

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting  
on 5 January 2018**

**Report of the Subcommittee on District Councils Ordinance  
(Amendment of Schedule 3) Order 2017**

**Purpose**

This paper reports on the deliberations of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2017.

**Background**

2. Part 1 of Schedule 3 to the District Councils Ordinance (Cap. 547) ("DCO") sets out the number of members to be elected to 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 431 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 sixth-term DCs will be conducted in late 2019. The Administration aims to have the District Councils Ordinance (Amendment of Schedule 3) Order 2017 ("the Order") approved by LegCo so that the new numbers of elected seats can be made available to and taken into account by EAC in early 2018 when it works on the demarcation of the boundaries of DC constituency areas ("DCCAs") for the 2019 DC ordinary election which returns members of the sixth-term DC.

**The Order**

4. In October 2017, the Secretary for Constitutional and Mainland Affairs ("SCMA") gave notice to LegCo of his intention to move a motion to seek

LegCo's approval of the Order at the Council meeting of 1 November 2017. The Order was made under section 8 of DCO by the Chief Executive in Council on 10 October 2017. The Order seeks to amend Part 1 of Schedule 3 to DCO to increase 21 elected seats for 10 DCs. The allocation of the 21 newly-added DC elected seats is as follows:

- (a) one elected seat each for Kowloon City, Yau Tsim Mong and Tsuen Wan DCs;
- (b) two elected seats each for Sham Shui Po, Kwai Tsing, Tuen Mun and Sai Kung DCs;
- (c) three elected seats each for Kwun Tong and Sha Tin DCs;
- (d) four elected seats for Yuen Long DC; and
- (e) no change to the number of elected seats for Central and Western, Wan Chai, Eastern, Southern, Wong Tai Sin, North, Tai Po and Islands DCs.

5. If the Order is approved by LegCo, it would come into operation on the day on which the resolution of LegCo approving it is published in the Gazette for all purposes relating to the DC ordinary election to be held in 2019. The Order would fully take effect on 1 January 2020 (i.e. the commencement of the sixth-term DCs).

### **The Subcommittee**

6. At the House Committee meeting on 20 October 2017, 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 1 November 2017 in order to allow time for the Subcommittee to study the Order.

7. The membership list of the Subcommittee is in **Appendix II**. Under the chairmanship of Hon Jeffrey LAM, the Subcommittee has held one meeting with the Administration.

### **Deliberations of the Subcommittee**

#### Proposed number of elected seats for the sixth-term DCs

8. The Administration has explained that the proposed increase in the

number of elected seats is to reflect the result of the Administration's review of the number of elected seats for the sixth-term DCs. The review has taken into consideration:

- (a) the forecast of the population of Hong Kong by mid-2019 published by the Working Group on Population Distribution Projections in December 2015, and the population in mid-2016 derived from the 2016 Population By-census (whichever is the greater);
- (b) the continued application of a population quota<sup>1</sup> of about 17 000 residents to one DC elected seat and the methodology used in the last review; and
- (c) the impact of the abolition of DC appointed seats from the fifth-term DCs onwards.

9. According to the Administration, by applying the population quota to the total projected population, an overall increase in the number of elected seats by 16 is derived. The Administration also proposes that the number of elected seats for three DCs (i.e. Wan Chai, Eastern and Southern DCs) which, according to the calculation, should have been reduced by a total of five elected seats will be allowed to maintain their existing number of elected seats<sup>2</sup>. As such, an increase of 21 elected seats is proposed as detailed in **Appendix III**. Members have not raised any objection to the recommendation to increase 21 elected seats for 10 DCs for the sixth-term DCs.

10. Some members, however, consider that the Administration should take into consideration the rapid growth in population in Tung Chung and North District as well as the fact that Islands and North DCs already have a deviation figure of 0.51 and 0.58 respectively<sup>3</sup>, and provide an additional seat each to Islands and North DCs. Hon Holden CHOW has requested the Administration to give due consideration to the unique geographical feature of the scattering islands of the Islands DC and the lack of transportation linkages among them in determining the number of elected seats. As for North DC, Hon LAU Kwok-

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<sup>1</sup> 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.

<sup>2</sup> According to the Administration, the arrangement is in line with that adopted in the last review conducted for the fifth-term DCs, as 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.

<sup>3</sup> Please see column D(1) of Appendix III.

fan has expressed concerns that the population in the North District is expected to increase substantially by 2019 as a few large-scale housing estates are under construction there. He considers that the actual population in the North District in 2019 would be larger than the population projections currently adopted as the bases for the calculation of the number of elected seats for North DC.

11. The Administration has explained that the number of elected seats has to be derived on certain bases and the population projections and the population quota are the points of reference in the current review exercise. The Administration has advised that it has already taken a more liberal approach by taking the greater of (i) population distribution projections in mid-2019 published by the Working Group on Population Distribution Projections in December 2015 and (ii) population in mid-2016 derived from the 2016 Population By-census as the base. As regards whether one extra seat can be allocated to each of Islands and North DCs which have a deviation figure of 0.51 and 0.58 respectively, the Administration has explained that in applying the population quota to the total projected population, an overall increase in the number of elected seats by 16 is derived; subject to this constraint, no additional seats can be allocated to Islands and North DCs, which have a smaller deviation figure, without affecting other DCs.

12. Some members including Hon Holden CHOW, Dr Hon Junius HO and Hon Jeremy TAM have expressed the view that the situation of Islands DC is unique with a very uneven population distribution across its DCCAs (e.g. the rapid population growth in Tung Chung vis-à-vis the dwindling population of the outlying islands). As a result, some of the DCCAs concerned exceed the population quota by more than 25%, while some fall far short of the population quota. They consider that the Administration should come up with measures to improve the situation. The Administration has advised that in the last review exercise in 2013, after considering the impact of abolition of the DC appointed seats on the operation of DCs and the more important role that DCs were expected to assume in district administration, etc., the Administration had allowed the number of elected seats of Islands DC to remain unchanged at 10 albeit the review result that the number of elected seats of Islands DC should be 8.6. In other words, there were 1.4 elected seats in excess for Islands DC.

13. The Administration has further advised that in making recommendations for the purposes of the delineation of the DC constituencies, EAC would be allowed to deviate from the population quota by not more than 25%, if it is not practicable to abide by the statutory requirements in EACO to ensure that the population in each DCCA is as near the population quota as practicable; and deviation from the population quota exceeding 25% is allowed if justified on the specified grounds of community identities, preservation of local ties and/or physical features including accessibility of the relevant area, to which EAC

should have regard in making balanced recommendations. The Administration considers that these arrangements would also address the unique situation of Islands DC.

#### Review of the mechanism for determining the number of elected seats

14. The Subcommittee notes that while the Administration has continued to adopt the established methodology for the review of the number of elected seats for the sixth-term DCs, the Administration has agreed that, in view of the growing overall population in Hong Kong and the possible impact of the expanding/dwindling population on the operation of individual DCs in the longer term, it would review and improve the mechanism for determining the number of elected seats for the seventh-term DCs (2024-2027).

15. Members in general support that the mechanism should be reviewed to better address anticipated changes in population in individual districts. They have suggested that the review should cover issues including how to achieve a more even population distribution across DCCAs within a District, and address the large difference in the membership size between certain DCs (e.g. the membership size of Yuen Long DC will be 45 whereas that of Wan Chai DC will be 13 after the increase in elected seats as proposed). In this connection, some members have suggested that consideration be given to increasing the number of existing DCs from 18 to 19 and/or reviewing the population quota. The Administration has undertaken to consider the suggestions under the review, which is expected to be completed by 2021.

#### **Recommendation**

16. The Subcommittee supports SCMA giving fresh notice to move the motion on the Order at the Council meeting of 17 January 2018.

#### **Advice Sought**

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

**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	-	<b>15</b>
Wan Chai	13	0	-	<b>13</b>
Eastern	35	0	-	<b>35</b>
Southern	17	0	-	<b>17</b>
Sham Shui Po	23	2	-	<b>25</b>
Kowloon City	24	1	-	<b>25</b>
Wong Tai Sin	25	0	-	<b>25</b>
Kwun Tong	37	3	-	<b>40</b>
Yau Tsim Mong	19	1	-	<b>20</b>
Kwai Tsing	29	2	1	<b>32</b>
Tsuen Wan	18	1	2	<b>21</b>
Tuen Mun	29	2	1	<b>32</b>
Yuen Long	35	4	6	<b>45</b>
North	18	0	4	<b>22</b>
Tai Po	19	0	2	<b>21</b>
Sha Tin	38	3	1	<b>42</b>
Sai Kung	27	2	2	<b>31</b>
Islands	10	0	8	<b>18</b>
<b>TOTAL</b>	<b>431</b>	<b>21</b>	<b>27</b>	<b>479</b>

**Subcommittee on District Councils Ordinance  
(Amendment of Schedule 3) Order 2017**

**Membership list**

<b>Chairman</b>	Hon Jeffrey LAM Kin-fung, GBS, JP
<b>Members</b>	Hon Paul TSE Wai-chun, JP Hon YIU Si-wing, BBS Hon LEUNG Che-cheung, SBS, MH, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon Helena WONG Pik-wan Hon CHU Hoi-dick Dr Hon Junius HO Kwan-yiu, JP Hon Holden CHOW Ho-ding Hon YUNG Hoi-yan Hon LAU Kwok-fan, MH Hon Jeremy TAM Man-ho  Total : 12 Members
<b>Clerk</b>	Ms Joanne MAK
<b>Legal Adviser</b>	Ms Wendy KAN
<b>Date</b>	1 November 2017

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

Appendix III

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
<b>Total :</b>	<b>7 336 585</b>	<b>7 518 900</b>	<b>7 586 991</b>	<b>447.24</b>	<b>431</b>	<b>16.24</b>	<b>16</b>	<b>21</b>	<b>452</b>

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.