**Legislative Council
Panel on Constitutional Affairs**

**Review of the Number of Elected Seats
for the Sixth-Term District Councils**

Purpose

      This paper briefs Members on the review of the number of elected seats for the sixth-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 ("DCO") (Cap. 547). 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 431 elected seats are specified for the 18 DCs under Schedule 3 to the DCO.

3.   Before each DC ordinary election, the Electoral Affairs Commission ("EAC") is required under the Electoral Affairs Commission Ordinance ("EACO") (Cap. 541) to recommend to the Chief Executive the boundaries of District Council Constituency Areas ("DCCAs"). In demarcating the DCCA boundaries, the EAC must follow the criteria laid down in section 20 of the EACO, including the existing boundaries of Districts and the number of elected seats for each DC specified in the DCO (section 20(4A) and (4B) of the EACO)[1].

4.   It is anticipated that the ordinary election of the sixth-term DCs will be conducted in November 2019. The EAC will have to start considering the DCCA boundaries for the 2019 DC election in the

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[1]   Section 20(1) of the EACO also 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 of "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". This being the case, any deviation from the population quota exceeding 25% must be justified in the EAC's report to the Chief Executive (section 18(1A) of the EACO).

beginning of 2018, so that there would be sufficient time for consulting the public, making recommendations to the Chief Executive by the statutory deadline on 21 November 2018, amending the relevant subsidiary legislation and conducting any subsequent preparatory work for the election. According to this work plan, we now need to decide whether it is necessary to adjust the number of elected seats for the 18 DCs first. Any adjustments, if required, will have to be reflected through amending Schedule 3 to the DCO, in which case the relevant amendments have to be passed by the LegCo by end 2017.

Review for the Sixth-term DCs

5.   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. This ratio has been functioning well and we have no intention to change it. Accordingly, we will adopt the existing population quota of 16 964 as a starting point for calculating the notional number of elected seats for the sixth-term DCs.

6.   The total population of Hong Kong in mid-2019, as derived from the report "Projections of Population Distribution 2015-2024" published in December 2015 by the Working Group on Population Distribution Projections ("WGPD"), will be around 7 518 900.   This projection is the most up-to-date population distribution projection figures available at the moment.   It has come to our attention that the Census and Statistics Department released in end February this year the summary results of the 2016 Population By-census.   However, as it is expected that an updated set of population distribution projections by 18 districts for mid-2019 based on the 2016 Population By-census results will only be available by December this year the earliest, it is therefore impossible for the above updated population projection figures to be provided to us in time for this review.

7.   That said, we did make reference to the population figures derived from the 2016 Population By-census, and found that by mid-2016, population in seven districts has already exceeded the respective mid-2019 population projections published by the WGPD.   While adjustment to be made to the 2019 population projections for these

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2   It is stipulated in section 17(b) of the EACO that population quota, in relation to an ordinary election, means the total population of Hong Kong divided by the total number of elected members to be returned in that election.

districts is uncertain at this stage, the possibility of an upward adjustment for these districts cannot be precluded, given the projected growing trend of the overall population in Hong Kong. In light of the above, and for providing more opportunities for public-spirited individuals to participate in public affairs, we will take a more liberal approach, and *recommend* to take the greater of (i) population distribution projections in mid-2019 by the WGPD published in December 2015 and (ii) population in mid-2016 derived from the 2016 Population By-census as the base. By applying the population quota of 16 964, the number of elected seats for the sixth-term DCs should be 447 (see column B of **Annex A**). As per the calculation results, ten DCs (including Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong, Kwai Tsing, Tsuen Wan, Tuen Mun, Yuen Long, Sha Tin and Sai Kung) should have their number of elected seats increased; three DCs (including Wan Chai, Eastern, and Southern) should have their number of elected seats reduced; the remaining five (including Central and Western, Wong Tai Sin, North, Tai Po and Islands) should have their number of elected seats unchanged.

8. We are mindful that the abolition of DC appointed seats since the fifth-term DCs has reduced the opportunities for political parties/groups or individuals to participate in public affairs and increase the workload of the remaining DC members in shouldering their important role in district administration. For this reason, we *recommend* that reference be made to the arrangement in the fifth-term DCs, whereby the number of DC elected seats should remain unchanged for those DCs (i.e. Wan Chai, Eastern and Southern DCs) which, in strict accordance with the population distribution projections, should have a reduction in the number of elected seats.

9. To conclude, we *recommend* modest adjustments based on the population and in accordance with the established methodology be made to the number of elected seats for individual DCs. The changes recommended are summarised as follows:-

(a) an increase in the number of elected seat by one for Kowloon City, Yau Tsim Mong and Tsuen Wan DCs respectively;

(b) an increase in the number of elected seats by two for Sham Shui Po, Kwai Tsing, Tuen Mun and Sai Kung DCs respectively;

(c) an increase in the number of elected seats by three for Kwun Tong and Sha Tin DCs respectively;

(d) an increase in the number of elected seats by four for Yuen Long DC; and

(e) no change to the number of elected seats in the Central and Western, Wan Chai, Eastern, Southern, Wong Tai Sin, North, Tai Po and Islands DCs.

The above adjustments entail a net increase of 21 elected seats overall, on top of the 431 elected seats for the fifth-term DCs. As a result, the population quota will fall slightly to 16 785, but will still be close to the level of 17 000. The numbers of elected seats for the first to the fifth-term DCs and the recommended number of elected seats for the sixth-term DCs are set out in **Annex B**. The composition of the sixth-term DCs reflecting the above recommendations is at **Annex C** (i.e. with a total of 452 elected seats and 27 ex officio seats).

TIMETABLE

10. We will brief the Chairmen and Vice Chairmen of the 18 DCs on 10 July 2017. After considering the views of the DCs and LegCo, we will submit to the LegCo in due course the subsidiary legislation to implement the recommendations on the increase of elected seats. Subject to LegCo's approval, the EAC will, as mentioned in paragraph 3, draw up the recommendations on the demarcation of the DCCA boundaries for the 2019 DC Election in accordance with the statutory criteria (including the number of elected seats for each DC as stipulated in the DCO).

ADVICE SOUGHT

11. Members are invited to note and give their views on the recommendations regarding the increase of elected seats set out in paragraph 9.

Constitutional and Mainland Affairs Bureau
July 2017

Calculation of the number of elected seats for the sixth-term District Councils ("DCs")

Fifth-term DCs		Sixth-term DCs	
2015 Total Population (Projected in 2012)	7 311 300	2019 Total Population (as adjusted by 2016 Population By-census figures when necessary) (a)	7 586 991
Actual Population Quota for the fifth-term DCs	16 964	Population Quota (Adopting the existing one) (b)	16 964
Total Number of Elected Seats	431	Notional Number of Elected Seats [(a) ÷ (b) = (c)]	447
		Proposed Number of Elected Seats	452
		Proposed Additional Elected Seats	452-431=21

District Council	(A1) 2016 Population derived by 2016 Population By-census (1201 marine population not subsumed in 18 DCs)	(A2) Projected 2019 Population by Working Group on Population Distribution Projections	(A) Population projection (as adjusted by 2016 Population By-census figures when necessary) (greater of (A1) and (A2))	(B) Notional Number of Elected Seats Entitled for Sixth-term DCs	(C) Current Number of Elected Seats	(D1) Difference between (C) and (B)	(D2) Required Change	(E) Proposed Number of Additional Elected Seats (Note 2)	(F) Proposed Number of Elected Seats ((C)+(E))
Central and Western	243 266	248 700	248 700	14.66	15	-0.34	0	0	15
Wan Chai	180 123	180 300	180 300	10.63	13	-2.37	-2	0	13
Eastern	555 034	538 500	555 034	32.72	35	-2.28	-2	0	35
Southern	274 994	269 200	274 994	16.21	17	-0.79	-1	0	17
Sham Shui Po	405 869	429 200	429 200	25.30	23	2.30	2	2	25
Kowloon City	418 732	422 500	422 500	24.91	24	0.91	1	1	25
Wong Tai Sin	425 235	423 100	425 235	25.07	25	0.07	0	0	25
Kwun Tong	648 541	681 200	681 200	40.16	37	3.16	3	3	40
Yau Tsim Mong	342 970	322 500	342 970	20.22	19	1.22	1	1	20
Kwai Tsing	520 572	504 800	520 572	30.69	29	1.69	2	2	31
Tsuen Wan	318 916	312 500	318 916	18.80	18	0.80	1	1	19
Tuen Mun	489 299	521 000	521 000	30.71	29	1.71	2	2	31
Yuen Long	614 178	661 800	661 800	39.01	35	4.01	4	4	39
North	315 270	314 300	315 270	18.58	18	0.58	0 (Note1)	0	18
Tai Po	303 926	320 900	320 900	18.92	19	-0.08	0	0	19
Sha Tin	659 794	704 600	704 600	41.54	38	3.54	3 (Note1)	3	41
Sai Kung	461 864	485 500	485 500	28.62	27	1.62	2	2	29
Islands	156 801	178 300	178 300	10.51	10	0.51	0 (Note1)	0	10
Total :	**7 336 585**	**7 518 900**	**7 586 991**	**447.24**	**431**	**16.24**	**16**	**21**	**452**

Note 1: As the difference in terms of the total number of elected seats between the current term DCs (431) and the notional number of elected seats for the sixth term DCs (447) is 16, the numbers for North and Islands DCs are rounded off to 0 and the number for Sha Tin DC is rounded off to 3 as they have the smallest positive deviation over 0.5, making the sum total of column D2 equal to 16.

Note 2: We propose not to reduce the number of elected seats for the Wan Chai, Eastern and Southern DCs as elaborated in paragraph 8 of the paper.

Number of elected seats
from the first to the sixth-term District Councils ("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)**	**Fifth-term DCs (election in 2015)**	**Proposal for Sixth-term DCs (election in 2019)**
Central and Western	15	15	15	15	15	15
Wan Chai	11	11	11	11	**13**	13
Eastern	37	37	37	37	**35**	35
Southern	17	17	17	17	17	17
Sham Shui Po	21	21	21	21	**23**	**25**
Kowloon City	22	22	22	22	**24**	**25**
Wong Tai Sin	25	25	25	25	25	25
Kwun Tong	34	34	34	**35**	**37**	**40**
Yau Tsim Mong	16	16	16	**17**	**19**	**20**
Kwai Tsing	28	28	28	**29**	29	**31**
Tsuen Wan	17	17	17	17	**18**	**19**
Tuen Mun	29	29	29	29	29	**31**
Yuen Long	23	**29**	29	**31**	**35**	**39**
North	16	16	16	**17**	**18**	18
Tai Po	19	19	19	19	19	19
Sha Tin	36	36	36	36	**38**	**41**
Sai Kung	17	**20**	**23**	**24**	**27**	**29**
Islands	7	**8**	**10**	10	10	10
Total	**390**	**400**	**405**	**412**	**431**	**452**
Projected population	6 646 656	6 877 553	6 996 222	7 120 200	7 311 300	7 586 991
Population quota	17 043	17 194	17 275	17 282	16 964	16 785

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

**Composition of the sixth-term District Councils
after the increase in elected seats as proposed**

District Council	Number of Seats Proposed (2020-2023)			
	Elected seats in the fifth-term (a)	**Proposed increase in elected seats (b)**	**Ex-officio seats (c)**	**Total (a)+(b)+(c)**
Central and Western	15	0	-	**15**
Wan Chai	13	0	-	**13**
Eastern	35	0	-	**35**
Southern	17	0	-	**17**
Sham Shui Po	23	2	-	**25**
Kowloon City	24	1	-	**25**
Wong Tai Sin	25	0	-	**25**
Kwun Tong	37	3	-	**40**
Yau Tsim Mong	19	1	-	**20**
Kwai Tsing	29	2	1	**32**
Tsuen Wan	18	1	2	**21**
Tuen Mun	29	2	1	**32**
Yuen Long	35	4	6	**45**
North	18	0	4	**22**
Tai Po	19	0	2	**21**
Sha Tin	38	3	1	**42**
Sai Kung	27	2	2	**31**
Islands	10	0	8	**18**
TOTAL	**431**	**21**	**27**	**479**