

立法會
Legislative Council

LC Paper No. LS97/09-10

**Paper for the House Committee Meeting
on 8 October 2010**

**Legal Service Division Report on
Proposed Resolution under section 8 of
the District Councils Ordinance (Cap. 547)**

The Secretary for Constitutional and Mainland Affairs (the Secretary) has given notice to move a motion at the Legislative Council meeting of 20 October 2010. The motion seeks the Legislative Council's approval of the District Councils Ordinance (Amendment of Schedule 3) Order 2010 made by the Chief Executive in Council under section 8 of the District Councils Ordinance (Cap. 547) (the Ordinance).

2. Schedule 3 to the Ordinance provides for the number of elected members and appointed members of each District Council ("DC"). This Order is to amend Schedule 3 to the Ordinance to add a total of seven elected seats to six DCs from the fourth term DCs which starts on 1 January 2012 as follows-

DC	Current number of elected members	Proposed number of additional elected members	Proposed number of elected members
Kwun Tong	34	1	35
Yau Tsim Mong	16	1	17
Kwai Tsing	28	1	29
North District	16	1	17
Sai Kung	23	1	24
Yuen Long	29	2	31

3. According to the LegCo Brief dated 29 September 2010 issued by the Constitutional and Mainland Affairs Bureau (File Ref. CMAB C2/23), the proposed increase is the result of an overall review on the number of elected seats for each DC having regard to the population forecast for Hong Kong in 2011. As projected by the Planning Department, the total population of Hong Kong in mid-2011 will increase to 7 120 200. Since the Administration proposes to maintain the population quota* of 17 275 adopted for the 2007 DC election, the total number of elected seats for the fourth term DCs should be 412 ($7\ 120\ 200 \div 17\ 275$), that is, seven seats more than that of the

* The population quota is derived by dividing the total population of Hong Kong by the total number of DC members to be returned in the election.

current term (405 seats). As to the basis on which the additional elected seats are allocated among the six DCs concerned, Members may refer to the LegCo Brief for details.

4. For the purpose of enabling arrangements to be made for the holding of the DC election in 2011, the Order shall come into operation on a date before 1 January 2012 to be appointed by the Secretary by notice published in the Gazette. Except for this purpose, the Order shall come into operation on 1 January 2012. According to the draft speech of the Secretary, the Electoral Affairs Commission will proceed with the demarcation of constituency boundaries for the 2011 DC election with regard to the revised number of elected DC seats as stipulated in the Order, if approved.

5. The Panel on Constitutional Affairs was briefed on the proposal at its meeting on 19 July 2010. While members raised no objection to the proposal, they expressed different views on the level of population quota adopted for calculating the number of elected DC seats. The Administration explained that the existing population quota was used in the past three DC terms and had been functioning well and therefore proposed that it should continue to be adopted for the 2011 DC election.

6. No difficulties in the legal or drafting aspects of the proposed resolution have been observed.

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