

**Legislative Council Panel on Constitutional Affairs**

**Review of the Number of Elected Seats for  
the Fourth Term District Councils**

**PURPOSE**

This paper briefs Members on our review of the number of elected seats for the fourth term District Councils (DCs).

**BACKGROUND**

**Statutory Framework**

A 2. The number of elected seats for each of the 18 DCs is stipulated in Schedule 3 to the District Councils Ordinance, Cap. 547 (DCO). There are a total of 405 elected seats in the present term DCs (see breakdown by districts at Annex A). Pursuant to Section 8 of the DCO, the Chief Executive in Council may, subject to the approval of the LegCo, amend Schedule 3 by order published in the Gazette.

B 3. Within the number of elected seats for each DC, the Electoral Affairs Commission (EAC) is required under the Electoral Affairs Commission Ordinance, Cap. 541 (EACO) to recommend 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 EACO (Annex B). Section 20(1) requires that the population size of DCCAs should be as near the territory-wide average (“the population quota”<sup>1</sup>) as practicable, and that deviation from the population quota should be within 25%. Section 20(5) allows the EAC to depart from the strict application of section 20(1), if the EAC considers such a departure necessary or desirable having regard to such factors as the preservation of local ties, community identities and physical features of the relevant areas.

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<sup>1</sup> 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.

## **Number of Elected Seats for the First to Third Term DCs**

4. The election for the first term DCs was held in 1999. The projected population at the time was 6 646 656. The total number of elected seats was 390, and the population quota was 17 043.

5. The election for the second term DCs was held in 2003. In view of the sharp population growth especially in the new towns in Islands District, Sai Kung District and Yuen Long District (with a growth rate of 34%, 28% and 39% respectively), a total of ten seats for these three DCs were added<sup>2</sup>. Accordingly, the total number of elected seats was increased to 400.

6. As for the election for the third term (i.e. current term) DCs held in 2007, due to the development of the new towns of Tung Chung in Islands District and Tseung Kwan O in Sai Kung District, the population-to-seat ratios for each elected seat in the relevant new towns exceeded the population quota by 29% to 130%. The number of elected seats for Islands DC and Sai Kung DC was therefore increased by two and three respectively. Hence, the total number of elected seats increased to 405.

7. The projected population, the total number of elected seats, the population quota and the number of elected seats for each DC for the first to third term DCs are detailed at **Annex A**.

A

## **REVIEW**

### **Election for the Fourth Term DCs**

8. The election for the fourth term DCs will be held in 2011. We need to review the number of elected seats for DCs having regard to the population forecast in Hong Kong in 2011. As mentioned in paragraphs 4 to 6 above, since the first term DCs, we have increased the number of elected seats for the Islands, Sai Kung and Yuen Long DCs to tie in with the population growth relative to the previous DC election. As for the other DCs, although the population growth between successive DC elections was relatively modest, the aggregated growth since 1999 for some districts could be significant. Accordingly, we have undertaken an overall review on the number of elected seats for each DC.

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<sup>2</sup> One, three and six seats were added to Islands, Sai Kung and Yuen Long DCs respectively.

9. In the past three DC terms, the population quota was between 17 043 and 17 275. Generally, this has been functioning well. Therefore, we propose that for the coming DC election, the population quota of 17 275 for the 2007 DC election should continue to be adopted. According to the projection compiled by the Planning Department to provide the population forecasts to the EAC, the total population of Hong Kong in mid-2011 is projected to increase to 7 120 200. Therefore, the total number of elected seats for the fourth term DC should be 412 ( $7\,120\,200 \div 17\,275$ ), i.e. seven seats more than that of the current term.

10. On the basis of the projected population of each district, we have calculated the number of elected seats for each DC in 2011 according to the population quota of 17 275 (“calculated number of seats”). Details of the calculation are at Annex C.

C

## **PROPOSAL**

11. Any reduction in the number of seats for individual DCs may affect the provision of services to the public in the districts concerned. Accordingly, we propose that for the eight DCs where the calculated number of seats is smaller than or equal to the existing number of seats, there will be no change to the number of seats.

12. As for the seven new seats, we propose to allocate them as follows –

- (a) for five DCs (i.e. Kwun Tong, Yau Tsim Mong, Kwai Tsing, North District and Sai Kung) where the calculated number of seats is higher than existing number of seats by over one seat, they will be allocated one extra seat; and
- (b) for Yuen Long where the calculated number of seats is higher than the existing number of seats by over four seats, it will be allocated two extra seats.

## **TIMETABLE**

13. We aim to introduce subsidiary legislation in the autumn to effect the proposed addition of DC elected seats. Thereafter, the EAC will take into account the newly added seats in its demarcation of DCCAs for the 2011 DC Election.

## **WAY FORWARD**

14. Members are invited to note and comment on the proposal for the addition of DC elected seats set out in the paper.

Constitutional and Mainland Affairs Bureau  
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Annex A

Changes in the number of elected seats in various District Councils (“DCs”)

DC	Number of Elected Seats			
	First term DC (election in 1999)	Second term DC (election in 2003)	Third term DC (election in 2007)	Proposed number for Fourth term DC (election in 2011)
Central and Western	15	15	15	15
Wan Chai	11	11	11	11
Eastern District	37	37	37	37
Southern District	17	17	17	17
Sham Shui Po	21	21	21	21
Kowloon City	22	22	22	22
Wong Tai Sin	25	25	25	25
Kwun Tong	34	34	34	<b>35</b>
Yau Tsim Mong	16	16	16	<b>17</b>
Kwai Tsing	28	28	28	<b>29</b>
Tsuen Wan	17	17	17	17
Tuen Mun	29	29	29	29
Yuen Long	23	<b>29</b>	29	<b>31</b>
North District	16	16	16	<b>17</b>
Tai Po	19	19	19	19
Sha Tin	36	36	36	36
Sai Kung	17	<b>20 23</b>		<b>24</b>
Islands	7	<b>8 10</b>		10
<b>Total</b>	<b>390 400</b>	<b>405</b>		<b>412</b>

Projected population	6 646 656	6 877 553	6 996 222	7 120 200
Population quota	17 043	17 194	17 275	17 275

Note: Changes are highlighted in bold print for easy reference.

## Annex B

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

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(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)

## Proposed Allocation of Elected Seats for the Fourth Term District Councils

2007 Total Population (Projected Figures)	6,996,222
Population Quota (2007 Figure)	17,275
Current Number of Elected Seats	405

2011 Total Population (Projected Figures)	7,120,200
<b>Population Quota (Proposed)</b>	<b>17,275</b> (same as in 2007)
Proposed Number of Elected Seats	412
Proposed Additional Elected Seats	7

- (1) For DCs where the number of elected seats in 2011 according to population quota (“calculated number of seats”) is smaller than or equal to the existing number of seats, there will be no change to the number of seats.
- (2) For five DCs (i.e. Kwun Tong, Yau Tsim Mong, Kwai Tsing, North District and Sai Kung) where the calculated number of seats is higher than existing number of seats by over one seat, they will be allocated one extra seat.
- (3) For Yuen Long where the calculated number of seats is higher than the existing number of seats by over four seats, it will be allocated two extra seats.

District Council	(A) 2011 Projected Population	(B) Calculated Number of Seats	(C) Current Number of Elected Seats	Deviation of current number of seats from calculated number of seats		(F) Proposed Number of Additional Elected Seats	(G) Proposed Number of Elected Seats (C)+(F)
				(D) Calculated Number of Seats is <i>lower than</i> Current Number of Elected Seats	(E) Calculated Number of Seats is <i>higher than</i> Current Number of Elected Seats		
Central and Western	264 700	15.32	15		0.32		15
Wan Chai	163 400	9.46	11	1.54			11
Eastern	593 600	34.36	37	2.64			37
Southern	279 200	16.16	17	0.84			17
Sham Shui Po	376 300	21.78	21		0.78		21
Kowloon City	374 300	21.67	22	0.33			22
Wong Tai Sin	421 100	24.38	25	0.62			25
Kwun Tong	622 400	36.03	34		2.03	1	35
Yau Tsim Mong	317 600	18.38	16		2.38	1	17
Kwai Tsing	506 300	29.31	28		1.31	1	29
Tsuen Wan	295 000	17.08	17		0.08		17
Tuen Mun	498 300	28.85	29	0.15			29
Yuen Long	577 500	33.43	29		4.43	2	31
North	312 900	18.11	16		2.11	1	17
Tai Po	295 800	17.12	19	1.88			19
Sha Tin	631 100	36.53	36		0.53		36
Sai Kung	434 900	25.18	23		2.18	1	24
Islands	156 000	9.03	10	0.97			10
<b>Total:</b>	<b>7 120 200 *</b>	<b>412</b>	<b>405</b>			<b>7</b>	<b>412</b>

\* Due to rounding, there is a slight discrepancy between the sum of the project population in the districts and the projected total population.