

立法會

Legislative Council

LC Paper No. CB(2)122/10-11(01)

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Background brief prepared by Legislative Council Secretariat

Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2010

Purpose

This paper provides background information relating to the review of the number of elected seats for District Councils (DCs). It also gives a brief account of the main concerns raised by members of the Panel on Constitutional Affairs ("the CA Panel") on the review of the number of elected seats for the Fourth Term DCs.

Background

2. The number of elected seats on each of the 18 DCs is stipulated in Schedule 3 to the DC Ordinance (Cap. 547) ("DCO"). At present, there are a total of 405 elected DC members (breakdown in **Appendix I**).
3. Within the number of elected seats for each DC, the Electoral Affairs Commission ("EAC") has the statutory authority to recommend the boundaries of corresponding DC constituency areas ("DCCAs") before each DC election. In demarcating the constituency boundaries, EAC must follow the criteria laid down in section 20 of the EAC Ordinance (Cap. 541), a copy of which is in **Appendix II**. Section 20(1) requires that the population sizes of DCCAs should be as close to the territory-wide average ("the population quota") as possible. The population quota means the total population of Hong Kong divided by the total number of elected members to be returned in the DC ordinary election. Section 20(1) also requires 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 EAC Ordinance, EAC shall submit to the Chief Executive its recommendations for the delineation of DCCAs within 36 months from the preceding DC election.
5. In the 2007 DC Election, the population quota amounted to about 17 300 persons. The 18 DCs comprised 405 constituencies in which all elected members were returned through the first-past-the-post system.

Addition of elected seats for the Second Term DCs

6. The First Term DCs were made up of 390 elected seats with one elected member to be returned from each of the 390 DCCAs which were delineated on the basis of an average population quota of about 17 000 per constituency. The Administration initially proposed to retain the existing district boundaries of the 18 DCs and to cap the total number of elected seats at 390 for the Second Term DCs. Due to an overall population increase in the territory, the population quota for each DCCA would be increased to 17 635. The Administration's explanation was that pending the comprehensive review of the roles, functions and composition of DCs to be conducted after the DC elections in late 2003, the status quo should be maintained for the Second Term DCs.

7. When the Administration briefed the CA Panel and the Panel on Home Affairs ("the HA Panel") on its initial proposal at a joint meeting on 4 June 2002, members in general were of the 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 such as Yuen Long and Sai Kung. They considered that the number of elected seats should be increased for districts with substantial population increases. Some members also suggested that the maximum deviation from the population quota for a DCCA should be increased from 25% to 35%.

8. The Administration explained 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. As regards deviations from the population quota, the Administration advised that EAC was empowered under section 20(5) of the EAC Ordinance to allow the population of certain DCCAs 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, however, did not consider that legislative amendments should be introduced in this regard.

9. The Administration subsequently informed the CA Panel and the HA Panel at another joint meeting on 27 September 2002 that having regard to the views expressed by Legislative Council ("LegCo") Members and DC members and the significant population increases in certain districts, particularly the three new towns i.e. Tung Chung, Tseung Kwan O and Tin Shui Wai, it was considered appropriate to have a limited increase in the number of elected seats for the Islands, Sai Kung and Yuen Long DCs. Specifically, the Administration recommended that an extra elected seat should be provided for Islands DC to cater for increase of population in Tung Chung, three elected seats for Sai Kung DC and six for Yuen Long DC.

10. The Electoral Provisions (Miscellaneous Amendments) Bill 2002 which sought to, among others, amend Schedule 3 to DCO to implement the proposal of increasing

the number of elected seats for Islands, Sai Kung and Yuen Long DCs was passed by the Council on 18 December 2002.

Addition of elected seats for the Third Term DCs

11. The Administration briefed the CA Panel on 20 February 2006 on its proposal to increase the numbers of elected seats for the Islands and Sai Kung DCs by two (from eight to 10) and three (from 20 to 23) respectively. According to the Administration, the proposal was put forward having regard to the projected rates of population growth in the two districts between the last DC election in 2003 and the coming DC election in 2007. The rapid population growth of the Islands district was mainly due to the development of the Tung Chung new town, and the high rate of population growth in Sai Kung was mainly due to the development of the Tseung Kwan O new town. Its proposal of increasing the number of elected seats on these two DCs 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.

12. Some members queried the rationale for the Administration not proposing new elected seats for districts other than the Islands and Sai Kung given the fact that according to the projection, the population of Hong Kong would be increased by 195 000 in 2007. They further pointed out that there was great variation on the population-to-seat ratio among the 18 DCs, e.g. the ratio in the Wan Chai DC was 13 000 and that in the Kwai Tsing DC was 19 000. These members considered that new DC seats should be provided to districts with overall population growth, and not just districts with population growth in new towns.

13. The Administration explained that following the development of new towns in Tung Chung and Tseung Kwan O, the Islands and Sai Kung districts had respectively experienced rapid population growth and the trend was expected to continue in the coming years. If additional seats were not provided for the two districts, the population-to-seat ratio in Tung Chung and Tseung Kwan O South in 2007 would exceed the population quota by over 25%. There was hence a need to increase the elected seats in the two districts. As regards the remaining 16 districts, the population growth was quite even and the average population size of their constituency areas in 2007 was expected to stay within the statutory deviation limit of 25% of the population quota. There should be room to address the issue of certain constituency areas exceeding the 25% limit in the demarcation of constituency boundaries.

14. Some members were of the view that the existing demarcation of boundaries for DCCAs was far from ideal, for example, the same residential estate could be grouped under three different DCCAs. They suggested that the boundaries of DCCAs could be redefined instead of creating additional seats in the Islands and Sai Kung DCs, or the deviation limit of 25% of the population quota should be applied

flexibly so that there would be clear delineation of DCCAs. These members also considered that new seats could be added as and when necessary with a view to maintaining the cohesiveness and identity of local communities.

15. The Administration explained that if seats were not increased in the Islands and Sai Kung, major changes to the boundaries of many existing DCCAs in the two districts would likely be unavoidable. In this regard, DCCAs in rural areas might have to be merged to free up seats for the new towns. These changes would disrupt the cohesiveness and identity of the local communities. In addition, even with substantial changes to the boundaries of DCCAs, the population of some DCCAs might still be more than 25% over the population quota. The Administration pointed out that while it was the duty of the Administration to propose the number of DC seats having regard to the population sizes of the 18 DCs, it was for EAC to decide on the boundaries of DCCAs. If EAC considered 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) of the EAC Ordinance allowed EAC to depart from the strict application of the rule.

16. The resolution to increase the number of elected seats for the Islands and Sai Kung DCs by amending Schedule 3 to DCO was approved by the Council on 7 June 2006.

Addition of elected seats for the Fourth Term DCs

17. The Administration briefed the CA Panel on 19 July 2010 on its proposals of increasing the number of elected seats for the Fourth Term DCs (i.e. one extra seat each for Kwun Tong DC, Yau Tsim Mong DC, Kwai Tsing DC, North District DC and Sai Kung DC, and two extra seats for Yuen Long DC). While members raised no objection to the proposals, some members were of the view that the existing population quota at around 17 000 should be raised so as to make elected DC members answerable to electors of larger constituencies and to enhance their representativeness. Some other members considered the existing population quota appropriate as it enabled individual DC members to maintain a close relationship with local residents and grasp the needs of the relevant constituency. They also enquired whether DC constituency boundaries would be redefined so as to reduce the disparity of elected DC membership among DCs.

18. The Administration explained that the existing population quota was incepted for the First Term DCs in 1999 and had been functioning well. The Administration therefore proposed that for the 2011 DC election, the population quota of 17 275 for the 2007 DC election should continue to be adopted. As any re-demarcation of DC constituency boundaries would disrupt the cohesiveness and identity of local communities, they should not be changed lightly.

19. The CA Panel has received a joint submission from eight Sai Kung District Council members suggesting that two elected seats should be allocated to the Sai

Kung DC. A copy of the submission (LC Paper No. CB(2)87/10-11(01)) is in **Appendix III**.

Relevant documents

20. A list of the relevant documents is in **Appendix IV** for Members' easy reference. These papers/documents are available on the LegCo's website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
25 October 2010

Number of Elected Seats on District Councils

<u>District Council</u>	<u>Number of Elected Seats</u>
Egpt'cn'cpf 'Y guvtp 'F kwt'lev'Eqwpekn'	" 37"
Gcuvvtp 'F kwt'lev'Eqwpekn'	" 59"
Mqy nqpp 'Ekv 'F kwt'lev'Eqwpekn'	" 44"
My wp "Vqpi 'F kwt'lev'Eqwpekn'	" 56"
Uj co "Uj wk'Rq 'F kwt'lev'Eqwpekn'	" 43"
Uqwj gtp 'F kwt'lev'Eqwpekn'	" 39"
Y cp 'Ej ck'F kwt'lev'Eqwpekn'	" 33"
Y qpi "Vck'Ukp 'F kwt'lev'Eqwpekn'	" 47"
[cw'Vuko 'O qpi 'F kwt'lev'Eqwpekn'	" 38"
Kur'pf u'F kwt'lev'Eqwpekn'	" 32"
My ck'Vukpi 'F kwt'lev'Eqwpekn'	" 4 "
P qt vj 'F kwt'lev'Eqwpekn'	" 38"
Uck'Mwpi 'F kwt'lev'Eqwpekn'	" 45"
Uj c "Vkp 'F kwt'lev'Eqwpekn'	" 58"
Vck'Rq 'F kwt'lev'Eqwpekn'	" 3; "
Vuvv'gp 'Y cp 'F kwt'lev'Eqwpekn'	" 39"
Vwgp 'O wp 'F kwt'lev'Eqwpekn'	" 4; "
[wgp 'Nqpi 'F kwt'lev'Eqwpekn'	" 4; "
Vqvcn'<"	" 627"

Appendix II

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Contents of Section

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)

(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)

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敬啟者：

有關增加 2011 年西貢區議會議席事宜

根據政制事務局於 2010 年 7 月 19 日在立法會會議指出，政府於 2011 年將會在全港 18 區共增 7 個民選議員議席，分別是觀塘、油尖旺、葵青、北區和西貢各 1 席，元朗 2 席。

根據政府預計，2011 年每個西貢區民選區議員議席的為 1：18909 人（434900 人/23 席），如增加一席則為 1：18121 人，如增加二席則為 1：17396 人，與政府的建議標準人口基數 17275 人相若。

然而，基於為選區範圍訂出建議時須顧及社區獨特性、維持地方聯繫、有關區域的自然特徵等等因素。以西貢區而言，我們認為若政府因上述因素而須保留原有的五個鄉郊選區（西貢市中心、西貢離島、白沙灣、坑口東及坑口西），則將軍澳新市鎮的部份選區的人口將無可避免地需大幅超越上述基數。若以減去鄉郊 70000 人後的人口計算，將軍澳新市鎮 19 席為 1：19205，增加二席至 20 席則為 1：18245。若以 364900 人口 / 17275 人，則應為 21.12 席，超越現時 18.3 席。同時，將軍澳新市鎮仍有不少大型住宅物業於 2011 年相繼入伙，包括日出康城、善明邨、將軍澳港鐵站上蓋等等。

有見及此，我們今特致蕪函予 貴局，建議政府因應將軍澳的發展和顧及鄉郊特性等因素下，在西貢區增加 2 個區議會議席，以期解決因將軍澳區人口增加，以致缺乏足夠議員為選民和社區服務，敬希 貴局慎重考慮我們建議。就此建議一事，我們亦望 局長閣下能抽出寶貴時間與我們會面，進行溝通和交流意見。

倘蒙俯允，不勝感激。如何之處，佇候示覆。

如有任何查詢，請 與西貢區議員何民傑聯絡。

此致

立法會政制及事務委員會

立法會政制及事務委員會主席暨全體委員



西貢區議員 何民傑



西貢區議員 范國威



西貢區議員 張國強



西貢區議員 梁里



西貢區議員 周賢明



西貢區議員 陸平才



西貢區議員 林少忠



西貢區議員 柯耀林

聯署

二零一零年十月五日

副本致：政制及內地事務局局長－林瑞麟先生, GBS, JP

民政事務局局長－曾德成先生, JP

選舉管理委員會主席－馮驊先生

附件：各區議席計算結果

觀塘區：

現時人口：594,400

區議會議席 (民選)	比例
34	1:17,482
35 (新增一席)	1:16,982

油尖旺區：

現時人口：299,100

區議會議席 (民選)	比例
16	1:18,693
17 (新增一席)	1:17,594

葵青區：

現時人口：509,500

區議會議席 (民選)	比例
28	1:18,196
29 (新增一席)	1:17,568

北區：

現時人口：301,300

區議會議席 (民選)	比例
16	1:18,831
17 (新增一席)	1:17,723

元朗區：

現時人口：545,800

區議會議席 (民選)	比例
29	1:18,820
31 (新增兩席)	1:17,606

備註：有關現時人口數據按照 2009 年年中計算

資料來源：

政府統計處

http://www.censtatd.gov.hk/hong_kong_statistics/statistics_by_subject/index_tc.jsp?subjectID=1&charsetID=2&displayMode=T

選舉事務處 <http://www.elections.gov.hk/dc2007/chi/results.html>

**Relevant documents on Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2010**

Meeting	Date of meeting	Paper
Panel on Constitutional Affairs and Panel on Home Affairs	4 June 2002	<p>Administration's paper on "Composition of the Second Term District Councils" [LC Paper No. CB(2)2086/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0604cb2-2086-1e.pdf</p> <p>Information provided by the Administration on the average population size per constituency in the 18 districts in the 1999 District Council elections [LC Paper No. CB(2)2518/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927cb2-2518-1e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2638/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/cj020604.pdf</p>
	27 September 2002	<p>Transcript of a stand-up briefing by the Secretary for Constitutional Affairs on 3 September 2002 [LC Paper No. CB(2)2825/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927-2825e-scan.pdf</p> <p>Administration's paper on "Composition of the Second Term District Councils : Increase of Elected Seats for New Towns" [LC Paper No. CB(2)2842/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927cb2-2842-1e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)246/02-03] http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/ca020927j.pdf</p>

Meeting	Date of meeting	Paper
Legislative Council	3 July 2002	<p>Official Record of Proceedings of the Council on a written question raised by Dr Hon TANG Siu-tong on "Estimated Population of Various Constituencies for the First District Councils Elections"</p> <p>http://www.legco.gov.hk/yr01-02/english/commtg/hansard/cm0703ti-translate-e.pdf</p>
Panel on Constitutional Affairs	20 February 2006	<p>Administration's paper on "Composition of the Third Term District Councils - Addition of Elected Seats for New Towns"</p> <p>[LC Paper No. CB(2)1137/05-06(01)]</p> <p>http://www.legco.gov.hk/yr05-06/english/panels/ca/papers/ca0220cb2-1137-1e.pdf</p> <p>Minutes of meeting</p> <p>[LC Paper No. CB(2)1712/05-06]</p> <p>http://www.legco.gov.hk/yr05-06/english/panels/ca/minutes/ca060220.pdf</p>
Legislative Council	3 December 2008	<p>Official Record of Proceedings of the Council on an oral question raised by Hon Emily LAU on "Population of District Council Constituencies"</p> <p>http://www.legco.gov.hk/yr08-09/english/commtg/hansard/cm1203-translate-e.pdf</p>
Panel on Constitutional Affairs	19 July 2010	<p>Administration's paper on "Review of the number of elected seats for the Fourth Term District Councils"</p> <p>[LC Paper No. CB(2)2071/09-10(03)]</p> <p>http://www.legco.gov.hk/yr09-10/english/panels/ca/papers/ca0719cb2-2071-3-e.pdf</p> <p>Background brief on "Review of the number of elected seats for the Fourth Term District Councils" prepared by the Legislative Council Secretariat</p> <p>[LC Paper No. CB(2)2071/09-10(04)]</p> <p>http://www.legco.gov.hk/yr09-10/english/panels/ca/papers/ca0719cb2-2071-4-e.pdf</p>