

LEGISLATIVE COUNCIL BRIEF

**DISTRICT COUNCILS ORDINANCE
(AMENDMENT OF SCHEDULE 3) ORDER 2017**

INTRODUCTION

A On 10 October 2017, the Executive Council ADVISED and the Chief Executive ORDERED that, subject to the approval of the Legislative Council (“LegCo”), the District Councils Ordinance (Amendment of Schedule 3) Order 2017 (“the Order”) at Annex A should be made. The Order seeks to implement the recommendation to increase 21 elected seats for ten District Councils (“DCs”) for the sixth-term DCs (2020-2023).

JUSTIFICATIONS

Review of the number of elected seats

2. The Order implements the recommendation to increase the number of elected seats for the sixth-term DCs from 431 to 452, which reflects the result of the review of the number of elected seats. The review has taken into consideration the forecast of the population of Hong Kong by mid-2019 published by the Working Group on Population Distribution Projections in December 2015, as adjusted by the population in mid-2016 derived from the 2016 Population By-census if the latter exceeds the former; the continued application of a population quota of about 17 000 residents to one DC member and the methodology used in the last review; and the impact of the abolition of DC appointed seats since the fifth-term 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 the Central and Western, Wan Chai, Eastern, Southern, Wong Tai Sin, North, Tai Po and Islands DCs.

3. The Government met with the Chairmen and Vice Chairmen of the 18 DCs and the LegCo Panel on Constitutional Affairs (“CA Panel”) on 10 and 17 July 2017 respectively to listen to their views, and obtained their general support of the principles adopted in the review and the resultant increase in the number of elected seats.

4. The Government received comments citing the rapid expansion in population and/or emphasising the importance of the preservation of community identities and local ties and physical features such as accessibility and size of the area in determining the number of elected seats and in demarcating the District Council constituency area (“DCCA”) boundaries. For example, there was request for giving 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 (i.e., providing an additional elected seat) and/or in demarcating the DCCA boundaries of the Islands DC; and there was request for providing an additional seat to the North DC on the ground of rapid growth in population.

5. The Government also received suggestions for taking into account other factors such as mobile population, workload of DCs, etc. in determining the number of elected seats; and for recommending a range instead of an absolute number of DC elected seats to allow greater flexibility in the later stage of demarcation of DCCA boundaries. There were also suggestions for changing the mechanism for determining the number of elected seats in the longer term, particularly the population quota of around 17 000, in view of the growing overall population in Hong Kong (giving rise to ever increasing number of elected seats if the

existing mechanism were to be adhered to in the future) and the dwindling population in individual districts.

6. The Government has considered the views collected carefully, and is of the view that -

- (a) the current review of the number of elected seats is based on established methodology and objective population data, and the number of elected seats for the sixth-term DCs would be increased on that basis. The Government appreciates the importance of the preservation of community identities and local ties. It is indeed the statutory requirement for the Electoral Affairs Commission (“EAC”) to have regard to community identities and the preservation of local ties, and the physical features such as size, shape, accessibility and development of the relevant area or any part of the relevant area at the later stage of demarcation of DCCA boundaries; and
- (b) 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, the Government agrees that it could review and improve the mechanism for determining the number of elected seats for the seventh-term DCs (2024-2027). The merits of the above-mentioned suggestions could be considered under the review in one go.

7. 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 DCs (the current version is at **Annex B**). Pursuant to section 8 of the DCO, the Chief Executive in Council (“CE in Council”) may, subject to the approval of the LegCo, amend Schedule 3 by order published in the Gazette. We propose that the Order be made to amend Part 1 of Schedule 3 in order to implement the increase in the elected seats in the ten DCs concerned. The Order is a piece of subsidiary legislation.

THE ORDER

A 8. The Order at **Annex A** consists of three provisions. Section 1 specifies the commencement arrangement of the Order. Section 3 provides for the increase in elected seats for the ten DCs in accordance with the decision of the CE in Council set out in paragraph 1. The Explanatory Note sets out the object of the Order, which is to amend Schedule 3 to the DCO to increase the number of elected seats for the ten DCs.

LEGISLATIVE TIMETABLE

9. We aim to have the Order approved by the LegCo by December 2017, so that the new numbers of elected seats can be made available to, and be taken into account by, the EAC in early 2018 when it works on the demarcation of the DCCA boundaries for the 2019 DC ordinary election which returns members of the sixth-term DCs. For this purpose, the Secretary for Constitutional and Mainland Affairs has issued a notice to the LegCo on his intention to move the motion for the Order at **Annex A** at the LegCo meeting on 1 November 2017.

IMPLICATIONS OF THE PROPOSALS

10. An increase of 21 DC elected seats will entail about \$19.77 million per annum for payment of honorarium and allowances, and another \$8.47 million per DC term for payment of setting-up/winding-up expenses reimbursement, provision for duty visits, and end-of-term gratuity as from January 2020 for the Home Affairs Department (“HAD”) ¹. HAD indicates that it will need additional resources to cover the increased expenses on DC members’ honorarium and allowances. It will also need extra manpower to cope with increasing workload for providing support to DC members and DC secretariats at both district and/or HAD headquarters levels. Home Affairs Bureau and HAD will endeavour to absorb the additional requirement within existing

¹ These are calculated on the basis of prevailing rates of the expenditure items concerned and on the assumption that the DC members will claim up to the maximum amount of allowances concerned.

resources and where necessary, seek and justify any unmet resources required in accordance with the established mechanism.

11. The legislative proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the binding effect of the DCO. It has no economic, sustainability, environmental, productivity or family implications. While the number of women exceeds that of the men, the number of women DC members is relatively small. The proposed increase of number of elected seats for the sixth-term DC hopefully will increase the number of women DC members.

PUBLIC CONSULTATION

12. The LegCo CA Panel, and the Chairmen and Vice Chairmen of the 18 DCs have been consulted on our proposal. Their views are set out in paragraphs 3 to 5.

PUBLICITY

13. A press release is issued on 11 October 2017 and a spokesperson is made available to address media enquiries, if any.

ENQUIRY

14. Any enquiries on the brief should be addressed to Miss Helen CHUNG, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

Constitutional and Mainland Affairs Bureau
11 October 2017

District Councils Ordinance (Amendment of Schedule 3) Order 2017

(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 comes into operation—

- (a) for all purposes relating to the District Council ordinary election in 2019—on the day on which the Resolution of the Legislative Council approving this Order is published in the Gazette; and
- (b) in so far as it has not come into operation under paragraph (a)—on 1 January 2020.

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 1, item 3, column 3—
Repeal
“24”
Substitute
“25”.
- (2) Schedule 3, Part 1, item 4, column 3—
Repeal
“37”

Substitute

“40”.

- (3) Schedule 3, Part 1, item 5, column 3—

Repeal

“23”

Substitute

“25”.

- (4) Schedule 3, Part 1, item 9, column 3—

Repeal

“19”

Substitute

“20”.

- (5) Schedule 3, Part 1, item 11, column 3—

Repeal

“29”

Substitute

“31”.

- (6) Schedule 3, Part 1, item 13, column 3—

Repeal

“27”

Substitute

“29”.

- (7) Schedule 3, Part 1, item 14, column 3—

Repeal

“38”

Substitute

“41”.

- (8) Schedule 3, Part 1, item 16, column 3—

Repeal

“18”

Substitute

“19”.

- (9) Schedule 3, Part 1, item 17, column 3—

Repeal

“29”

Substitute

“31”.

- (10) Schedule 3, Part 1, item 18, column 3—

Repeal

“35”

Substitute

“39”.



Clerk to the Executive Council

COUNCIL CHAMBER

10th October, 2017

Explanatory Note

This Order amends Schedule 3 to the District Councils Ordinance (Cap. 547) to increase the number of elected members of—

- (a) Kowloon City District Council from 24 to 25;
- (b) Kwun Tong District Council from 37 to 40;
- (c) Sham Shui Po District Council from 23 to 25;
- (d) Yau Tsim Mong District Council from 19 to 20;
- (e) Kwai Tsing District Council from 29 to 31;
- (f) Sai Kung District Council from 27 to 29;
- (g) Sha Tin District Council from 38 to 41;
- (h) Tsuen Wan District Council from 18 to 19;
- (i) Tuen Mun District Council from 29 to 31; and
- (j) Yuen Long District Council from 35 to 39.

2. The increase is applicable to the District Council ordinary election to be held in 2019, and will fully take effect on 1 January 2020.

Schedule 3

[ss. 5, 8 & 9]

(Amended 3 of 2013 s. 13)

(Format changes—E.R. 1 of 2012)

Part 1

Number of Elected Members

(Amended 3 of 2013 s. 13)

Item	District Council	Number of elected members
1.	Central and Western District Council	15
2.	Eastern District Council	35
3.	Kowloon City District Council	24
4.	Kwun Tong District Council	37
5.	Sham Shui Po District Council	23
6.	Southern District Council	17
7.	Wan Chai District Council	13
8.	Wong Tai Sin District Council	25
9.	Yau Tsim Mong District Council	19
10.	Islands District Council	10
11.	Kwai Tsing District Council	29
12.	North District Council	18
13.	Sai Kung District Council	27
14.	Sha Tin District Council	38
15.	Tai Po District Council	19
16.	Tsuen Wan District Council	18
17.	Tuen Mun District Council	29
18.	Yuen Long District Council	35

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010; 3 of 2013 s. 13; L.N. 181 of 2013; L.N. 12 of 2014)