Legislative Council Panel on Constitutional Affairs

**Review of the number of elected seats for
the fifth-term District Councils**

PURPOSE

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

BACKGROUND

Statutory Framework

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). Under Section 8 of the 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.   At present, a total of 412 elected seats are specified for the 18 DCs.

3.   Before each DC ordinary election, the Electoral Affairs Commission (EAC) is required under the Electoral Affairs Commission Ordinance (Cap. 541) (EACO) to recommend the boundaries of DC constituencies for the DC election following the existing boundaries of Districts and the existing number of elected seats for each of the DCs specified in the DCO[1].   It is anticipated that the ordinary election of the fifth-term DCs will be conducted in November 2015.   The EAC will have to start considering the DC constituency boundaries for the 2015 DC election in the beginning of 2014, so that there would be sufficient time for consulting the public, making the relevant subsidiary legislation and

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[1]   In demarcating the DCCA boundaries, the EAC must follow the criteria laid down in section 20 of the EACO.   Section 20(1) requires that the population size of DCCAs should be as near the "population quota" 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 factors such as "community identities and the preservation of local ties; and physical features such as size, shape, accessibility and development of the relevant area or any part thereof".

conducting other preparatory work for the election. According to this work plan, now we need to decide first whether the number of elected seats for the 18 DCs needs to be adjusted and, if it is necessary to amend schedule 3 to the DCO, have the amendment passed by the LegCo by the end of 2013.

Review for the fifth-term DCs

4.   The population quota [2] generally reflects the number of residents served by one DC elected member. Since the first-term DCs, the population quota has been maintained at about 17 000. We consider that this ratio has been functioning well and should be broadly maintained. Accordingly, the existing population quota of 17 282 should continue to be adopted as a starting point for calculating the notional number of elected seats for the fifth-term DCs.

5.   The Working Group on Population Distribution Projections, in the report "Population Distribution Projections 2013-2021" published on 22 March 2013, projects that the total population of Hong Kong in mid-2015 will be around 7 311 300. By applying the population quota of 17 282, the total number of elected seats for the fifth-term DCs should be 423 (see column B at **Annex A**). According to the calculation, nine DCs (i.e., Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong, Tsuen Wan, Yuen Long, North, Sha Tin and Sai Kung) should have their elected seats increased; five other DCs (i.e., Wan Chai, Eastern, Southern, Tai Po and Islands) should have their elected seats reduced; the remaining four (i.e., Central & Western, Wong Tai Sin, Kwai Tsing and Tuen Mun) should have their elected seats unchanged.

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6.   Notwithstanding the above, we should take into consideration that the abolition of all DC appointed seats from the fifth-term DCs onwards will reduce the opportunities for political parties/groups or individuals to participate in public affairs and increase the workload of the remaining DC members, at a time when DCs are being given a more important role in district administration. Therefore, we propose not to

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[2]   According to section 17(b) of EACO, the population quota of an ordinary election is derived by dividing the total population of Hong Kong by the total number of elected members to be returned in that election.

reduce the number of elected seats for the five DCs which, according to the calculation, should have a reduction in the number of elected seats; to increase the number of elected seats for the nine DCs which should have an increase according to the outcome of the calculation; and keep the number of elected seats for the remaining four DCs unchanged.   In other words, the number of elected seats for individual DCs are as follows –

    (a)   the number of elected seats for Tsuen Wan and North DCs will be increased by one respectively;

    (b)   the number of elected seats for Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong and Sha Tin DCs will be increased by two respectively;

    (c)   the number of elected seats for Sai Kung DC will be increased by three;

    (d)   the number of elected seats for Yuen Long DC will be increased by four; and

    (e)   the number of elected seats for Central and Western, Wan Chai, Eastern, Southern, Wong Tai Sin, Kwai Tsing, Tuen Mun, Tai Po, and Islands DCs will remain unchanged.

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7.   The above adjustments are set out at column E of **Annex A**. They entail a net increase of 19 elected seats, compared to the 412 elected seats for the fourth-term DCs and as a result, the new population quota will become 16 964, which is similar to the level maintained at around 17 000 over the previous years.   The number of elected seats for the first- to fourth-term DCs and the proposed number of elected seats for the

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fifth-term DCs are at **Annex B**.

TIMETABLE

8.   We will consult the Chairmen and Vice Chairmen of the 18 DCs on 16 May 2013.   After considering the views of the DCs and the LegCo, we will submit a piece of subsidiary legislation to the LegCo to implement the proposed increase in the number of DC elected seats.

Subject to the passage of the subsidiary legislation, the EAC will, as mentioned in paragraph 3 above, prepare the recommendations on the DC constituency boundaries for the 2015 DC election, according to the existing boundaries of Districts and the existing number of elected seats for each of the DCs specified in the DCO.

ADVICE SOUGHT

9.   Members are invited to note the proposals set out in paragraph 6 of this paper and express their views.

Constitutional and Mainland Affairs Bureau
May 2013

Calculation of the number of elected seats for the fifth-term DCs

Fourth-term DCs		Fifth-term DCs	
2011 Total Population (Projected in 2009)	7 120 200	2015 Total Population (Projected in 2012) (a)	7 311 300
Actual Population Quota for the fourth-term DCs	17 282	Population Quota (Adopting the existing one) (b)	17 282
Total Number of Elected Seats	412	Notional Number of Elected Seats [(a) ÷ (b) = (c)]	423
		Proposed Number of Elected Seats	431
		Proposed Additional Elected Seats	431-412=**19**

District Council	(A) Projected 2015 Population	(B) Notional Number of Elected Seats Entitled for Fifth-term DCs	(C) Current Number of Elected Seats	(D) Required Change (Rounded off figures) ((B)-(C))	(E) Proposed Number of Additional Elected Seats (<u>Note 2</u>)	(F) Proposed Number of Elected Seats ((C)+(E))
Central and Western	255 000	14.76	15	0	0	15
Wan Chai	157 100	9.09	11	-2	0	11
Eastern	585 100	33.86	37	-3	0	37
Southern	275 900	15.96	17	-1	0	17
Sham Shui Po	401 300	23.22	21	2	2	23
Kowloon City	414 800	24.00	22	2	2	24
Wong Tai Sin	426 000	24.65	25	0	0	25
Kwun Tong	638 100	36.92	35	2	2	37
Yau Tsim Mong	323 900	18.74	17	2	2	19
Kwai Tsing	510 800	29.56	29	0 (Note 1)	0	29
Tsuen Wan	307 800	17.81	17	1	1	18
Tuen Mun	500 100	28.94	29	0	0	29
Yuen Long	612 000	35.41	31	4	4	35
North	314 200	18.18	17	1	1	18
Tai Po	312 700	18.09	19	-1	0	19
Sha Tin	663 600	38.40	36	2	2	38
Sai Kung	463 700	26.83	24	3	3	27
Islands	148 700	8.60	10	-1	0	10
Total:	**7 311 300**	**423.06**	**412**	**11**	**19**	**431**

<u>Note 1</u>: As the difference of the total number of elected seats between the current term DCs (412) and that of the fifth term DCs (423) is 11, the number for Kwai Tsing DC is rounded off to 0 as it has the smallest positive deviation and the lump sum of column D equals to 11.

<u>Note 2</u>: We recommend not to reduce the number of elected seats for the Wan Chai, Eastern, Southern, Tai Po and Islands DCs as elaborated in paragraph 6 of the paper.

The number of elected seats
from the First- to the Fifth-term DCs

DC	Number of Elected Seats				
	First-term DCs (election in 1999)	Second-term DCs (election in 2003)	Third-term DCs (election in 2007)	Fourth-term DCs (election in 2011)	Proposed number for Fifth-term DCs (election in 2015)
Central and Western	15	15	15	15	15
Wan Chai	11	11	11	11	11
Eastern	37	37	37	37	37
Southern	17	17	17	17	17
Sham Shui Po	21	21	21	21	**23**
Kowloon City	22	22	22	22	**24**
Wong Tai Sin	25	25	25	25	25
Kwun Tong	34	34	34	**35**	**37**
Yau Tsim Mong	16	16	16	**17**	**19**
Kwai Tsing	28	28	28	**29**	29
Tsuen Wan	17	17	17	17	**18**
Tuen Mun	29	29	29	29	29
Yuen Long	23	**29**	29	**31**	35
North	16	16	16	**17**	**18**
Tai Po	19	19	19	19	19
Sha Tin	36	36	36	36	**38**
Sai Kung	17	**20**	**23**	**24**	27
Islands	7	**8**	**10**	10	10
Total	**390**	**400**	**405**	**412**	**431**
Projected population	6 646 656	6 877 553	6 996 222	7 120 200	7 311 300
Population quota	17 043	17 194	17 275	17 282	16 964

Note: Figures in bold type denote a change from the previous term DC.