

Legislative Council Panel on Constitutional Affairs

Abolition of District Council Appointed Seats

PURPOSE

This paper seeks Members' views on the proposal to abolish all District Council (DC) appointed seats with effect from the fifth-term of the DCs which commences on 1 January 2016.

BACKGROUND

2. When the Administration put forth a constitutional reform package which proposed amendments to the methods for selecting the Chief Executive (CE) and for forming the Legislative Council (LegCo) in 2012, we undertook to put forth proposals concerning the abolition of the DC appointment system for consultation with the LegCo and the public. In September 2011, the Administration announced that the DC appointment system would be abolished in phases, and as a first step, reduced the number of appointed members for the fourth-term DCs commencing on 1 January 2012 by one-third.

3. For the remaining 68 appointed seats, the Administration issued the Consultation Paper on the DC Appointment System in February 2012 for a two-month public consultation as to whether the remaining appointed seats should be abolished over one term or two terms, in which we stated that our inclination was to abolish them over one term. On 26 June 2012, the Administration issued the Consultation Report on the DC Appointment System (the Consultation Report), reporting that the views received and the opinion polls conducted indicated that the community supported the abolition of all DC appointed seats over one term.

4. Having considered the public views obtained during the consultation exercise, the Administration now recommends that, with regard to the DC appointed seats -

- (a) all appointed seats should be abolished when the fifth-term of the DCs commences on 1 January 2016; and
- (b) an amendment bill for this purpose should be introduced into the LegCo in the first half of 2013.

5. Regarding the number of DC elected seats, the review of number of elected seats and adjustments to DCCAs, if required, will be considered in accordance with established practice, whereby the Administration will review the number of DC elected seats and the Electoral Affairs Commission (EAC) will conduct an exercise on the delineation of DCCAs on the basis of the latest population projections before the next DC election. Therefore, the number of elected seats of the DCs will not be adjusted in this legislative exercise.

6. Regarding the DC ex officio seats, the Administration understands that public opinions differ on whether to retain the ex officio seats in the DCs. Heung Yee Kuk, individuals and organisations from the New Territories support the retention of ex officio seats. On the other hand, some members of the public consider that the ex officio seats should be abolished in the light of democratic development. Since the public have yet to reach consensus on the matter, we are not going to deal with this issue in this legislative exercise. In other words, status quo will be maintained for DC ex officio seats.

LEGISLATIVE PROPOSAL

7. Accordingly, we would amend the District Councils Ordinance (DCO) (Cap. 547) to implement the abolition of DC appointed seats effective from 1 January 2016. The amendment bill will remove all references to appointed seats, including its status as a component of the DCs, the appointment power of the CE, and the specified maximum number of appointed seats currently provided for in the DCO. Consequential amendments to the EAC regulations will also be proposed.

LEGISLATIVE TIMETABLE

8. Our aim is to introduce the amendment bill into the LegCo in the first quarter of 2013.

WAY FORWARD

9. Members are invited to note and comment on the proposal to abolish the DC elected seats effective from 1 January 2016 by legislative means.