

立法會
Legislative Council

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**Background Brief for Bills Committee on
Electoral Provisions (Miscellaneous Amendments) Bill 2002**

**Composition of the second term District Councils
and related issues**

Purpose

This paper provides a summary of the previous discussions of the Panel on Constitutional Affairs (CA Panel) and Panel on Home Affairs (HA Panel) on the composition of the second term District Councils (DCs) and related issues.

Joint meeting of the Panel on Constitutional Affairs and Panel on Home Affairs on 4 June 2002

2. The Administration briefed members on the composition of the second term DCs at the joint meeting of the CA Panel and the HA Panel held on 4 June 2002. The Administration advised members that it intended to undertake a comprehensive review of DCs for the third and subsequent terms DCs after the second term DC elections in late 2003. The review would be conducted in the light of the issues identified in the Review of District Organisations and Review of the Roles and Functions of DCs conducted in 1998 and 2001 respectively. Pending this future review, the Administration proposed to maintain the status quo for the second term DCs. In overall terms, the Administration proposed to retain the existing district boundaries of the 18 DCs. The DCs would continue to be made up of 390 elected members, 102 appointed members and 27 ex-officio members.

3. The Administration's paper detailing its proposals was issued to members of the two Panels vide LC Paper No. CB(2)2086/01-02(01) on 28 May 2002.

4. Some members expressed strong disagreement to the Administration's recommendation to maintain the existing number of elected seats for DCs. They opined that the size of the elected membership of some DCs, in particular the Yuen Long DC, Sai Kung DC and Islands DC, should be enlarged in view of the sharp population increases in the districts concerned. Some members also expressed the view that the appointed membership of DCs should be dispensed with.

5. The minutes of the joint meeting held on 4 June 2002 were issued to members of the two Panels vide LC Paper CB(2)2638/01-02 on 23 July 2002.

Joint meeting of the Panel on Constitutional Affairs and Panel on Home Affairs on 27 September 2002

Revised proposals

6. The Secretary for Constitutional Affairs (SCA) briefed members on the Administration's revised proposals concerning the composition of the second term DCs at the joint meeting of the CA Panel and HA Panel on 27 September 2002. At the meeting, SCA informed members that he met with representatives of DC members, including Hon IP Kwok-him, the LegCo Member returned by the DCs functional constituency on 3 September 2002, to discuss the issue of increasing the number of elected seats for districts with significant population growth. The DC representatives were told that the Administration would conduct a review of the relationship between population growth and the number of elected seats for the DCs.

7. SCA said that having regard to the views expressed by relevant parties on the subject matter and in view of the sharp population increases in the new towns, particularly Tung Chung, Tseung Kwan O and Tin Shui Wai, the Administration proposed to add one elected seat to Islands DC, three elected seats to Sai Kung DC and six elected seats to Yuen Long DC. With the proposed increases, the number of elected seats for Islands DC, Sai Kung DC and Yuen Long DC would be eight, 20 and 29 respectively.

8. The Administration informed members that it would introduce a number of legislative amendments in the form of a composite bill for the scrutiny of LegCo. In brief, the bill would seek to -

- (a) amend the District Councils Ordinance to change the number of elected seats for the three DCs in question;
- (b) amend the Legislative Council Ordinance to adjust the cycle for the publication of electoral registers to bring the publication dates closer to the polling day, and accordingly to adjust the date on or before which a person must reach 18 years of age in order to be eligible for registration as an elector;
- (c) amend the Chief Executive Ordinance to adjust the cycle for the publication of registers of the Election Committee subsector voters; and

- (d) amend the District Councils Ordinance to replace references to outdated terms and expressions in the disqualification provisions for members, candidates and electors.

9. The legislative proposals were set out in a paper prepared by the Administration and issued to all Members vide LC Paper No. CB(2)2842/01-02(01) on 27 September 2002.

10. Regarding the proposal to adjust the cycle for the publication of electoral registers set out in paragraph 8(b) above, the Administration explained in its paper that the amendment sought to implement a recommendation made by the Electoral Affairs Commission (EAC) in its Report on the 1999 District Councils Election. EAC had recommended that the Final Register should be published as close to the date of an election as practicable so as to allow it to be as updated as possible.

11. The Administration also pointed out in its paper that the CA Panel had previously suggested to the Government that consideration should be given to reducing the time gap between the publication of electoral registers and the polling day as far as practicable.

12. Members may wish to note that at the meeting of the CA Panel on 17 January 2000 to discuss, among other things, voter registration for Legislative Council (LegCo) elections, Hon Emily LAU Wai-hing expressed the view that the deadline for voter registration should be scheduled as close to the election day as possible.

13. The minutes of the meeting of the CA Panel held on 17 January 2000 were issued to Panel members vide LC Paper No. CB(2)1395/99-00 on 16 March 2000.

Major views of members

14. At the joint meeting on 27 September 2002, members generally supported the proposed increase in the number of elected seats for the second term DCs. However, Hon Albert CHAN was of the view that the proposed increases, i.e. increase of six elected seats for Yuen Long DC, three for Sai Kung DC and one for Islands DC, lacked logical and scientific basis. He pointed out that as the projected population increases of 123% and 92% respectively for the new towns of Tin Shui Wai and Tung Chung, by June 2003, were far more significant than the increases of the other districts, at least seven additional seats should be provided for Yuen Long DC, and two for Islands DC.

15. The Chairman of the CA Panel, Hon Andrew WONG Wang-fat, pointed out that by virtue of section 8 of the District Councils Ordinance, Schedule 3 to the Ordinance which specified the number of members to be elected to the DCs could be amended by subsidiary legislation instead of an amending bill. In his view, the Administration could expedite the legislative process for implementing the

proposal of increasing the number of elected seats by way of subsidiary legislation. As regards other legislative amendments to revise the publication dates of electoral registers and replace outdated references in the disqualification provisions of the District Councils Ordinance etc, they could be dealt with separately by way of an amending bill.

16. Dr Hon YEUNG Sum reiterated his view that the Administration should take the opportunity to introduce legislative amendment to abolish all the appointed seats of DCs.

17. The minutes of the joint meeting held on 27 September 2002 were issued to members of the CA Panel and HA Panel vide LC Paper No. CB(2)246/02-03 on 1 November 2002.

Relevant papers

18. For members' easy reference, a list of the relevant papers is in the **Appendix**. The papers are available on the LegCo website.

Council Business Division 2
Legislative Council Secretariat
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Appendix

List of relevant papers

- LC Paper No. CB(2)1395/00-01
(<http://www.legco.gov.hk/yr99-00/english/panels/ca/minutes/ca170100.pdf>) -- Minutes of the meeting of CA Panel held on 17 January 2000
- LC Paper No. CB(2)2086/01-02(01)
(<http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0604cb2-2086-1e.pdf>) -- Paper provided by the Administration for the joint meeting of CA Panel and HA Panel held on 4 June 2002
- LC Paper No. CB(2)2638/01-02
(<http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/cj020604.pdf>) -- Minutes of the joint meeting of CA Panel and HA Panel held on 4 June 2002
- LC Paper No. CB(2)2842/01-02(01)
(<http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927cb2-2842-1e.pdf>) -- Paper provided by the Administration for the joint meeting of CA Panel and HA Panel held on 27 September 2002
- LC Paper No. CB(2)246/02-03
(<http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/ca020927j.pdf>) -- Minutes of the joint meeting of CA Panel and HA Panel on 27 September 2002