

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

**Reponses to Issues Raised by the Subcommittee
at the Meeting on 26 October 2010**

Purpose

This paper sets out our response to the issues raised by Members at the meeting of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2010 (“the Subcommittee”) held on 26 October 2010.

Timetable

2. At the meeting on 26 October 2010, Members asked how the timetable for the delineation of District Council constituency areas (“DCCAs”) for the fourth term District Councils (“DCs”) commencing in 2012 compared with that for the third term DCs, and requested the Administration to expedite the work and advance the timetable for the current exercise.

3. For the last exercise, the Electoral Affairs Commission report containing recommendations on the delineation of DCCAs (“the EAC Report”) was submitted to the Chief Executive five and a half months after the Legislative Council approved in June 2006 the subsidiary legislation which provided for the addition of elected seats in the third term DCs.

4. After the meeting on 26 October 2010, we have reviewed critically the timetable for the delineation of DCCAs and propose to compress the time between the approval of the District Councils Ordinance (Amendment of Schedule 3) Order 2010 (“the Order”) and the submission of the EAC Report to about four months. If the Subcommittee can complete its scrutiny of the Order within November 2010 :

- (a) the Administration will move a motion to seek the Legislative Council’s approval of the Order as soon as possible; and

- (b) thereafter the Electoral Affairs Commission (“EAC”) will, after gazettal of the Order, commence public consultation on its provisional recommendations on the DCCAs in early December 2010 for a period of not less than 30 days pursuant to section 19 of the Electoral Affairs Commission Ordinance.

Based on the provisional recommendations, prospective candidates and the public should have a reasonably clear idea of the proposed delineation of the DCCAs and can start their preparation for participating in the 2011 DC election.

5. After the public consultation, the EAC will have to consider the views collected, revise its recommendations where appropriate and prepare the report to the Chief Executive. Allowing time for production and printing of the DCCA boundary maps and the EAC Report, it is expected that the EAC will submit the EAC Report to the Chief Executive by March 2011. The Administration will prepare immediately the Declaration of Constituencies (District Councils) Order 2011 (“the Declaration Order”) for consideration by the Chief Executive in Council pursuant to section 6 of the District Councils Ordinance and table the EAC Report and the Declaration Order at the Legislative Council. This will enable us to complete the legislative exercise on the declaration of DCCAs as soon as practicable.

Addition of seats

6. The Administration is requested to consider Members' views on further increasing the number of elected seats for DCs where the number of elected seats calculated according to the population quota was higher than the proposed number of seats.

7. The Administration has carefully considered Members' views and wishes to reiterate that the proposal on the allocation of the seven additional elected seats is made having regard to the projected population of each district and the current number of elected seats of each DC. For DCs where the number of elected seats calculated according to the population quota is lower than the existing number of seats, no change would be made to the number of elected seats so as not to affect the provision of services to the public in the districts concerned. In view of this and having regard to the total number of seven additional elected seats for the fourth term DCs in accordance with the projected population and population quota, the proposed number of elected seats for some DCs would be less than the calculated number of seats.

8. It is noteworthy that in proportional terms the proposed increase of seven elected seats for the fourth term DCs for a population increase of about 120 000 is already higher than that for the second term when there was an addition of 10 elected seats for a population increase of about 230 000 and the third term DCs when five elected seats were added for a population increase of about 190 000.

Advice Sought

9. Members are invited to note the responses set out in paragraphs 2 to 8 in this paper.

Constitutional and Mainland Affairs Bureau
November 2010

CL033a