

**LEGISLATIVE COUNCIL BRIEF**  
**DISTRICT COUNCILS ORDINANCE**  
**(AMENDMENT OF SCHEDULE 3) ORDER 2010**

**INTRODUCTION**

At the meeting of the Executive Council on 21 September 2010, the Council ADVISED and the Chief Executive ORDERED that under Section 8 of the District Councils Ordinance (Cap. 547) (DCO), the District Councils Ordinance (Amendment of Schedule 3) Order 2010 (The Order), at **Annex A**, should be made to give effect to the following –

- (a) addition of one more elected seat for each District Council (DC) in Kwun Tong, Yau Tsim Mong, Kwai Tsing, North District and Sai Kung; and
- (b) addition of two more elected seats for the Yuen Long DC.

**JUSTIFICATIONS**

**Statutory Framework**

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

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, EAC must follow the criteria laid down in Section 20(1) of EACO which 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 EAC to depart from the strict application of section 20(1), if 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.

## **Review and Proposal**

4. 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 (increase figures shown at **Annex B**). 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 having regard to the population forecast in Hong Kong in 2011.

5. 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 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 DCs should be 412 ( $7\,120\,200 \div 17\,275$ ), i.e. seven seats more than that of the current term.

6. 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**.

7. Any reduction in the number of seats for individual DCs may affect the provision of services to the public in the districts concerned. Accordingly, 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.

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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.

8. The seven new seats will be allocated 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 each; and
  - (b) for Yuen Long DC 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.

## **THE ORDER**

9. The Order at **Annex A** has three clauses. The first clause specifies the commencement date of the Order. As the Order is subject to positive vetting by LegCo, the commencement date will be appointed by the Secretary for Constitutional and Mainland Affairs upon the publication of the Order and the relevant LegCo resolution in the Gazette.

10. Clause 2 and Clause 3 provide for the addition of elected seats in the six DCs concerned. The Explanatory Note sets out the scope of the legislative exercise, the only purpose of which is to increase the number of elected seats in the six DCs concerned.

## **LEGISLATIVE TIMETABLE**

11. We aim to have the Order approved by LegCo as soon as possible so that the newly added seats can be taken into account by EAC in its demarcation of DCCAs for the fourth term DC election to be conducted in late 2011. For this purpose, we have given notice to move a resolution at the LegCo meeting on 20 October 2010 for the Order at **Annex A** to be approved.

## **IMPLICATIONS OF THE PROPOSALS**

12. The legislative proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, sustainability, environmental or productivity implications.

13. Based on the prevailing rate, the financial implication of the proposal is about \$4 million per annum for the Home Affairs Department to pay the honoraria and allowances for seven more DC members from January 2012.

### **PUBLIC CONSULTATION**

14. The LegCo Panel on Constitutional Affairs was consulted on the above proposal for the addition of elected seats on 19 July 2010. Members had no objection to the proposal.

### **PUBLICITY**

15. A press release is issued on 29 September 2010. A spokesperson will be made available to address media enquiries if any.

### **ENQUIRIES**

16. Any enquiries on the brief should be addressed to Ms Anne Teng, Principal Assistant Secretary (Constitutional and Mainland Affairs) 2 at 2810 2908.

Constitutional and Mainland Affairs Bureau  
29 September 2010

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## **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) subject to the approval of the Legislative Council)

### **1. Commencement**

This Order—

- (a) comes into operation on a day before 1 January 2012 to be appointed by the Secretary for Constitutional and Mainland Affairs by notice published in the Gazette for the purpose only of enabling arrangements to be made for the holding of the District Council ordinary election in 2011; and
- (b) in so far as it has not come into operation under paragraph (a), comes into operation on 1 January 2012.

### **2. District Councils Ordinance amended**

The District Councils Ordinance (Cap. 547) is amended as set out in section 3.

### **3. Schedule 3 amended**

- (1) Schedule 3, Part I, item 4—  
**Repeal**  
“34”  
**Substitute**  
“35”.
- (2) Schedule 3, Part I, item 9—  
**Repeal**

“16”

**Substitute**

“17”.

- (3) Schedule 3, Part I, item 11—

**Repeal**

“28”

**Substitute**

“29”.

- (4) Schedule 3, Part I, item 12—

**Repeal**

“16”

**Substitute**

“17”.

- (5) Schedule 3, Part I, item 13—

**Repeal**

“23”

**Substitute**

“24”.

- (6) Schedule 3, Part I, item 18—

**Repeal**

“29”

**Substitute**

“31”.

Clerk to the Executive Council

COUNCIL CHAMBER

2010

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### **Explanatory Note**

The only purpose of this Order is to amend Schedule 3 to the District Councils Ordinance (Cap. 547) to increase the number of elected members—

- (a) of Kwun Tong District Council from 34 to 35;
  - (b) of Yau Tsim Mong District Council from 16 to 17;
  - (c) of Kwai Tsing District Council from 28 to 29;
  - (d) of North District Council from 16 to 17;
  - (e) of Sai Kung District Council from 23 to 24; and
  - (f) of Yuen Long District Council from 29 to 31.
2. The increase in the number of elected members is to take effect in respect of the District Council ordinary election to be held in 2011.



Annex BChanges 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</b>	<b>23</b>	<b>24</b>
Islands	7	<b>8</b>	<b>10</b>	10
<b>Total</b>	<b>390</b>	<b>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.

### 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.