Sai Kung is mainly due to the development of the Tseung Kwan O new town, particularly in the area of Tseung Kwan O South. Between 2003 and 2007, the population of Tseung Kwan O will increase to 338,300 in total. It is projected to increase by 26% from 147,500 to 185,400 in Tseung Kwan O South in particular. If additional seats are not provided, the population-to-seat ratio in 2007 will be about 22,600 for Tseung Kwan O, and 26,500 for Tseung Kwan O South, which exceed the population quota by 29% and 52% respectively.

Addition of Elected Seats

8. Our preliminary proposal is to:
- (a) increase the number of elected seats on the Islands DC by two from eight to ten; and

^{Note 2} The population quota is equal to the average population size of the 400 DCCAs territory-wide. The figure of 17,483 for 2007 is derived by dividing the total population of 18 districts (6,993,300) by the total number of elected DC seats (400).

- (b) increase the number of elected seats on the Sai Kung DC by three from 20 to 23.

9. The proposal should provide EAC with the necessary scope to redraw the DCCAs in Tung Chung and Tseung Kwan O in such a way as to bring the population-to-seat ratio to within 25% of the population quota without causing substantial changes to the boundaries of other DCCAs in the districts. However, it should be emphasized that by law it is for the EAC, being the independent statutory authority responsible for the demarcation of DCCA boundaries, to recommend to the Chief Executive on exactly how the boundaries are to be drawn.

10. If additional seats are not created, there could be the following drawbacks.

- (a) Major changes to the boundaries of many existing DCCAs in Islands and Sai Kung would likely be unavoidable. In order for the population sizes of DCCAs to stay within the statutory deviation limit of $\pm 25\%$ of the population quota, the EAC would most probably have to redraw the boundaries of many DCCAs. In some cases, DCCAs in rural areas may have to be merged to free up seats for the new towns. These changes would disrupt the cohesiveness and identity of the local communities.
- (b) Even with substantial changes to the boundaries of the DCCAs, the population of some DCCAs may still be more than 25% over the population quota.

Timetable

11. In the light of consultation with the Legislative Council and DCs concerned, we will put forth legislative amendments for the addition of seats later. We will have to complete the legislative amendment by July 2006, so that the newly added seats can be taken into account by the EAC in its demarcation of DCCAs for the 2007 DC election. As required by the Electoral Affairs Commission Ordinance, the EAC shall submit its final report on DCCA boundaries to the Chief Executive by November 2006.

Advice Sought

12. Members are invited to note the above preliminary proposal for addition of elected seats on Islands and Sai Kung DCs and to offer comments.

Constitutional Affairs Bureau
14 February 2006

Number of Elected Seats on District Councils

| <u>District Council</u> | <u>Number of Elected Seats</u> |
|--------------------------------------|---------------------------------------|
| Central and Western District Council | 15 |
| Eastern District Council | 37 |
| Kowloon City District Council | 22 |
| Kwun Tong District Council | 34 |
| Sham Shui Po District Council | 21 |
| Southern District Council | 17 |
| Wan Chai District Council | 11 |
| Wong Tai Sin District Council | 25 |
| Yau Tsim Mong District Council | 16 |
| Islands District Council | 8 |
| Kwai Tsing District Council | 28 |
| North District Council | 16 |
| Sai Kung District Council | 20 |
| Sha Tin District Council | 36 |
| Tai Po District Council | 19 |
| Tsuen Wan District Council | 17 |
| Tuen Mun District Council | 29 |
| Yuen Long District Council | 29 |
| Total : | <hr/> 400 <hr/> |

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| ▼ | Chapter: 541 | Title: ELECTORAL AFFAIRS COMMISSION ORDINANCE | Gazette Number: L.N. 320 of 1999 |
| | Section: 20 | Heading: Criteria for making recommendations | Version Date: 01/01/2000 |

(1) In making recommendations for the purposes of this Part, the Commission shall-

- (a) ensure that the extent of each proposed geographical constituency is such that the population in that constituency is as near as is practicable to the number which results ("the resulting number") when the population quota is multiplied by the number of members to be returned to the Legislative Council by that geographical constituency pursuant to any electoral law;
- (b) where it is not practicable to comply with paragraph (a) in respect of a proposed geographical constituency, ensure that the extent of the constituency is such that the population in that constituency does not exceed or fall short of the resulting number applicable to that constituency, by more than 15% thereof;
- (c) ensure that the extent of each proposed District Council constituency is such that the population in that constituency is as near the population quota as practicable; (Added 8 of 1999 s. 89)
- (d) where it is not practicable to comply with paragraph (c) in respect of a proposed District Council constituency, ensure that the extent of the proposed constituency is such that the population in that constituency does not exceed or fall short of the population quota, by more than 25% thereof. (Added 8 of 1999 s. 89)

(2) In making such recommendations the Commission shall ensure that each proposed geographical constituency is constituted by 2 or more contiguous whole District Council constituencies.

(3) In making such recommendations the Commission shall have regard to-

- (a) community identities and the preservation of local ties; and
- (b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof.

(4) In making such recommendations in relation to a general election the Commission shall have regard to-

- (a) existing boundaries of Districts; and
- (b) existing boundaries of geographical constituencies. (Replaced 78 of 1999 s. 7)

Cap 541 s 20 Criteria for making recommendations

(4A) Subject to subsection (4B), in making such recommendations in relation to an ordinary election, the Commission must follow the existing boundaries of Districts and the existing number of members to be elected to a District Council as specified in or under the District Councils Ordinance (Cap 547). (Added 8 of 1999 s. 89)

(4B) If the Chief Executive in Council makes any order under section 8 of the District Councils Ordinance (Cap 547)-

- (a) not later than 12 months before the deadline for submitting a report for the ordinary election to which the recommendations relate; and
- (b) which is applicable in relation to that ordinary election; and
- (c) for the purpose of declaring Districts or specifying the number of members to be elected to a District Council,

the Commission must, in making such recommendations in relation to that ordinary election, follow the boundaries of the Districts as declared in the relevant order and the number of members to be elected as specified in the relevant order. (Added 8 of 1999 s. 89)

(5) The Commission may depart from the strict application of subsection (1) only where it appears that a consideration referred to in subsection (3) renders such a departure necessary or desirable.

(6) The Commission shall, for the purposes of subsection (1)-

- (a) endeavour to estimate the total population of Hong Kong or any proposed constituency, as the case may be, in the year in which the election to which the recommendations relate, is to be held; and
- (b) if it is not practicable to comply with paragraph (a), estimate the population of Hong Kong, the geographical constituency or the District Council constituency, as the case may be, having regard to the available information which is the best possible in the circumstances for the purpose of making recommendations.

(7) In this section-

"District" (地方行政區) has the meaning assigned to it by the District Councils Ordinance (Cap 547).

(Replaced 8 of 1999 s. 89)

(Amended 8 of 1999 s. 89; 78 of 1999 s. 7)

Mid-year Population by District Council District

| District Council District | 2003 Mid-year Population | 2007 Mid-year Population | Percentage Increase |
|--------------------------------|-----------------------------|-----------------------------|------------------------|
| <i>Hong Kong Island</i> | | | |
| Central and Western | 236,400 | 241,600 | 2% |
| Wan Chai | 149,900 | 144,800 | -3% |
| Eastern | 595,300 | 578,600 | -3% |
| Southern | 281,400 | 283,400 | 1% |
| <i>Kowloon</i> | | | |
| Yau Tsim Mong | 278,900 | 303,600 | 9% |
| Sham Shui Po | 355,600 | 385,000 | 8% |
| Kowloon City | 366,200 | 364,000 | -1% |
| Wong Tai Sin | 446,200 | 425,200 | -5% |
| Kwun Tong | 572,700 | 596,800 | 4% |
| <i>New Territories</i> | | | |
| Kwai Tsing | 501,700 | 532,600 | 6% |
| Tsuen Wan | 271,500 | 283,600 | 4% |
| Tuen Mun | 506,500 | 519,400 | 3% |
| Yuen Long | 526,300 | 549,300 | 4% |
| North | 296,400 | 305,700 | 3% |
| Tai Po | 302,700 | 300,400 | -1% |
| Sha Tin | 629,000 | 619,100 | -2% |
| Sai Kung | 370,900 | 413,900 | 12% |
| Islands | 111,000 | 146,400 | 32% |
| Land Total : | 6,798,400 | 6,993,300 | 3% |

Source: Projections of Population Distribution by District Council District, 2004 - 2013
published by the Working Group on Population Distribution Projections.