



Consultation Paper on the District Council Appointment System

February 2012

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Chapter One Introduction

- 1.1 The 18 District Councils (“DCs”) of the Hong Kong Special Administrative Region (“HKSAR”) comprise elected members, appointed members and ex officio members. Over the years, appointed members and other members of the DCs have made significant contributions to community work.
- 1.2 Since the first term of the DCs, the number of elected seats has undergone an increase in each term which was in line with the population growth. In the first term of the DCs of the HKSAR, there were 390 elected seats. Such seats have been increased to 412 in the fourth term which commenced operation from 1 January 2012. This offers more opportunities for persons interested in serving the community to join the DCs through election.
- 1.3 In respect of constitutional development, the Legislative Council (“LegCo”) enacted the Chief Executive Election (Amendment) Ordinance 2011 and the Legislative Council (Amendment) Ordinance 2011 on 3 March and 5 March 2011 respectively setting out specific details for selecting the Chief Executive (“CE”) and for forming the LegCo in 2012. Regarding the 2012 LegCo election, all eligible electors can have “one-person-two-votes” for returning the LegCo members which represent them in their respective geographical constituency and functional constituency. This will greatly enhance the democratic elements of the election and create a favourable environment in attaining the ultimate aim of universal suffrage in the CE election in 2017 and the LegCo election in 2020.
- 1.4 With the constitutional development in Hong Kong, there are calls to review the DC appointment system. When the Government announced the “one-person-two-votes” arrangement in respect of the 2012 constitutional development proposal in June 2010, it also indicated that proposals for the abolition of the DC appointment system would be put forth for consultation with the LegCo and the public. On 24 and 25 June 2010, the LegCo passed by a two-thirds majority the motions put forth by the Government concerning the

draft amendments to the methods for selecting the CE and forming the LegCo in 2012.

- 1.5 The Government announced in September 2011 that the appointed seats in the fourth term of the DCs would be reduced by one-third and would embark on further public discussions on how to deal with the remaining appointed seats after the DC election.
- 1.6 The Constitutional and Mainland Affairs Bureau now issues this consultation paper to set out the proposed way forward of the DC appointment system and to seek public views in this regard.

Chapter Two Overview of District Administration

Composition of the District Councils

2.1 Chapter IV of the Basic Law sets out the political structure of the HKSAR. Section 5 of the Chapter contains two Articles on district organizations. Article 97 and Article 98 of the Basic Law provide respectively that:

“District organizations which are not organs of political power may be established in the HKSAR, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.”

“The powers and functions of the district organizations and the method for their formation shall be prescribed by law.”

2.2 The District Councils Ordinance (Cap. 547) (“the Ordinance”) provides for the number, composition and functions of DCs. Schedule 2 to the Ordinance specifies that there shall be 18 DCs while section 9(1) of the Ordinance provides that a DC is to consist of:

- (a) elected members;
- (b) appointed members; and
- (c) if it is a DC established for a District in which there is one or more Rural Committees, with the Chairman of each Rural Committee serving as ex officio member of the DC while holding office as the Chairman of the Rural Committee.

2.3 Section 11(1) of the Ordinance provides that the CE may appoint as members of a DC, the number of which should not exceed the number specified in Schedule 3 to the Ordinance. In addition, Schedule 3 also provides for the number of elected members and ex officio members of each DC (Annex I).

2.4 On 1 July 1997, 18 Provisional District Boards with appointed members were established to replace the former District Boards as a transitional arrangement. The first term of the DCs of the

HKSAR was established on 1 January 2000 with 519 members, including 390 elected, 102 appointed and 27 ex officio members. The second term of the DCs commenced on 1 January 2004 with 529 members, including 400 elected, 102 appointed and 27 ex officio members. The third term of the DCs commenced on 1 January 2008 with 534 members, including 405 elected, 102 appointed and 27 ex officio members. The term of office of the DCs is four years. The third term of the DCs commenced on 1 January 2008 and ended on 31 December 2011. The composition of the first term to the third term of the DCs is at Annex II.

- 2.5 The current term of the DCs (the fourth term) started on 1 January 2012 and has 507 members, including 412 elected, 68 appointed and 27 ex officio members.

Functions of the District Councils

- 2.6 Section 61 of the Ordinance provides for the functions of DCs, which are:

- (a) to advise the Government:
 - (i) on matters affecting the well-being of the people in the District;
 - (ii) on the provision and use of public facilities and services within the District;
 - (iii) on the adequacy and priorities of Government programmes for the District; and
 - (iv) on the use of public funds allocated to the District for local public works and community activities; and
- (b) where funds are made available for the purpose, to undertake:
 - (i) environmental improvements within the District;
 - (ii) the promotion of recreational and cultural activities within the District; and
 - (iii) community activities within the District.

- 2.7 In this regard, the main function of the DCs is to advise the Government on matters affecting the well-being of the people living and working in the districts as well as on the provision and use of public facilities and services within the districts. The Government consults the DCs on a wide range of issues. The DCs also carry out minor environmental improvements and community involvement projects.
- 2.8 To further enhance the role and functions of the DCs, the Government conducted a review on the role, functions and composition of the DCs in 2006, and completed a pilot scheme to involve the DCs in the management of some district facilities in 2007. Since the start of the third term of the DCs in January 2008, the Government has implemented a series of measures to improve district work with all 18 DCs taking part in managing certain district facilities. Furthermore, the annual resources for the DCs to carry out community involvement activities have been increased to \$300 million. A dedicated block vote with an annual allocation of \$300 million has also been set up under the Capital Works Reserve Fund for the DCs to implement district minor works projects.
- 2.9 To enable the DCs to improve district facilities continuously and to manage and maintain the completed facilities, the CE announced in the 2011-2012 Policy Address that the annual provision under the District Minor Works Programme would be increased progressively to \$400 million within the next two DC terms. The additional funding will cover project costs and the recurrent expenditure of the completed facilities. To meet this end, the annual provision under the District Minor Works Programme will be increased from \$300 million to \$320 million in the 2012-13 financial year. At the same time, the Government also plans to increase the annual provision to carry out community involvement activities from \$300 million to \$320 million in the same financial year.

District Council Appointment System

- 2.10 Since the first term of the DCs of the HKSAR, the DCs comprise elected, appointed and ex officio members. The numbers of appointed members and ex officio members were maintained at 102 and 27 respectively from the first to the third terms of the DCs. With an increase in the population of the districts, the number of elected members has been increased progressively from 390 in the first term to 405 in the third term of the DCs. For the fourth term of

the DCs which commenced on 1 January 2012, the number of elected members has been increased to 412.

- 2.11 The DC appointment system has been implemented for many years. The appointed members come from different major sectors of the community. Their working background, expertise and experience as well as their commitment to community services have enabled them to give significant contributions to the work of the DCs and to district administration. The appointment system has also provided community leaders and persons with different professional expertise and experience with a channel to serve the community.
- 2.12 While we recognize the substantive contributions of the appointed members to the DCs, there are calls to review the role of the appointed members in district administration with the constitutional development in Hong Kong. In the Review of District Organisations in 1998, while some members of the public favoured District Boards comprising all directly elected members, others saw justification to retain some appointed seats in District Boards in order to enable professionals and community leaders to contribute to the work of District Boards. In late 2005, the Government put forth a package of proposals concerning the methods for selecting the CE in 2007 and for forming the LegCo in 2008. It was made clear that the appointed seats of the DCs would be abolished in phases subject to the passage of the package of proposals by the LegCo. The package eventually did not receive the two-thirds majority support of the LegCo and could not be passed. The proposals relating to the abolition of appointed seats could not be implemented.
- 2.13 In early 2010, the Government put forth a constitutional reform package which proposed amendments to the methods for selecting the CE and for forming the LegCo in 2012. On 21 June 2010, the CE announced the acceptance of the “one-person-two-votes” proposal and stated that the Government would put forth proposals for the abolition of the DC appointment system and consult the LegCo and the public. On 24 and 25 June 2010, the LegCo passed by a two-thirds majority the motions put forth by the HKSAR Government concerning the draft amendments to the methods for selecting the CE and for forming the LegCo in 2012.

2.14 The Legislative Council (Amendment) Ordinance 2011 enacted by the LegCo in March 2011 provides that only elected DC members are eligible to be nominated as a candidate for the District Council (second) functional constituency (“DC (second) FC”) election at which around 3.2 million eligible electors would elect five Members in the territory-wide constituency on a “one-person-one-vote” basis. For the DC (second) FC, only elected DC members can nominate candidates to stand for the election of the constituency. As for the District Council (first) functional constituency, only elected DC members can nominate candidates to stand for the election of the constituency and be nominated as a candidate for the election of the constituency. Also, the Chief Executive Election (Amendment) Ordinance 2011 enacted provides that only elected DC members can nominate candidates to stand for the elections of the Election Committee DC subsectors and be nominated as a candidate for the elections of the subsectors. As a result, the role of the appointed DC members in the LegCo and the Election Committee subsector elections will be changed. At the same time, the electoral arrangements for the LegCo and Election Committee subsectors enable more people who are committed to community services to join the DCs through the channel of election.

Chapter Three Proposal for the Abolition of the District Council Appointment System

Proposal for the Abolition of the District Council Appointment System

- 3.1 In light of the progress of the constitutional development and taking into account the public views, the Government announced on 14 September 2011 that the DC appointment system would be abolished in phases. As a start, in the fourth term of the DCs the appointed seats would be reduced by one-third, i.e. appointing only 68 members instead of 102 as in the previous three terms. As to the remaining 68 appointed seats, we are prepared to consider abolishing them over one term or two terms. How this issue should be dealt with would be open for public discussions after the DC election in November 2011.
- 3.2 The 34 seats which were reduced came from the 18 DCs respectively. The number of appointed seats in each DC was basically reduced by one-third. The composition of the fourth term of the DCs is at Annex III.
- 3.3 Views on the abolition differ within and outside the LegCo. There are views that the remaining 68 appointed seats should be abolished as soon as possible while others accept that the abolition could be implemented in phases.
- 3.4 As to whether the remaining 68 appointed seats should be abolished over one term or two terms, the Administration's inclination is to abolish them over one term. In other words, starting from the fifth term of the DCs which will commence operation on 1 January 2016, there will be no appointed seats. We consider that this is more compatible with the steps Hong Kong has taken in constitutional development, including the continued democratisation of the LegCo election and the changes in the role of appointed DC members in the LegCo election and the Election Committee for the CE election as mentioned in paragraph 2.14.
- 3.5 We shall examine the views collected during the public consultation before making a final decision on whether to adopt the proposal to abolish the seats over one term.

- 3.6 We have considered whether to increase the number of elected seats after the abolition of the appointed seats. We do not propose to do so because the number of elected seats and its increase is generally linked to the population. Currently, the number of elected seats is based on a population quota¹ (now stands at 17 282). That is to say, one elected member will be serving some 17 300 people. The ratio has been kept between 17 043 and 17 282 in all four terms of the DCs. We consider the existing population quota appropriate. Rapidly increasing the number of elected seats will mean a drastic decrease in the population to seat ratio and deviate from the well-established arrangement, which is undesirable. We shall continue to review the number of elected seats according to the increase in population.
- 3.7 We shall consider how to abolish the remaining 68 appointed seats after listening to the public views and decide on the way forward.

Views sought

- 3.8 We welcome views from members of the public on:
- (a) how to abolish the remaining 68 appointed seats (please refer to paragraph 3.4); and
 - (b) any other views on this issue.

Ways of providing views

- 3.9 Please send us your views by mail, facsimile or email on or before **20 April 2012**:

Address: Constitutional and Mainland Affairs Bureau
Central Government Offices, 12/F, East Wing
2 Tim Mei Avenue, Tamar
Hong Kong

Fax number: 2840 1976

¹ Section 17(1)(b) of the Electoral Affairs Commission Ordinance (Cap. 541) 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.

E-mail address: dcas_consultation@cmab.gov.hk

- 3.10 It is voluntary for any member of the public to supply his/her personal data upon providing views on this consultation paper. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to this exercise. The Government bureaux and departments receiving the data may only use the data for such purposes.
- 3.11 The names and views of individuals and organisations who/which put forth submissions in response to this consultation paper (“senders”) may be published for public viewing unless the senders indicate to remain anonymous and/or keep the views confidential in relation to their submissions. To safeguard senders’ data privacy, we will remove senders’ relevant data, such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.
- 3.12 Any senders providing personal data to this Bureau in the submission will have rights of access and correction with respect to such personal data. Any requests for data access and correction of personal data should be made in writing to:

Address: Assistant Secretary (2B)
Constitutional and Mainland Affairs Bureau
Central Government Offices, 12/F, East Wing
2 Tim Mei Avenue, Tamar
Hong Kong

Fax number: 2840 1976

E-mail address: dcas_consultation@cmab.gov.hk

Schedule 3 to the District Councils Ordinance

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[sections 5, 8, 9 & 11]

PART I

NUMBER OF ELECTED MEMBERS AND
APPOINTED MEMBERS

Item	District Council	Number of elected members	Number of appointed members
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5
4.	Kwun Tong District Council	35	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	17	4
10.	Islands District Council	10	4
11.	Kwai Tsing District Council	29	7
12.	North District Council	17	5
13.	Sai Kung District Council	24	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	31	7

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010)

PART II

RURAL COMMITTEES IN DISTRICTS

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
1.	Islands District	Islands District Council	8	Cheung Chau Rural Committee Lamma Island (North) Rural Committee Lamma Island (South) Rural Committee Mui Wo Rural Committee Peng Chau Rural Committee South Lantao Rural Committee Tai O Rural Committee Tung Chung Rural Committee Tsing Yi Rural Committee
2.	Kwai Tsing District	Kwai Tsing District Council	1	Tsing Yi Rural Committee
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tau Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwu Ling District Rural Committee
4.	Sai Kung District	Sai Kung District Council	2	Hang Hau Rural Committee Sai Kung Rural Committee
5.	Sha Tin District	Sha Tin District Council	1	Sha Tin Rural Committee
6.	Tai Po District	Tai Po District Council	2	Sai Kung North Rural Committee Tai Po Rural Committee
7.	Tsuen Wan District	Tsuen Wan District Council	2	Ma Wan Rural Committee Tsuen Wan Rural Committee
8.	Tuen Mun District	Tuen Mun District Council	1	Tuen Mun Rural Committee
9.	Yuen Long District	Yuen Long District Council	6	Ha Tsuen Rural Committee Kam Tin Rural Committee Pat Heung Rural Committee Ping Shan Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

Number of elected, appointed and ex officio members from the first term to the third term of the DCs

District Council	No. of seats in first term (2000-2003)			No. of seats in second term (2004-2007)			No. of seats in third term (2008-2011)		
	Elected	Appointed	Ex officio	Elected	Appointed	Ex officio	Elected	Appointed	Ex officio
1. Central and Western	15	4	-	15	4	-	15	4	-
2. Eastern	37	9	-	37	9	-	37	9	-
3. Kowloon City	22	5	-	22	5	-	22	5	-
4. Kwun Tong	34	8	-	34	8	-	34	8	-
5. Sham Shui Po	21	5	-	21	5	-	21	5	-
6. Southern	17	4	-	17	4	-	17	4	-
7. Wan Chai	11	3	-	11	3	-	11	3	-
8. Wong Tai Sin	25	6	-	25	6	-	25	6	-
9. Yau Tsim Mong	16	4	-	16	4	-	16	4	-
10. Islands	7	4	8	8	4	8	10	4	8
11. Kwai Tsing	28	7	1	28	7	1	28	7	1
12. North	16	5	4	16	5	4	16	5	4
13. Sai Kung	17	5	2	20	5	2	23	5	2
14. Sha Tin	36	9	1	36	9	1	36	9	1
15. Tai Po	19	5	2	19	5	2	19	5	2
16. Tsuen Wan	17	5	2	17	5	2	17	5	2
17. Tuen Mun	29	7	1	29	7	1	29	7	1
18. Yuen Long	23	7	6	29	7	6	29	7	6
	390	102	27	400	102	27	405	102	27

Annex III**Number of elected, appointed and ex officio members for
the fourth term of the DCs**

District Council	No. of Seats (2012-2015)		
	Elected	Appointed	Ex-officio
1. Central and Western	15	3 (-1)	-
2. Eastern	37	6 (-3)	-
3. Kowloon City	22	3 (-2)	-
4. Kwun Tong	35	5 (-3)	-
5. Sham Shui Po	21	3 (-2)	-
6. Southern	17	3 (-1)	-
7. Wan Chai	11	2 (-1)	-
8. Wong Tai Sin	25	4 (-2)	-
9. Yau Tsim Mong	17	3 (-1)	-
10. Islands	10	3 (-1)	8
11. Kwai Tsing	29	5 (-2)	1
12. North	17	3 (-2)	4
13. Sai Kung	24	3 (-2)	2
14. Sha Tin	36	6 (-3)	1
15. Tai Po	19	3 (-2)	2
16. Tsuen Wan	17	3 (-2)	2
17. Tuen Mun	29	5 (-2)	1
18. Yuen Long	31	5 (-2)	6
	412	68 (-34)	27