

立法會
Legislative Council

LC Paper No. CB(2)119/13-14

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**Paper for the House Committee meeting
on 25 October 2013**

**Report of the Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2013**

Purpose

This paper reports on the deliberations of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2013 ("the Order").

Background

2. Part 1 of Schedule 3 to the District Councils Ordinance (Cap. 547) ("DCO") sets out the number of elected seats for each of the 18 District Councils ("DCs"). Under 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. At present, a total of 412 elected seats are specified for the 18 DCs (breakdown in **Appendix I**).

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 DCO. The ordinary election of the fifth-term DCs will be conducted in late 2015. The Administration aims to have the Order approved by LegCo by November 2013, so that the new numbers of elected seats can be made available to and taken into account by EAC by early 2014 when it starts preparing for the delineation of DC constituency areas for the fifth-term DC election.

The Order

4. In June 2013, the Secretary for Constitutional and Mainland Affairs ("SCMA") gave notice to LegCo of his intention to move a motion to pass the

Order at the Council meeting of 17 July 2013. The Order was made under section 8 of DCO by the Chief Executive in Council on 25 June 2013. The Order proposes to amend Part 1 of Schedule 3 to increase the number of elected members of nine of the 18 DCs as from the fifth-term DCs commencing on 1 January 2016. The overall increase will be 19 elected members (from the present total of 412 elected members to 431). The allocation of the 19 newly-added DC elected seats is as follows –

- (a) one seat each for Tsuen Wan and North DCs;
- (b) two seats each for Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong and Sha Tin DCs;
- (c) three seats for Sai Kung DC; and
- (d) four seats for Yuen Long DC.

The Subcommittee

5. At the House Committee meeting on 5 July 2013, Members agreed to form a subcommittee to study the Order. At the request of the House Committee, SCMA has withdrawn his notice for moving the motion for the Order at the Council meeting of 17 July 2013 in order to allow time for the Subcommittee to study the Order.

6. The membership list of the Subcommittee is in **Appendix II**. Under the chairmanship of Mr IP Kwok-him, the Subcommittee has held two meetings with the Administration, and received views from deputations at one of the meetings. A list of the organizations/individuals that have submitted views to the Subcommittee is in **Appendix III**.

Deliberations of the Subcommittee

Proposed number of elected seats for the fifth-term DCs

7. The Administration has explained to the Subcommittee that the proposed increases in the number of elected seats as set out in paragraph 4(a) to (d) above are to reflect the result of the Administration's review of the number of elected seats for the fifth-term DCs. The review has taken into consideration –

- (a) the forecast of the population of Hong Kong by mid-2015 (7 311 300);

- (b) the continued application of a population quota¹ of about 17 000 residents to one DC elected seat;
- (c) the abolition of DC appointed seats from the fifth-term DCs onward²; and
- (d) the increasingly important role DCs will play in district administration.

8. On the above bases, the Administration has calculated the number of elected seats for the fifth-term DCs as detailed in **Appendix IV**. It is the Administration's proposal that the number of elected seats for those DCs which, according to the calculation, should have a reduction in the number of elected seats will not be reduced, the number of elected seats for the nine DCs which should have an increase according to the outcome of the calculation will be increased, while the number of elected seats for the remaining DCs will remain unchanged. The Administration has proposed that 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. Members have not raised any objection to the recommendation to increase 19 elected seats for nine DCs for the fifth-term DCs.

Number of elected seats for Islands DC

9. The Subcommittee notes that no additional elected seats are proposed for Islands DC. Some members including Ms Starry LEE, Dr Kenneth CHAN, Mr CHAN Han-pan and Mr TANG Ka-piu have expressed concern about the need to increase the number of elected seats for Tung Chung in order to cope with the rapid growth in population of the area over the past few years. They have pointed out that a few large-scale housing estates would be built in Tung Chung by the second half of 2014. As a result, the population there was expected to increase substantially by 2016. Moreover, the population in Tung Chung North (i.e. one of the existing two constituencies for Tung Chung) has already exceeded the population quota by more than 25%. These members have advised that the incumbent DC members servicing Tung Chung North and Tung Chung South have to cope with very heavy workload given the rapid rise in population of these areas. They consider that the major infrastructural developments in Tung Chung in the next few years might further give rise to environmental issues, thus adding to the workload of the DC members

¹ Section 17(1)(b) of EACO stipulates that 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.

² The DC (Amendment) Ordinance 2013, which abolishes the system of appointing members to DCs by the Chief Executive, was passed by LegCo on 22 May 2013.

concerned. The Administration has been requested to consider increasing the number of elected seats for Tung Chung in order to ease the situation.

10. The Administration has advised that according to the population projection in mid-2015 provided by an interdepartmental working group chaired by the Planning Department, the projected population for the Islands District will be 148 700. According to the methodology adopted in reviewing the number of DC elected seats whereby there will be one DC elected seat for every 17 282 residents, the number of elected seats of Islands DC shall be 8.6. However, taking into consideration that the operations of DCs will be affected after the abolition of the DC appointed seats and the more important role that DCs are expected to assume in district administration, etc., the Administration has decided to maintain the existing number of elected seats of Islands DC at 10. In other words, there are already 1.4 elected seats in excess for Islands DC.

11. Some members, however, consider that flexibility should be allowed in calculating the number of elected seats of Islands DC, taking into account the extremely large area covered and geographical features of the District. These members have requested the Administration to re-examine the number of elected seats of Islands DC. In response, the Administration has re-examined the population projection of the DC constituency areas concerned. After review, the Administration considers that the current proposal is put forward on the basis of objective data and reasonable considerations, and has concluded that the number of elected seats of Islands DC should remain unchanged.

12. As for the projected increase in population brought about by the completion of new residential developments in Tung Chung, the Administration has advised that the matter would be dealt with in the context of the next review exercise for the DC ordinary election because the completion and in-take period for most of the developments will be beyond mid-2015. At the request of the Subcommittee, the Administration has provided detailed information on the population projection of Tung Chung (LC Paper No. CB(2)97/13-14(01)) for members' reference.

13. Some members including Mr CHAN Han-pan and Mr TANG Ka-piu have expressed grave concern that the large size of the DC constituency area T01 (Lantau) (147 square kilometres) has posed immense difficulties to the incumbent DC member of this constituency in servicing his constituents. These members consider that the large area covered by this constituency warrants a review of the need to have the constituency re-delineated into two as it was used to be in the early 1990s. The Administration considers that the issue falls within the scope of the delineation of DC constituency areas. It has recommended that the incumbent DC member concerned may send his proposal

to EAC direct for consideration. Mr TANG Ka-piu has expressed the view that the issue cannot be addressed merely by the re-delineation of the DC constituency area T01 (Lantau). He considers that an additional elected seat is needed for Islands DC to cater for the large area covered by the DC constituency area T01 (Lantau).

Small number of elected seats of Wan Chai DC

14. The Administration has advised that there were views in the community that the small number of elected seats of Wan Chai DC might entail operational problems to Wan Chai DC especially after the abolition of all appointed seats from the fifth-term DCs. There were also suggestions to "transfer" some constituency areas from Eastern District to Wan Chai District. The Administration has noted that the two DCs have followed up and explored whether the boundaries of the two Districts should be adjusted in order to address the problem of Wan Chai DC having a small number of seats.

15. The Administration has informed the Subcommittee that Wan Chai DC and Eastern DC both have agreed on a proposal involving the transfer of two constituency areas from Eastern District to Wan Chai District to address the problem of Wan Chai DC having a small number of seats. The Administration will further study the proposal and, where necessary, will consider introducing a new order to amend relevant schedules to DCO to reflect the adjustment to the boundaries of the Eastern and Wan Chai Districts, as well as the consequential adjustment to the number of elected seats of the two DCs.

Recommendation

16. The Subcommittee supports SCMA giving fresh notice to move the motion on the Order at the Council meeting of 6 November 2013.

Advice Sought

17. Members are invited to note the deliberations of the Subcommittee.

Number of Elected Seats on District Councils

<u>District Council</u>	<u>Number of Elected Seats</u>
Central and Western District Council	15
Eastern District Council	37
Kowloon City District Council	22
Kwun Tong District Council	35
Sham Shui Po District Council	21
Southern District Council	17
Wan Chai District Council	11
Wong Tai Sin District Council	25
Yau Tsim Mong District Council	17
Islands District Council	10
Kwai Tsing District Council	29
North District Council	17
Sai Kung District Council	24
Sha Tin District Council	36
Tai Po District Council	19
Tsuen Wan District Council	17
Tuen Mun District Council	29
Yuen Long District Council	31
Total :	<u>412</u>

**Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2013**

Membership list

Chairman	Hon IP Kwok-him, GBS, JP
Deputy Chairman	Hon Frederick FUNG Kin-kee, SBS, JP
Members	Hon Emily LAU Wai-hing, JP Hon Cyd HO Sau-lan Hon Starry LEE Wai-king, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon Mrs Regina IP LAU Suk-ye, GBS, JP Hon Paul TSE Wai-chun, JP Hon WONG Yuk-man Hon Claudia MO Hon James TIEN Pei-chun, GBS, JP Hon Gary FAN Kwok-wai (since 12 October 2013) Hon MA Fung-kwok, SBS, JP Hon CHAN Han-pan Dr Hon Kenneth CHAN Ka-lok Hon LEUNG Che-cheung, BBS, MH, JP Dr Hon Helena WONG Pik-wan Dr Hon Elizabeth QUAT, JP Hon TANG Ka-piu Hon Christopher CHUNG Shu-kun, BBS, MH, JP Total : 20 Members
Clerk	Ms Joanne MAK
Legal Adviser	Mr Kelvin LEE
Date	12 October 2013

《2013年區議會條例(修訂附表3)令》小組委員會
Subcommittee on District Councils Ordinance
(Amendment of Schedule 3) Order 2013

曾向小組委員會表達意見的團體/個別人士名單
List of organizations/individuals which/who have
submitted views to the Subcommittee

名稱	<u>Name</u>
1. 工黨	Labour Party
2. 公民黨	Civic Party
* 3. 本地觀點	本地觀點
4. 民主黨	Democratic Party
5. 西貢區議會議員何民傑先生	Mr Raymond HO Man-kit, member of Sai Kung District Council
* 6. 南區區議會議員楊默博士	Dr YANG Mo, member of Southern District Council
7. 香港民生及法律權益協會	Right of People's Livelihood & Legal Association HK
8. 將軍澳社區服務及規劃發展委員會	Tseung Kwan O Community Services & Planning Development Committee
9. 逸東社區網絡協會	Yat Tung Community and Network Association
10. 離島區議會副主席周轉香女士, BBS, MH, JP	Ms CHAU Chuen-heung, BBS, MH, JP, Vice-Chairman of Islands District Council
11. 離島區議會議員黃福根先生	Mr WONG Fuk-kan, member of Islands District Council

* 只提交書面意見的團體/個別人士
Organizations/individuals which/who have submitted written views only

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 (Note 2)	(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

Note 1: 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.

Note 2: 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.