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Panel on Constitutional Affairs

**Background brief prepared by Legislative Council Secretariat
for the meeting on 19 July 2010**

Review of the number of elected seats for the Fourth Term District Councils

Purpose

This paper provides background information relating to the review of the number of elected seats for District Councils (DCs).

Background

2. The number of elected seats on each of the 18 DCs is stipulated in Schedule 3 to the DC Ordinance (Cap. 547) ("DCO"). At present, there are a total of 405 elected DC members (breakdown in **Appendix I**).
3. Within the number of elected seats for each DC, the Electoral Affairs Commission ("EAC") has the statutory authority to recommend the boundaries of corresponding DC constituency areas ("DCCAs") before each DC election. In demarcating the constituency boundaries, EAC must follow the criteria laid down in section 20 of the EAC Ordinance (Cap. 541), a copy of which is in **Appendix II**. Section 20(1) requires that the population sizes of DCCAs should be as close to the territory-wide average ("the population quota") as possible. 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. Section 20(1) also requires that deviation from the population quota should be within 25%. If EAC considers a departure from the 25% rule to be necessary having regard to such factors as the preservation of local ties, community identities and physical features of the relevant areas, section 20(5) allows EAC to depart from the strict application of the rule.
4. According to section 18 of the EAC Ordinance, EAC shall submit to the Chief Executive its recommendations for the delineation of DCCAs within 36 months from the preceding DC election.
5. In the 2007 DC Election, the population quota amounted to about 17 300 persons. The 18 DCs comprised 405 constituencies in which all elected members were returned through the first-past-the-post system.

Addition of elected seats for the Second Term DCs

6. The First Term DCs were made up of 390 elected seats with one elected member to be returned from each of the 390 DCCAs which were delineated on the basis of an average population quota of about 17 000 per constituency. The Administration initially proposed to retain the existing district boundaries of the 18 DCs and to cap the total number of elected seats at 390 for the Second Term DCs. Due to an overall population increase in the territory, the population quota for each DCCA would be increased to 17 635. The Administration's explanation was that pending the comprehensive review of the roles, functions and composition of DCs to be conducted after the DC elections in late 2003, the status quo should be maintained for the Second Term DCs.

7. When the Administration briefed the Panel on Constitutional Affairs and the Panel on Home Affairs on its initial proposal at a joint meeting on 4 June 2002, members in general were of the view that it was unreasonable to maintain the same elected membership of all DCs in view of the great variations in the change of population of some of the districts such as Yuen Long and Sai Kung. They considered that the number of elected seats should be increased for districts with substantial population increases. Some members also suggested that the maximum deviation from the population quota for a DCCA should be increased from 25% to 35%.

8. The Administration explained that if the number of elected seats should be altered in the light of population changes, a total of 13 districts would be affected. The number of elected seats would have to be increased for seven of the districts while that of the other six would be reduced. This would result in changes to the number and boundaries of constituencies in the districts concerned. As regards deviations from the population quota, the Administration advised that EAC was empowered under section 20(5) of the EAC Ordinance to allow the population of certain DCCAs to deviate from the population quota by more than 25%, if a consideration relating to the community identities, preservation of local ties and physical features rendered such a deviation necessary or desirable. The Administration, however, did not consider that legislative amendments should be introduced in this regard.

9. The Administration subsequently informed the Panel on Constitutional Affairs and the Panel on Home Affairs at another joint meeting on 27 September 2002 that having regard to the views expressed by Legislative Council ("LegCo") Members and DC members and the significant population increases in certain districts, particularly the three new towns i.e. Tung Chung, Tseung Kwan O and Tin Shui Wai, it was considered appropriate to have a limited increase in the number of elected seats for the Islands, Sai Kung and Yuen Long DCs. Specifically, the Administration recommended that an extra elected seat should be provided for Islands DC to cater for increase of population in Tung Chung, three elected seats for Sai Kung DC and six for Yuen Long DC.

10. The Electoral Provisions (Miscellaneous Amendments) Bill 2002 which sought to, among others, amend Schedule 3 to DCO to implement the proposal of increasing the number of elected seats for Islands, Sai Kung and Yuen Long DCs was passed by the Council on 18 December 2002.

Addition of elected seats for the Third Term DCs

11. The Administration briefed the Panel on Constitutional Affairs on 20 February 2006 on its proposal to increase the numbers of elected seats for the Islands and Sai Kung DCs by two (from eight to 10) and three (from 20 to 23) respectively. According to the Administration, the proposal was put forward having regard to the projected rates of population growth in the two districts between the last DC election in 2003 and the coming DC election in 2007. The rapid population growth of the Islands district was mainly due to the development of the Tung Chung new town, and the high rate of population growth in Sai Kung was mainly due to the development of the Tseung Kwan O new town. Its proposal of increasing the number of elected seats on these two DCs should provide EAC with the necessary scope to redraw the DCCAs in Tung Chung and Tseung Kwan O in such a way as to bring the population-to-seat ratio to within 25% of the population quota without causing substantial changes to the boundaries of other DCCAs in the districts.

12. Some members queried the rationale for the Administration not proposing new elected seats for districts other than the Islands and Sai Kung given the fact that according to the projection, the population of Hong Kong would be increased by 195 000 in 2007. They further pointed out that there was great variation on the population-to-seat ratio among the 18 DCs, e.g. the ratio in the Wan Chai DC was 13 000 and that in the Kwai Tsing DC was 19 000. These members considered that new DC seats should be provided to districts with overall population growth, and not just districts with population growth in new towns.

13. The Administration explained that following the development of new towns in Tung Chung and Tseung Kwan O, the Islands and Sai Kung districts had respectively experienced rapid population growth and the trend was expected to continue in the coming years. If additional seats were not provided for the two districts, the population-to-seat ratio in Tung Chung and Tseung Kwan O South in 2007 would exceed the population quota by over 25%. There was hence a need to increase the elected seats in the two districts. As regards the remaining 16 districts, the population growth was quite even and the average population size of their constituency areas in 2007 was expected to stay within the statutory deviation limit of 25% of the population quota. There should be room to address the issue of certain constituency areas exceeding the 25% limit in the demarcation of constituency boundaries.

14. Some members were of the view that the existing demarcation of boundaries for DCCAs was far from ideal, for example, the same residential estate could be grouped under three different DCCAs. They suggested that the boundaries of

DCCAs could be redefined instead of creating additional seats in the Islands and Sai Kung DCs, or the deviation limit of 25% of the population quota should be applied flexibly so that there would be clear delineation of DCCAs. These members also considered that new seats could be added as and when necessary with a view to maintaining the cohesiveness and identity of local communities.

15. The Administration explained that if seats were not increased in the Islands and Sai Kung, major changes to the boundaries of many existing DCCAs in the two districts would likely be unavoidable. In this regard, DCCAs in rural areas might have to be merged to free up seats for the new towns. These changes would disrupt the cohesiveness and identity of the local communities. In addition, even with substantial changes to the boundaries of DCCAs, the population of some DCCAs might still be more than 25% over the population quota. The Administration pointed out that while it was the duty of the Administration to propose the number of DC seats having regard to the population sizes of the 18 DCs, it was for EAC to decide on the boundaries of DCCAs. If EAC considered a departure from the 25% rule to be necessary having regard to such factors as the preservation of local ties, community identities and physical features of the relevant areas, section 20(5) of the EAC Ordinance allowed EAC to depart from the strict application of the rule.

16. The resolution to increase the number of elected seats for the Islands and Sai Kung DCs by amending Schedule 3 to DCO was approved by the Council on 7 June 2006.

Relevant questions raised at Council meetings

17. At the Council meeting on 3 July 2002, Dr TANG Siu-tong raised a written question on "Estimated population of various constituencies for the First DCs Elections".

18. At the Council meeting on 3 December 2008, Ms Emily LAU raised an oral question on "Population of DC constituencies". Ms LAU asked, among others, whether the Administration would consider raising the population quota of DC constituencies and adopting the proportional representation system for returning DC members of the next term. In his reply, the Secretary for Constitutional and Mainland Affairs advised that if the population quota in the DC election was raised, the number of constituencies would be reduced accordingly. If the proportional representation system was adopted at the same time, individual candidates would need to devote more resources to competing for seats with other candidates in the larger constituencies. This would raise the barrier for individual candidates to take part in elections, especially those who were independent and had no political affiliation. Members may wish to refer to an extract from the Official Records of Proceedings of the Council meeting in **Appendix III** for details.

Relevant documents

19. A list of the relevant documents is in **Appendix IV** for Members' easy reference. These papers/documents are available on the LegCo's website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
14 July 2010

Number of Elected Seats on District Councils

| <u>District Council</u> | <u>Number of Elected Seats</u> |
|--|---------------------------------------|
| Egpt'cn'cpf 'Y guvtp 'F kwt'lev'Eqwpekn' | " 37" |
| Gcuvgt'p 'F kwt'lev'Eqwpekn' | " 59" |
| Mqy nqpp 'Ek' 'F kwt'lev'Eqwpekn' | " 44" |
| My wp 'Vqpi 'F kwt'lev'Eqwpekn' | " 56" |
| Uj co 'Uj wk'Rq 'F kwt'lev'Eqwpekn' | " 43" |
| Uqwj gtp 'F kwt'lev'Eqwpekn' | " 39" |
| Y cp 'Ej ck'F kwt'lev'Eqwpekn' | " 33" |
| Y qpi 'Vck'Ukp 'F kwt'lev'Eqwpekn' | " 47" |
| [cw'Vuko 'O qpi 'F kwt'lev'Eqwpekn' | " 38" |
| Kur'pf u'F kwt'lev'Eqwpekn' | " 32" |
| My ck'Vukpi 'F kwt'lev'Eqwpekn' | " 4: " |
| P qt yj 'F kwt'lev'Eqwpekn' | " 38" |
| Uck'Mwpi 'F kwt'lev'Eqwpekn' | " 45" |
| Uj c'Vkp 'F kwt'lev'Eqwpekn' | " 58" |
| Vck'Rq 'F kwt'lev'Eqwpekn' | " 3; " |
| Vuwgp 'Y cp 'F kwt'lev'Eqwpekn' | " 39" |
| Vwgp 'O wp 'F kwt'lev'Eqwpekn' | " 4; " |
| [wgp 'Nqpi 'F kwt'lev'Eqwpekn' | " 4; " |
| Vqwn'<" | " 627" |

Appendix II

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|----------|---|----------|--|-----------------|------------------|
| Chapter: | 541  | Title: | ELECTORAL AFFAIRS COMMISSION ORDINANCE | Gazette Number: | L.N. 320 of 1999 |
| Section: | 20 | Heading: | Criteria for making recommendations | Version Date: | 01/01/2000 |

(1) In making recommendations for the purposes of this Part, the Commission shall-

- (a) ensure that the extent of each proposed geographical constituency is such that the population in that constituency is as near as is practicable to the number which results ("the resulting number") when the population quota is multiplied by the number of members to be returned to the Legislative Council by that geographical constituency pursuant to any electoral law;
- (b) where it is not practicable to comply with paragraph (a) in respect of a proposed geographical constituency, ensure that the extent of the constituency is such that the population in that constituency does not exceed or fall short of the resulting number applicable to that constituency, by more than 15% thereof;
- (c) ensure that the extent of each proposed District Council constituency is such that the population in that constituency is as near the population quota as practicable; (Added 8 of 1999 s. 89)
- (d) where it is not practicable to comply with paragraph (c) in respect of a proposed District Council constituency, ensure that the extent of the proposed constituency is such that the population in that constituency does not exceed or fall short of the population quota, by more than 25% thereof. (Added 8 of 1999 s. 89)

(2) In making such recommendations the Commission shall ensure that each proposed geographical constituency is constituted by 2 or more contiguous whole District Council constituencies.

(3) In making such recommendations the Commission shall have regard to-

- (a) community identities and the preservation of local ties; and
- (b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof.

(4) In making such recommendations in relation to a general election the Commission shall have regard to-

- (a) existing boundaries of Districts; and
- (b) existing boundaries of geographical constituencies. (Replaced 78 of 1999 s. 7)

(4A) Subject to subsection (4B), in making such recommendations in relation to an ordinary election, the Commission must follow the existing boundaries of Districts and the existing number of members to be elected to a District Council as specified in or under the District Councils Ordinance (Cap 547). (Added 8 of 1999 s. 89)

(4B) If the Chief Executive in Council makes any order under section 8 of the District Councils Ordinance (Cap 547)-

- (a) not later than 12 months before the deadline for submitting a report for the ordinary election to which the recommendations relate; and
- (b) which is applicable in relation to that ordinary election; and
- (c) for the purpose of declaring Districts or specifying the number of members to be elected to a District Council,

the Commission must, in making such recommendations in relation to that ordinary election, follow the boundaries of the Districts as declared in the relevant order and the number of members to be elected as specified in the relevant order. (Added 8 of 1999 s. 89)

(5) The Commission may depart from the strict application of subsection (1) only where it appears that a consideration referred to in subsection (3) renders such a departure necessary or desirable.

(6) The Commission shall, for the purposes of subsection (1)-

(a) endeavour to estimate the total population of Hong Kong or any proposed constituency, as the case may be, in the year in which the election to which the recommendations relate, is to be held; and

(b) if it is not practicable to comply with paragraph (a), estimate the population of Hong Kong, the geographical constituency or the District Council constituency, as the case may be, having regard to the available information which is the best possible in the circumstances for the purpose of making recommendations.

(7) In this section-

"District" (地方行政區) has the meaning assigned to it by the District Councils Ordinance (Cap 547).

(Replaced 8 of 1999 s. 89)

(Amended 8 of 1999 s. 89; 78 of 1999 s. 7)

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~~the situation he mentioned just now, that is, an owner submits an application on the ground of actual financial needs. We will handle such applications on a case by case basis.~~

PRESIDENT (in Cantonese): Fourth question.

Population of District Council Constituencies

4. **MS EMILY LAU** (in Cantonese): *President, at present, all of the 405 elected members of the 18 District Councils (DCs) in Hong Kong were returned by a "single-seat, single-vote" system, and the population of each constituency was just over 17 000 on average. There have been comments that due to the small population sizes of constituencies, certain DC members often discuss public policies and community issues from a narrow perspective and fail to balance the interests of different sectors, and some DC members only care about the views of their several thousand electors to the extent that they even object to the provision within their constituencies of some unpopular facilities which are necessary for the community. In this connection, will the executive authorities inform this Council whether:*

- (a) *they have assessed if the population of existing DC constituencies is so small that DC members lack representativeness, and that their perspective and experience in handling district administration affairs cannot be enhanced effectively; and*
- (b) *they will consider raising the population quota (PQ) of DC constituencies and adopting the proportional representation system for returning DC members of the next term, so as to make DC members answerable to electors of larger constituencies and hence better balance the interests of various parties in the district, and to allow the political party or alliance holding a majority of seats to be responsible for promoting the district administration of the entire DC district?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President,

- (a) The major functions of the DCs include advising the Government on matters affecting the well-being of local residents and those relating to the administration of the relevant districts. The DCs also use funds available to promote recreational, cultural and community activities and undertake district minor works to improve the environment within the district.

When the DCs (then called District Boards) were established in 1982, each district was divided into a number of constituencies with one or two seats each. Elected Members were returned through the first-past-the-post system. Since 1994, each constituency has one seat.

As regards the demarcation of constituencies, according to the existing legislation, the Electoral Affairs Commission shall ensure that the population in each DC constituency is as near as is practicable to the PQ.

The PQ means the total population of Hong Kong divided by the total number of elected members to be returned in the DC ordinary election. In the 2007 DC Election, the PQ amounted to about 17 300 persons. The 18 DCs comprised 405 constituencies in which all elected Members were returned through the first-past-the-post system.

Under the present arrangement of having a single seat for each constituency, members of the public can have a clear idea as to which DC Member they may approach for assistance in respect of the local affairs of the constituency they live in. It also enables individual DC Members to maintain a close relationship with local residents so that they can have a firm grasp of the latest developments and needs of the relevant constituency. The arrangement is widely accepted and has been operating smoothly and effectively over the years.

Since the commencement of the new term in January 2008, the DCs have been actively involved in the management of some district facilities, and have made use of available resources to work on partnership projects in collaboration with various district organizations to achieve a wide range of social objectives.

The Government has taken action since this term of the DC to enhance communication between DC Members and government departments to help strengthen district administration work and enhance the functions of the DCs. In addition to regular attendance of heads of departments at individual DC meetings to exchange views with DC Members, the Government has also organized sessions for heads of departments to brief the DC Members on the areas of work under their policy purview starting this year. These arrangements will help DC Members understand better the overall strategic planning and direction for future development in different policy areas, and facilitate their work in enhancing district administration.

- (b) If the PQ in the DC election is raised, the number of constituencies will be reduced accordingly. If the proportional representation system is adopted at the same time, individual candidates will need to devote more resources to competing for seats with other candidates in the larger constituencies. This will raise the barrier for individual candidates to take part in elections, especially those who are independent and have no political affiliation.

As the existing mechanism has been running effectively and there is no widespread demand in the community for changes, we have no current plans to introduce new arrangements.

MS EMILY LAU (in Cantonese): *President, the Secretary said that if proportional representation system is adopted, candidates standing in elections will need to use more resources, which will render competition more difficult for independent candidates in the election. If this is the case, why does the Legislative Council adopt this electoral system? Why is competition considered not difficult for the Legislative Council?*

Moreover, President, the Secretary said at the end that there is no widespread demand in the community for changes, but a "double-seat, double-vote" system was adopted in 1991, a "single-seat, single-vote" system was adopted for the Legislative Council Election in 1995 and the so-called proportional representation system was adopted in 1998, all of which are devised by the authorities. President, whenever the electoral system is advantageous to the democratic camp, the authorities will change it. The existing proportional representation system is a relatively fair one. Should the constitutional development of Hong Kong not be developed in the direction of party politics? Thus, may I ask the Secretary why the proportional representation system can be adopted for the Legislative Council but not the DCs? Should the Government not at least initiate a public consultation?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Ms Emily LAU for her supplementary question.

The electoral system of the Legislative Council of Hong Kong is different from that of the DCs. The Legislative Council is responsible for territory-wide affairs. The constituencies of the Legislative Council are larger, and the electorates represented by its Members are thus larger, and their social perspective and representativeness wider. On the other hand, the DCs are responsible for district affairs, which allow DC members to better grasp the development of their respective districts and their local residents and to reflect their views. This is appropriate to the functions of the DCs.

The issues deliberated in the Legislative Council often concern the whole of Hong Kong. For example, we need to table bills, endorse budgets and handle territory-wide policies, such as the "3-3-4" academic structure and the issue of the small and medium enterprises tiding over the financial tsunami which has aroused much concern recently; but the DCs are responsible for district affairs, such as what facilities should be made available for children to play in the sitting-out areas and parks, what bus routes should be designated by the Transport Department, and so on. These are affairs at the district level. It is more appropriate to let DC members returned by a "single-seat, single-vote" system to represent the residents.

Regarding Ms LAU's question about whether we encourage the development of political parties, this is our general direction. Thus, we have

introduced, since the 2004 Legislative Council Election, the "\$10 dollar per vote" financial subsidy scheme. Although we encourage such development, we have to reserve room for individual candidates to take part in politics.

MR CHEUNG HOK-MING (in Cantonese): *President, the Secretary pointed out in the main reply just now that the "single-seat, single-vote" system has been adopted since 1994 and the PQ amounted to about 17 300 persons. In my experience with the DCs, I hold that this is feasible and effective.*

Since 1 January 2008, the functions of DCs have evolved from having neither power nor policy to having some power and responsibility, which mainly lies in community facilities and minor works projects. It has been a year since then. May I ask the Secretary, who represents the Government, how he will comment on the actual performance of the DCs in the past year? Has their performance met the Government's expectations? When will a review be conducted?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Mr CHEUNG Hok-Ming for raising a question about this.

In fact, as far as district administration is concerned, 2008 was an important year. Beginning with this year, arrangements have been made to let the DCs to take part in the management of district facilities, which include community halls, libraries, sitting-out areas, sports stadiums, public swimming pools and beaches, and so on. Additional resources (a top-up of \$300 million to the original \$300 million) have been allocated to the 18 DCs for taking forward district minor works and providing services in collaboration with district organizations for the residents.

On the whole, the 18 DCs have launched work in these regards. I have learnt from friends in the DCs that they are beginning to grasp the experience and each DC has appointed engineering consultancies to help take forward these minor works projects. We believe that, with more experience accumulated, there can be room for improvement in respect of the new management arrangement and the use of the resources concerned. Moreover, I believe

colleagues of the Home Affairs Department and Home Affairs Bureau will closely liaise with members, Chairmen and Vice Chairmen of the 18 DCs to constantly review whether there is room to strive for better performance.

DR PRISCILLA LEUNG (in Cantonese): *Although I agree that the proportional representation system is not a very good system, I think that it is very dangerous that Ms Emily LAU has asked this question today.*

I need to declare that I am an elected DC member. Since I joined the DC, I have observed that politically-affiliated members and independent members in the DC need to reach a consensus in order to take forward district facilities and development at a healthier and faster pace. I belong to the Kowloon City

PRESIDENT (in Cantonese): Dr LEUNG, please ask your supplementary question.

DR PRISCILLA LEUNG (in Cantonese): *I will put the supplementary question, but I need to finish this part first because it is related to my supplementary. It is precisely because of the addition of independent members with no political affiliation to the Kowloon City DC that a consensus can be reached on many issues, such that the projects concerned have been taken forward expeditiously.*

In this connection, I have this question for the Government. We now say that we need to promote political reform, but what policies do the authorities have to encourage more professionals with no political affiliation to take part in politics, particularly at the DC level as a start, so that the Hong Kong political arena can enlist more people of different backgrounds and thereby help the social development of Hong Kong?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I basically agree that we can nurture more political talents at the DC level to participate in and discuss politics and to serve the people of Hong Kong. This is a very good platform. In the DC elections of the several terms in the past few years, we have increased the number of seats in the light of the increased population in the new towns. In 2004, the number of

directly-elected seats of DCs was increased from 390 to 400; and from 400 to 405 in 2008. These additional seats have provided more room for politically-affiliated as well as independent candidates to stand for elections.

Insofar as resources are concerned, apart from allocating an additional \$300 million on top of the original \$300 million for the 18 DCs, with effect from this term, the monthly remunerations of DC members will be increased to \$19,000-odd, together with a monthly allowance of \$4,000 for developing district work. Moreover, at the start of the four-year term, a DC member is granted a subsidy for starting the office; and at the end of the four-year term, if they cease to operate the office, they can have another subsidy. I believe these new resources and flexibility can assist independent as well as politically-affiliated candidates in taking part in politics and stand for elections.

MR WONG YUK-MAN (in Cantonese): *President, 20% of the DC members are appointed, which already enabled many so-called independent candidates to become DC members. Am I correct, buddy? All he said is nonsense. The crux of the question now is whether proportional representation system is appropriate to the DCs. This is something we can discuss. If the case is like that put by Priscilla LEUNG, then she, as an independent candidate, cannot be elected. In other words, if the proportional representation system only benefits candidates with political affiliation, there is no way for her to be elected. Am I correct?*

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please ask your supplementary question.

MR WONG YUK-MAN (in Cantonese): *However, as she has secured the support of the largest political party, so it does not matter. He is now belittling and humiliating the DC members. President, would you please tell him that he is humiliating and belittling the DC members? He needs the DC members to support him and thus the 20% appointed seats are put in place. If it is for the sake of the future functional constituencies*

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please ask your supplementary.

MR WONG YUK-MAN (in Cantonese): *when the seats are increased, he will then make use of the so-called appointed seats of the DC*

PRESIDENT (in Cantonese): Would you please do not make arguments and ask your supplementary question.

MR WONG YUK-MAN (in Cantonese): *My supplementary question is that he is nonsensical. He has not directly answered the question. This is basically a lame question and so is the answer because it is definitely impossible to do so. Am I correct? I can tell you that I am taking this opportunity to make a scene here. I lose my head whenever I see him. He has no room for discussion. All he said is nonsense. He has been mumbling nonsense here just now, just like a "human tape-recorder"*

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please stop

MR WONG YUK-MAN (in Cantonese): *he always says the same thing, be it on the Internet, or in writing. Over the years, whenever he gave a reply, he always said the same thing*

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please sit down.

MR WONG YUK-MAN (in Cantonese): *The Secretary has been giving replies in such a manner in the past few years.*

(Mr WONG Yuk-man sat down)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you did not ask any supplementary question in your argument just now.

MR WONG YUK-MAN (in Cantonese): *My supplementary question is: Why does Secretary Stephen LAM often give such lame answers and act like a failure?*

PRESIDENT (in Cantonese): I do not think what Mr WONG Yuk-man has said is a supplementary question.

MR IP KWOK-HIM (in Cantonese): *In quoting some comments Ms Emily LAU claimed that DC members often discuss public policies and community issues from a narrow perspective because they only care about the views of their several thousand electors. I have great reservations about this point. I tend to agree with Secretary Stephen LAM who said in the main reply that the present arrangement can let DC members have a better grasp of the sentiments and views of the people in their respective districts and give the electors a clearer idea of how to approach their DC members.*

At present, due to the limited resources, it is difficult for a DC member to get in touch with all of the 17 300-odd electors in his district. Thus, my supplementary question is that I wish to know whether the Government has considered how it can step up support for DC members, particularly those without the support of political parties, so that they can better perform their present functions.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we have taken the overall development of the 18 districts into consideration when we provide resources for DCs and DC members. Thus, in the 2006 review, we made a relatively large increment in the monthly remunerations and allowances, and subsidies of DC members. We hope that the additional \$300 million on top of the original \$300 million provided to the 18 DCs can provide more room and resources for DC members (politically-affiliated or independent) to take part in promoting district activities.

As regards the annual provision, every year when we examine the budget here, we have an opportunity to discuss it. Every Bureau and department will strive for more resources, such that we can take our district services to the next level, but this hinges on our continued efforts.

PRESIDENT (in Cantonese): We have spent 18 minutes and 30 seconds on this question. Last supplementary question.

MR FREDERICK FUNG (in Cantonese): *President, Ms Emily LAU asked at the end of part (b) of the main question whether the executive authorities have "(allowed) the political party or alliance holding a majority of seats to be responsible for promoting the district administration of the entire DC district"; and the Secretary answered the question in the last paragraph of part (a) of the main reply. May I ask the Secretary whether he is aware that there are two situations which are different from his reply?*

The first situation is that the minor works projects taken forward with the \$300 million allocated to the DCs have encountered great difficulties. First of all, these projects often cannot be taken forward despite having waited for a long time; secondly, even if these projects get the permission, they are put under the Leisure and Cultural Services Department (LCSD), and not the DCs, for management. Even if District Offices take charge of the administration of these projects, they are not very familiar with gardening and horticultural work of the LCSD because they are not experts in this area.

The second situation is, take Sham Shui Po as an example, the DC cannot even preserve the library in Pak Tin Estate, how can it get actively involved in the management of district facilities as mentioned by the Secretary? In the year when the "scrapping" of the two Municipal Councils was proposed, the authorities stated that they would gradually delegate the work of district administration (especially municipal services) to the DCs. Has the Bureau considered why it now seems to be running in the opposite direction?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we had done much preparatory work before we could make room for the DCs to participate in district affairs and in managing these

facilities in 2008. Our departments in the districts, be they the LCSD or the District Offices, have to respect the views of the members of the 18 DCs and the committees under them in managing these facilities.

We know that these minor works projects have encountered difficulties in their actual implementation, such as whether the engineering consultancy has sufficient resources and time to expedite the implementation of these projects. Meanwhile, we are also aware of the problem that some administrative departments, after putting a new facility or a park in place, may not have sufficient resources to shoulder their maintenance cost in future. The relevant Policy Bureau and responsible financial departments will continue to take note of and examine these issues.

As to the question asked by Mr Frederick FUNG, that is, whether we would consider following the case of the former Urban Council and Regional Council to further devolve their functions to the DCs, our viewpoint is that, following the expansion of functions of the DCs of this term in 2008, we will continue to sum up our experience and conduct reviews, in a bid to bring our district work to the next level.

In the context of the main question and main reply today, and in response to some views expressed by Mr WONG Yuk-man, I wish also to emphasize that no matter the election is conducted through a proportional representation system or a "single-seat, single-vote" system, it is a democratic electoral system recognized worldwide.

PRESIDENT (in Cantonese): There are six Members in the line who cannot ask their supplementary questions.

Relevant documents on the Review of the number of elected seats for the Fourth Term District Councils

| Meeting | Date of meeting | Paper |
|--|--------------------------|---|
| <p>Panel on Constitutional Affairs and Panel on Home Affairs</p> | <p>4 June 2002</p> | <p>Administration's paper on "Composition of the Second Term District Councils" [LC Paper No. CB(2)2086/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0604cb2-2086-1e.pdf</p> <p>Information provided by the Administration on the average population size per constituency in the 18 districts in the 1999 District Council elections [LC Paper No. CB(2)2518/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927cb2-2518-1e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2638/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/cj020604.pdf</p> |
| | <p>27 September 2002</p> | <p>Transcript of a stand-up briefing by the Secretary for Constitutional Affairs on 3 September 2002 [LC Paper No. CB(2)2825/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927-2825e-scan.pdf</p> <p>Administration's paper on "Composition of the Second Term District Councils : Increase of Elected Seats for New Towns" [LC Paper No. CB(2)2842/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ca/papers/caha0927cb2-2842-1e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)246/02-03] http://www.legco.gov.hk/yr01-02/english/panels/ca/minutes/ca020927j.pdf</p> |

| Meeting | Date of meeting | Paper |
|---------------------------------|------------------------|---|
| Legislative Council | 3 July 2002 | Official Record of Proceedings of the Council on a written question raised by Dr Hon TANG Siu-tong on "Estimated Population of Various Constituencies for the First District Councils Elections" http://www.legco.gov.hk/yr01-02/english/coinmtg/hansard/cm0703ti-translate-e.pdf |
| Panel on Constitutional Affairs | 20 February 2006 | Administration's paper on "Composition of the Third Term District Councils - Addition of Elected Seats for New Towns" [LC Paper No. CB(2)1137/05-06(01)] http://www.legco.gov.hk/yr05-06/english/panels/ca/papers/ca0220cb2-1137-1e.pdf Minutes of meeting [LC Paper No. CB(2)1712/05-06] http://www.legco.gov.hk/yr05-06/english/panels/ca/minutes/ca060220.pdf |
| Legislative Council | 3 December 2008 | Official Record of Proceedings of the Council on an oral question raised by Hon Emily LAU on "Population of District Council Constituencies" http://www.legco.gov.hk/yr08-09/english/coinmtg/hansard/cm1203-translate-e.pdf |

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