

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance
(Chapter 542)

**DECLARATION OF GEOGRAPHICAL CONSTITUENCIES
(LEGISLATIVE COUNCIL) ORDER 2003**

INTRODUCTION

At the meeting of the Executive Council on 7 October 2003, the Council ADVISED and the Chief Executive (CE) ORDERED that the Declaration of Geographical Constituencies (Legislative Council) Order 2003, at **Annex A**, should be made under sections 18 and 19 of the Legislative Council Ordinance (LegCo Ordinance).

JUSTIFICATIONS

The Electoral Affairs Commission Report

Statutory Requirements

2. Under section 4(a) of the Electoral Affairs Commission Ordinance (EAC Ordinance), one of the functions of the Electoral Affairs Commission (EAC) is to consider or review the boundaries of geographical constituencies (GCs) for the purpose of making recommendations as to the delineation and names of GCs for a Legislative Council (LegCo) general election.

3. The EAC is required under section 18 of the EAC Ordinance to submit a report to the CE on its recommendations for the GCs not more than 36 months from the preceding LegCo general election. As the last LegCo general election was held on 10 September 2000, the EAC should submit its report with recommendations for the 2004 LegCo election to the CE by 9 September 2003.

4. In making recommendations on the delineation of GCs, the EAC is bound by certain provisions under the EAC Ordinance and the LegCo Ordinance. The combined effect of the relevant provisions of these two Ordinances is as follows –

- (a) there are to be five GCs (section 18 of the LegCo Ordinance);
- (b) 30 Members are to be returned for all GCs, and each GC is to have four to eight elected Members (section 19 of the LegCo Ordinance);
- (c) the extent of each proposed GC 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^(Note 1) is multiplied by the number of members to be returned to the LegCo by that GC pursuant to any electoral law. Where it is not practicable to comply with this requirement, the population in that constituency should not exceed or fall short of the resulting number applicable to that constituency by more than 15% (section 20(1)(a) and (b) of the EAC Ordinance);
- (d) the EAC may depart from the strict application of (c) above only where it appears that one or more of the considerations provided in section 20(3) of the EAC Ordinance (i.e. community identities, preservation of local ties, and physical features such as size, shape, accessibility and development of the relevant area) renders a departure necessary or desirable (section 20(5) of the EAC Ordinance);
- (e) each proposed GC is to be constituted by two or more contiguous whole District Council constituencies (DCCs) (section 20(2) of the EAC Ordinance); and
- (f) the EAC should have regard to the existing boundaries of Districts specified under the District Councils Ordinance and the existing boundaries of GCs (section 20(4) of the EAC Ordinance).

^(Note 1) Population quota means the total population of Hong Kong divided by the total number of members to be returned for all GCs in the election.

Relevant extracts from the EAC Ordinance and the LegCo Ordinance are at **Annexes B and C** respectively.

Provisional Recommendations of the EAC

(A) Working principles (paragraph 2.5 of the EAC Report)

5. In making its provisional recommendations, a primary consideration of the EAC was to ensure that the population criterion was complied with. Based on the forecast figures provided by an inter-departmental working group chaired by Planning Department, the population of Hong Kong as at the end of June 2004 will be 6 957 700. With 30 GC seats, the population quota is 231 923. The permissible range of population for multi-seat GCs based on a $\pm 15\%$ deviation is as follows –

	Lower end (-15% Deviation)	Upper end (+15% Deviation)
Four-seat GC	788 538	1 066 846
Five-seat GC	985 673	1 333 557
Six-seat GC	1 182 807	1 600 269
Seven-seat GC	1 379 942	1 866 980
Eight-seat GC	1 577 076	2 133 692

6. Apart from observing the statutory requirements in paragraph 4 above, the EAC adopted a number of working principles when arriving at its provisional recommendations, including the following –

- (a) the boundaries of the existing five GCs should form the basis of consideration in the current demarcation exercise;
- (b) for existing GCs where the population falls within the permissible range of the population quota requirement, their boundaries will be adopted as far as possible to form new GCs;
- (c) Hong Kong Island, Kowloon and the New Territories are to be treated separately, as these areas have been regarded as distinct from one another;

- (d) splitting of districts by DCCs should be avoided unless there are very strong reasons for doing so. Where splitting is necessary, it should affect the least number of districts; and
- (e) matters relating to maintaining political influence or advantage will not be considered.

A summary of the EAC's provisional recommendations is as follows -

<u>Name of GC</u>	<u>Projected Population as at 30.6.2004</u>	<u>Seats^(Note 2) Entitled</u>	<u>Seats Proposed (Seats in 2000)</u>	<u>Population Deviation</u>
Hong Kong Island <i>(Central and Western, Wan Chai, Eastern and Southern)</i>	1 274 600	5.496	6 (5)	-8.40%
Kowloon West <i>(Yau Tsim Mong, Sham Shui Po and Kowloon City)</i>	999 600	4.310	4 (4)	+7.75%
Kowloon East <i>(Wong Tai Sin and Kwun Tong)</i>	1 034 300	4.460	5 (4)	-10.81%
New Territories West <i>(Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands)</i>	2 004 300	8.642	8 (6)	+8.03%
New Territories East <i>(North, Tai Po, Sha Tin and Sai Kung)</i>	1 644 900	7.092	7 (5)	+1.32%
Total	6 957 700	-	30 (24)	7.26% <i>(Mean Deviation)</i>

(Note 2) Seats entitled for each GC is calculated as follows :
 - seats entitled = projected population in a GC ÷ population quota
 - population quota = 6 957 700 ÷ 30 = 231 923

Under the above recommendations, the boundaries of the existing five GCs will remain unchanged. Hong Kong Island and Kowloon East will each have one additional seat; New Territories West and New Territories East will each have two additional seats, whilst no change is recommended for Kowloon West. The deviation from the resulting number in each GC is well within the $\pm 15\%$ statutory allowance.

(B) Other options (paragraphs 2.17 to 2.23 of the EAC Report)

7. The EAC had also explored 14 other delineation options. Their resultant distribution of seats and range of deviation from the resulting numbers are shown in **Annex D**.

8. The EAC considered that these options were either not feasible because the resultant distribution of seats would exceed the statutory limit of four to eight seats per constituency (options 6 to 14), or were not desirable because the resultant population figures would not be closer to the resulting numbers (options 1, 2, 3 and 5). Under some options, the population deviation would even exceed the permissible range of 15% (options 6 and 13).

9. There was only one option (option 4) which could yield a slightly smaller range of deviation, and would thus bring about a marginal improvement in the overall population distribution among the GCs. However, under this option, Sai Kung district would come under the Kowloon East constituency which comprised Wong Tai Sin and Kwun Tong districts. The EAC noted that although the Tseung Kwan O new town area of Sai Kung district might bear some resemblance to the urban districts of Kowloon East, a substantial part of Sai Kung consisted of rural areas which differed greatly from the urbanized Kowloon East. Having regard to the statutory criterion of preservation of community identities and local ties and the very slight improvement in deviation figures this option could bring about, the EAC decided not to recommend this.

(C) Public consultation (paragraphs 3.1 to 4.12 of the EAC Report)

10. As required by section 19 of the EAC Ordinance, the EAC conducted a public consultation exercise on its provisional recommendations for a period of 30 days from 15 July to 13 August 2003. During this period, members of the public could send their representations in writing to EAC. A forum was also held on 7 August 2003 at which members of the public could attend and express their views to EAC direct. In total, the EAC received ten written representations (including one which was received before the commencement of the public consultation). At the forum, seven persons

turned up; five of them expressed their views on the provisional recommendations. The original texts of the written representations are contained in Appendix V of Volume 1 of the EAC Report. Summaries of the written and oral representations are shown in Appendix VI of the same volume.

11. Among the representations received, seven supported the EAC's provisional recommendations. Some of the remaining representations offered alternative suggestions on the number of GCs to be delineated, and/or the number of LegCo Members to be returned in each GC. Others proposed to re-delineate the boundaries of some GCs, such as by transferring a New Territories district to a GC in either Hong Kong or Kowloon, so as to even out the population in the GCs concerned. After consideration, the EAC decided that the representations should not be accepted for one or more of the following reasons: the proposal would not fit in with the statutory framework, the resultant population would yield a greater range of deviation, would have adverse effect on the community identities and local ties, and would likely cause confusion to the public.

Final Recommendations of the EAC (paragraph 4.13 of the EAC Report)

12. Having considered all the public representations, the EAC decided not to make any change to its provisional recommendations, which became its final recommendations.

13. The EAC submitted its final recommendations to the CE on 8 September 2003. The main text of the report is at **Annex E**. We will provide each LegCo Member separately with a set of the full report.

THE ORDER

14. The Government considers that the EAC has done a thorough job in full compliance with the statutory requirements and has given careful consideration to the public views received. The EAC has endeavoured to strike a proper and fair balance between the expressed wishes of the public on the one hand, and the various statutory criteria on the other. Having considered these factors and the EAC Report, the CE in Council made the Declaration of Geographical Constituencies (Legislative Council) Order 2003 on 7 October 2003 under sections 18 and 19 of the LegCo Ordinance. The Order has to be tabled in LegCo for negative vetting. Under section 23 of the EAC Ordinance, the Administration is also required to table the EAC Report in LegCo within 30 days of its submission to the CE, or if this 30-day period expires after the end of a session or a dissolution of LegCo, and before the day

of its second meeting in the next following session, that period shall be extended and expire on the day after such second meeting.

LEGISLATIVE TIMETABLE

15. The legislative timetable will be as follows –

Publication in the Gazette	10 October 2003
Tabling in LegCo	15 October 2003

We will also table the EAC Report in LegCo on 15 October 2003.

IMPLICATIONS OF THE ORDER

16. The Order is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the relevant Ordinances and existing Regulations. The Order has no additional financial implications. It has no economic, civil service, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

17. The provisional recommendations of the EAC were well publicized during the consultation period. Details are set out in paragraphs 10 to 11 above.

PUBLICITY

18. A press release has been issued to announce the publication of the Order in the Gazette. A spokesman will be available for answering media enquiries.

ENQUIRY

19. Any enquiries on the brief should be addressed to Mr Raymond TAM, Principal Assistant Secretary (Constitutional Affairs) 5, on 2810 2852.

Constitutional Affairs Bureau
October 2003

File Ref : CAB C1/30/8

VK736

**DECLARATION OF GEOGRAPHICAL CONSTITUENCIES
(LEGISLATIVE COUNCIL) ORDER 2003**

(Made by the Chief Executive in Council under sections 18 and 19 of
the Legislative Council Ordinance (Cap. 542))

1. Commencement

This Order shall come into operation on 1 January 2004.

2. Interpretation

In this Order –

“approved map” (獲批准地圖) means the map or maps –

- (a) specified in column 4 of the Schedule;
- (b) identified by a plan number (Plan No.) prefixed with the letters “LCCA”;
- (c) submitted together with the report referred to in section 18(1)(a) of the Electoral Affairs Commission Ordinance (Cap. 541) by the Electoral Affairs Commission to the Chief Executive on 8 September 2003;
- (d) approved by the Chief Executive in Council on 7 October 2003; and
- (e) kept at the office of the Electoral Registration Officer;

“area code” (地區代號), in relation to an area declared to be a geographical constituency in this Order, means the code –

- (a) mentioned opposite to that area in column 3 of the Schedule;
- (b) consisting of a number prefixed with the letters “LC”; and
- (c) coloured red in the relevant approved map and described as “Recommended 2004 Legislative Council Constituency Area Code” in the legend of that map;

“constituency boundary” (選區分界), in relation to an area declared to be a geographical constituency in this Order, means the boundary represented in the relevant approved map by the unbroken edging coloured red delineating that area and described as “Recommended 2004 Legislative Council Constituency Area Boundary (coincides with District Boundary)” in the legend of that map.

3. Declaration of Legislative Council geographical constituencies

(1) Each area named in column 2 of the Schedule and delineated on the approved map mentioned in column 4 of the Schedule opposite to the name of that area is declared to be a geographical constituency for the purpose of an election to elect Members for the third term of office of the Legislative Council.

(2) The name of the geographical constituency declared under subsection (1) is specified in column 5 of the Schedule opposite to the name of the area.

4. Number of Members to be returned for each geographical constituency

For each area declared to be a geographical constituency in this Order, the number of Members to be returned at the general election for the third term of office of the Legislative Council is specified in column 6 of the Schedule opposite to the name of the geographical constituency.

SCHEDULE

[ss. 2, 3 & 4]

Item	Name of Area	Area Code	Delineation of Area	Name of Constituency	Number of Members
1.	Hong Kong Island	LC1	That area delineated by the constituency boundary on the	Hong Kong Island	6

approved map identified as Plan No. LCCA/R/2004/HK and marked with the names Central & Western District, Wan Chai District, Eastern District and Southern District.

- | | | | | | |
|----|----------------------|-----|---|----------------------|---|
| 2. | Kowloon West | LC2 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2004/KLN-W&E and marked with the names Yau Tsim Mong District, Sham Shui Po District and Kowloon City District. | Kowloon West | 4 |
| 3. | Kowloon East | LC3 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2004/KLN-W&E and marked with the names Wong Tai Sin District and Kwun Tong District. | Kowloon East | 5 |
| 4. | New Territories West | LC4 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2004/NT-W and marked with the names | New Territories West | 8 |

Tsuen Wan District, Tuen Mun District, Yuen Long District, Kwai Tsing District and Islands District.

5.	New Territories East	LC5	That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2004/NT-E and marked with the names North District, Tai Po District, Sha Tin District and Sai Kung District.	New Territories East	7
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Clerk to the Executive Council

COUNCIL CHAMBER

2003

Explanatory Note

This Order declares areas of Hong Kong to be geographical constituencies for the purpose of an election to elect Members for the third term of office of the Legislative Council, gives names to those constituencies, and specifies the

number of Legislative Council Members to be returned for each of those constituencies.

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Section of Enactment

Chapter:	541	Title:	ELECTORAL AFFAIRS COMMISSION ORDINANCE	Gazette Number:	L.N. 187 of 2001
Section:	4	Heading:	Functions of Commission	Version Date:	21/09/2001

PART III

FUNCTIONS, POWER AND DUTIES OF COMMISSION

The functions of the Commission are-

- (a) to consider or review the boundaries of geographical constituencies or District Council constituencies, as the case may be, for the purpose of making recommendations under Part V; (Amended 8 of 1999 s. 89)
- (b) to be responsible for the conduct and supervision of elections;
- (c) to be responsible for the conduct and supervision of the process for the formation of, and for filling vacancies in the membership of, the Election Committee; (Amended 21 of 2001 s. 56)
- (d) without limiting of generality of paragraphs (b) and (c), to-
 - (i) supervise the registration of electors;
 - (ii) regulate the procedure at an election; and
 - (iii) conduct or supervise promotional activities relating to registration of electors;
- (e) to keep under review the matters referred to in paragraphs (b), (c) and (d);
- (f) to report to the Chief Executive on any matter relating to elections and any process for the formation of, and for filling vacancies in the membership of, the Election Committee; (Amended 21 of 2001 s. 56)
- (g) to perform any other function it may perform or is required to perform under this or any other Ordinance; and
- (h) to generally make arrangements, take such steps or do such other things as it considers appropriate for the purpose of ensuring that elections and any process referred to in paragraph (c) are conducted openly, honestly and fairly.

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Section of Enactment



Chapter:	541	Title:	ELECTORAL AFFAIRS COMMISSION ORDINANCE	Gazette Number:	L.N. 210 of 1999
Section:	18	Heading:	Report on boundaries	Version Date:	30/07/1999

(1) The Commission shall submit to the Chief Executive, in accordance with this section, in relation to-

- (a) a general election, a report containing recommendations for the delineation of geographical constituencies and the name proposed by the Commission for each constituency; and
- (b) an ordinary election, a report containing recommendations as to the delineation of District Council constituencies and the name proposed by the Commission for each constituency. (Replaced 8 of 1999 s. 89)

(1A) A report under subsection (1) must contain-

- (a) the reasons for the recommendations; and
- (b) without limiting the generality of paragraph (a), where the Commission departs from the strict application of section 20(1)(b) or (d) pursuant to section 20(5), an explanation relating to such departure; and
- (c) where the Commission receives representations under section 19(4), the representations, or a summary of them, as the Commission considers appropriate in each case. (Added 8 of 1999 s. 89)

(2) The recommendations under subsection (1) shall be made with reference to a map or maps-

- (a) showing the demarcation of the boundaries of each proposed geographical constituency or District Council constituency, as the case may be; (Amended 8 of 1999 s. 89)
- (b) supplemented, where the Commission considers it appropriate, by a description, whether by reference to the map or maps, or otherwise of any boundary shown on such map or maps,

which shall be submitted with the report.

(3) A report referred to in subsection (1) shall be submitted-

- (a) in respect of-
 - (i) the general election for the second term of office of the Legislative Council, not later than 31 October 1999; and
 - (ii) subsequent general elections, at intervals of not more than 36 months from the preceding general election; and (Replaced 48 of 1999 s. 52)
- (b) in respect of-
 - (i) the first ordinary election to be held under the District Councils Ordinance (Cap 547), not later than 31 May 1999; and
 - (ii) subsequent ordinary elections, at intervals of not more than 36 months from the preceding ordinary election. (Replaced 8 of 1999 s. 89)

(4) The Chief Executive may extend the period referred to in subsection (3)(a)(i) or (b)(i), or in any particular case, the period referred to in subsection (3)(a)(ii) or (b)(ii). (Amended 8 of 1999 s. 89; 48 of 1999 s. 52)

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Section of Enactment

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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Section of Enactment

Chapter: Section:	542 18	Title: Heading:	LEGISLATIVE COUNCIL ORDINANCE Establishment of geographical constituencies	Gazette Number: Version Date:	L.N. 189 of 2003 11/07/2003
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Remarks:

The following amendments come into operation on 11 July 2003 for the purpose only of enabling arrangements to be made for the general election that is to be held for electing Members for the third term of office of the Legislative Council:

"Section 18(1) is repealed and the following substituted-

"(1) There are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies.".

PART III

ESTABLISHMENT OF CONSTITUENCIES

(1) For the second term of office of the Legislative Council, there are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies. (Amended 48 of 1999 s. 10)

(2) The Chief Executive in Council may, by order published in the Gazette-

- (a) declare areas of Hong Kong to be geographical constituencies; and
- (b) give names to those constituencies.

(3) When making an order under this section, the Chief Executive in Council must have regard to the recommendations made by the Electoral Affairs Commission in the last report of the Commission submitted in accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap 541) for the purposes of the general election to which the order relates.

(4) If an order under this section refers to a map that defines the area of a geographical constituency, the Electoral Registration Officer must ensure that at least one copy of the map is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office.

(5) No charge is payable by a member of the public who wishes to inspect a copy of the map.

(6) A map certified by the Electoral Registration Officer as a true copy of a map that defines the area of a geographical constituency is conclusive evidence of the area of the constituency.

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Chapter: Section:	542 19	Title: Heading:	LEGISLATIVE COUNCIL ORDINANCE Number of Members to be returned for geographical constituency	Gazette Number: Version Date:	L.N. 189 of 2003 11/07/2003
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Remarks:

The following amendments come into operation on 11 July 2003 for the purpose only of enabling arrangements to be made for the general election that is to be held for electing Members for the third term of office of the Legislative Council:

"Section 19 is repealed and the following substituted-

**"19. Number of Members to be returned for
geographical constituency**

- (1) At a general election, 30 Members are to be returned for all geographical constituencies.
(2) The number of Members to be returned for each geographical constituency is to be a number, not less than 4 nor greater than 8, specified in the order declaring the area of the constituency in accordance with section 18(2).".

- (1) For the second term of office of the Legislative Council, 24 Members are to be returned for all geographical constituencies.
(2) The number of Members to be returned for each geographical constituency at the general election for the second term of office of the Legislative Council is to be a number, not less than 4 nor greater than 6, specified in the order declaring the area of constituency in accordance with section 18(2).
(Replaced 48 of 1999 s. 11)

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Analysis of Other Options**(A) Feasible but not desirable options***Option 1

(LC 2 (KW) + Kwai Tsing from the existing LC 4 (NTW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	1,518,200	7	-6.48%
LC 3 (KE)	1,034,300	4	+11.49%
LC 4 (NTW)	1,485,700	6	+6.77%
LC 5 (NTE)	1,644,900	7	+1.32%

Option 2

(LC 2 (KW) + Sha Tin from the existing LC 5 (NTE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	1,638,900	7	+0.95%
LC 3 (KE)	1,034,300	5	-10.81%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,005,600	4	+8.40%

Option 3

(LC 3 (KE) + Sha Tin from the existing LC 5 (NTE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	1,673,600	7	+3.09%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,005,600	5	-13.28%

Option 4

(LC 3 (KE) + Sai Kung from the existing LC 5 (NTE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	1,437,200	6	+3.28%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,242,000	6	-10.75%

Option 5

(LC 5 (NTE) + Tsuen Wan from the existing LC 4 (NTW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	1,034,300	4	+11.49%
LC 4 (NTW)	1,732,600	8	-6.62%
LC 5 (NTE)	1,916,600	8	+3.30%

* Denotes options that are *feasible* (ie with resultant number of seats and deviation within the statutory requirement), *but not desirable* as the resultant population figures are not closer to the resulting numbers than the proposed delineation, or can only bring about marginal improvement in deviation figures while changing the existing boundaries of constituencies.

(B) Infeasible options[#]**Option 6**

(LC 2 (KW) + Wong Tai Sin from the existing LC 3 (KE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	1,448,700	6	+4.11%
LC 3 (KE)	585,200	3	-15.89%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,644,900	7	+1.32%

Option 7

(LC 2 (KW) + Kwun Tong from the existing LC 3 (KE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	1,584,800	7	-2.38%
LC 3 (KE)	449,100	2	-3.18%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,644,900	7	+1.32%

Option 8

(LC 3 (KE) + Kowloon City from the existing LC 2 (KW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	628,800	3	-9.63%
LC 3 (KE)	1,405,100	6	+0.97%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	1,644,900	7	+1.32%

Option 9

(LC 5 (NTE) + Yuen Long from the existing LC 4 (NTW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	1,034,300	5	-10.81%
LC 4 (NTW)	1,447,300	6	+4.01%
LC 5 (NTE)	2,201,900	9	+5.49%

Option 10

(LC 5 (NTE) + Kwai Tsing from the existing LC 4 (NTW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	1,034,300	5	-10.81%
LC 4 (NTW)	1,485,700	6	+6.77%
LC 5 (NTE)	2,163,500	9	+3.65%

Option 11

(LC 5 (NTE) + Sham Shui Po from the existing LC 2 (KW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	642,900	3	-7.60%
LC 3 (KE)	1,034,300	5	-10.81%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	2,001,600	8	+7.88%

Option 12

(LC 5 (NTE) + Kowloon City from the existing LC 2 (KW))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	628,800	3	-9.63%
LC 3 (KE)	1,034,300	5	-10.81%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	2,015,700	8	+8.64%

Option 13

(LC 5 (NTE) + Wong Tai Sin from the existing LC 3 (KE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	4	+7.75%
LC 3 (KE)	585,200	3	-15.89%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	2,094,000	9	+0.32%

Option 14

(LC 5 (NTE) + Kwun Tong from the existing LC 3 (KE))

<i>Constituency</i>	<i>Population</i>	<i>No. of Seats</i>	<i>Deviation</i>
LC 1 (HKI)	1,274,600	6	-8.40%
LC 2 (KW)	999,600	5	-13.80%
LC 3 (KE)	449,100	2	-3.18%
LC 4 (NTW)	2,004,300	8	+8.03%
LC 5 (NTE)	2,230,100	9	+6.84%

Denotes options that are *infeasible* because their resultant distribution of seats exceeds the statutory limit of 4 to 8 seats, and the population deviation in some of them even exceeds the permissible range of 15%.

Note:

HKI : Hong Kong Island

KW : Kowloon West

KE : Kowloon East

NTW : New Territories West

NTE : New Territories East

CHAPTER 1

INTRODUCTION

Section 1 : The Electoral Affairs Commission

1.1 The Electoral Affairs Commission (“EAC” or “Commission”) is an independent and apolitical body established under section 3 of the Electoral Affairs Commission Ordinance (“EACO”) (Chapter 541 of the Laws of Hong Kong), with the primary objective of upholding fairness and openness in public elections.

Section 2 : Responsibility of the Commission

1.2 Under section 4(a) of the EACO, one of the functions of the Commission is to consider and review the boundaries of Legislative Council geographical constituencies (“GCs”) for the purpose of making recommendations as to the boundaries and names of GCs for a Legislative Council (“LegCo”) general election.

1.3 For the 2004 LegCo Elections, the EAC is required to submit to the Chief Executive of the Hong Kong Special Administrative Region a report on the recommendations for the delineation of the GCs and the names proposed for each constituency by 9 September 2003, ie not more than 36 months from the preceding general election held on 10 September 2000, as stipulated in section 18 of the EACO.

Section 3 : Scope of the Report

1.4 The scope and content of this report are based on the requirements stipulated under section 18 of the EACO. The report is published in two volumes. **Volume 1** primarily describes how the proposed delineation of the boundaries of GCs is worked out and sets out the Commission's recommendations on the boundaries and the names of the GCs with the reasons for its recommendations. It also includes a complete record of all the written and oral representations made to the Commission. **Volume 2** contains the list of recommended GCs and maps showing the recommended boundaries and names of the GCs.

CHAPTER 2

DELINEATION OF CONSTITUENCIES

Section 1 : Basis of Delineation

2.1 The proposed delineation of GCs for the 2004 LegCo Elections is drawn up on the basis of –

- (a) the number of GCs and Members to be returned as stipulated in the LegCo (Amendment) Ordinance 2003 detailed in paragraph 2.2 below;
- (b) the statutory criteria set out in paragraphs 2.3 and 2.4; and
- (c) the working principles set out in paragraphs 2.5 and 2.7.

Section 2 : Number of Geographical Constituencies and Members to be Returned

2.2 The Basic Law stipulates that the number of Members of the LegCo to be returned by GCs through direct elections is to be increased from 24 to 30 for the 2004 LegCo Elections. Against this background, sections 18(1) and 19(1)–(2) of the LegCo Ordinance (Cap. 542) were repealed and substituted by the following under the LegCo (Amendment) Ordinance 2003:

- (a) There are to be **5 GCs** for the purpose of returning Members at elections for those constituencies.
- (b) At a general election, **30 Members** are to be returned for all GCs.
- (c) The number of Members to be returned for each GC is to be a number, **not less than 4 nor greater than 8**, specified in the order declaring the area of the constituency.

Section 3 : Statutory Criteria

2.3 In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the statutory criteria stipulated in section 20 of the EACO. These criteria are-

- (a) to **ensure** that the extent of each proposed GC is such that the population in that constituency is **as near as is practicable** to the number which results (ie “ the **resulting number**”), when the population quota is multiplied by the number of members to be returned to the LegCo by that GC pursuant to any electoral law [section 20(1)(a)];
- (b) where it is not practicable to comply with paragraph (a) in respect of a proposed GC, to 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% [section 20(1)(b)];

(c) to ensure that each proposed GC is to be constituted by 2 or more contiguous whole District Council constituencies [section 20(2)]; and

(d) the Commission may depart from the strict application of (a) and (b) only where it appears that a consideration referred to in paragraph 2.4 (a) or (b) below renders such a departure necessary or desirable [section 20(5)].

2.4 In making such recommendations, the EAC shall also **have regard to –**

(a) community identities and the preservation of local ties [section 20(3)(a)];

(b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof [section 20(3)(b)];

(c) existing boundaries of districts [section 20(4)(a)]; and

(d) existing boundaries of GCs [section 20(4)(b)].

Section 4 : Working Principles

2.5 Apart from the statutory criteria set out above, the Commission also adopted the following working principles for the current demarcation exercise -

- (a) the boundaries of the existing 5 GCs should form the basis of consideration in the current demarcation exercise;
- (b) for those existing GCs where the population falls within the permissible range of the population quota requirement, their boundaries will be adopted as far as possible to form new Legislative Council Constituency Areas (“LCCAs”);
- (c) Hong Kong Island, Kowloon and the New Territories are to be treated separately, as these areas have been regarded as distinct from one another;
- (d) splitting of districts by District Council Constituency Areas (“DCCAs”) should be avoided unless there are very strong reasons for doing so. Where splitting is necessary, it should affect the least number of districts; and
- (e) matters relating to maintaining political influence or advantage will not be considered.

2.6 The criteria and working principles mentioned above were also adopted for the demarcation exercise for the 1998 and 2000 LegCo Elections.

2.7 In determining the name and code reference for the GCs, the Commission considers that the name of GCs should comprise two easily distinguished components – the name of the area in which the GC is situated and a directional reference similar to those employed for the existing GCs (Hong Kong Island, Kowloon West, Kowloon East, New Territories West and New Territories East). The GCs are distinguished by a code and numbering system with a prefix “LC” denoting LegCo following by a number starting from “1” and ending at “5”. The numbering was arranged from south to north and from west to east. The Commission hopes that by adopting this naming and coding system, anyone who consults the maps will find it easier to understand them and locate the constituency areas. These methods were also adopted in the demarcation exercise for the 1998 and 2000 LegCo Elections.

Section 5 : Population Forecasts

2.8 As required under section 20(6) of the EACO, the Commission shall endeavour to estimate the total population of Hong Kong or any proposed GC in the year in which the election is to be held for the purpose of making recommendations on the delineation of GCs. If it is not practicable to do so, the Commission shall estimate the population of Hong Kong or the GC by having regard to the available information which is the best possible

in the circumstances.

2.9 An Ad Hoc Subgroup (“AHSG”), formed under the Working Group on Population Distribution Projections set up in the Planning Department (“PlanD”), took up the primary task of providing the Commission with the necessary population forecasts, the most essential information required for the conduct of the exercise. The AHSG was chaired by an Assistant Director of the PlanD and comprised representatives from a number of bureaux and departments, including the Constitutional Affairs Bureau (“CAB”), Financial Services and the Treasury Bureau, Census and Statistics Department, Home Affairs Department (“HAD”), Housing Department, Lands Department (“LandsD”), Marine Department, Rating and Valuation Department and the Registration and Electoral Office (“REO”). To enhance the accuracy of the result produced, the AHSG was requested to project the population distribution figures at a date as close to the election date as practicable. The AHSG therefore provided a report with population forecast as at **30 June 2004**, assuming that the LegCo general election would be held in September 2004. The term of reference and membership of the AHSG is at **Appendix I**.

2.10 The report prepared by the AHSG, which provides forecasts of population of Hong Kong down to DCCA level, estimates that the total population of the territory will be 6,957,700 as at 30 June 2004. The population figures in the report are adopted by the Commission for delineation of GC boundaries, and the *population quota (the total population of Hong Kong divided by the total number of Members to be returned for*

all GCs, ie 6,957,700 ÷ 30) is **231,923** for the purpose of this demarcation exercise as defined in section 17(1) of the EACO.

Section 6 : The Process of Delineation

2.11 Upon receipt of the forecast population figures from the AHSG in April 2003, the REO started to draw up preliminary proposed delineations of GCs, by grouping DCCAs, being the building blocks of LegCo GCs, in an appropriate manner to form each of the required 5 LCCAs. The REO then presented the preliminary proposals to the Commission for consideration.

2.12 The Commission considers that the best way to start is to adopt the boundaries of the existing GCs to see if the results will satisfy the statutory criteria and the working principles stated in paragraphs 2.3 – 2.5 above. This approach has the benefit of maintaining the existing boundaries to which electors have long grown accustomed since 1998. Unless there are overriding reasons such as a vastly excessive deviation from the population quota to justify a deviation, electors will not have to adjust themselves to a new GC as a result of a change in the boundaries.

2.13 The forecast population provided in the AHSG's report for the 5 existing GCs are as follows –

<u>Name of Existing GC and Code</u>	<u>Population</u>
Hong Kong Island ¹ (LC 1)	1,274,600
Kowloon West ² (LC 2)	999,600
Kowloon East ³ (LC 3)	1,034,300
New Territories West ⁴ (LC 4)	2,004,300
New Territories East ⁵ (LC 5)	1,644,900

2.14 The number of seats for each GC obtained by dividing the above forecast population individually by the population quota, ie 231,923 (paragraph 2.10 refers), are as follows –

<u>GC</u>	<u>Number of Seats</u>
Hong Kong Island (LC 1)	5.496
Kowloon West (LC 2)	4.310
Kowloon East (LC 3)	4.460
New Territories West (LC 4)	8.642
New Territories East (LC 5)	7.092
<hr/>	
Total:	28 (excluding decimal places)

Taking into account the integral number of seats, the 5 GCs take up a total of 28 seats in the first instance. The 2 remaining seats are then allocated to the 2 GCs with the largest remainder. However, as New Territories West (LC 4)

¹ The GC of Hong Kong Island comprises the districts of Central & Western, Wan Chai, Eastern and Southern.

² The GC of Kowloon West comprises the districts of Yau Tsim Mong, Sham Shui Po and Kowloon City.

³ The GC of Kowloon East comprises the districts of Wong Tai Sin and Kwun Tong.

⁴ The GC of New Territories West comprises the districts of Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands.

⁵ The GC of New Territories East comprises the districts of North, Tai Po, Sha Tin and Sai Kung.

which has the largest remainder has already been allocated with 8 seats, ie the maximum number of seats allowed for a GC under the LegCo (Amendment) Ordinance 2003, the 2 remaining seats are allocated to the 2 GCs with the second and third largest remainder, ie Hong Kong Island and Kowloon East. The resulting distribution is as follows –

<u>LCCA</u>	<u>Number of Seats</u>	<u>Deviation from the resulting number</u>
Hong Kong Island (LC 1)	6	-8.40%
Kowloon West (LC 2)	4	+7.75%
Kowloon East (LC 3)	5	-10.81%
New Territories West (LC 4)	8	+8.03%
New Territories East (LC 5)	7	+1.32%
	30	
Total:	30	

Details of the calculation are shown in **Appendix II**.

2.15 The Commission finds that by adopting the boundaries of the existing GCs as the boundaries for the 2004 LCCAs, all the statutory criteria and the working principles at paragraphs 2.2 - 2.5 above can be fulfilled. By comparing with the number of seats allocated to each GC for the 2000 LegCo Elections, the LCCAs of Hong Kong Island and Kowloon East will each obtain one additional seat, while New Territories West and New Territories East will each obtain two more seats.

2.16 As the boundaries of the GCs are proposed to remain unchanged,

the Commission considers it appropriate that the existing names and codes for the 5 GCs be adopted for the 5 LCCAs.

Section 7 : Other Options

Delineation of GC boundaries by districts

2.17 Apart from the proposed delineation above, the Commission has also explored a number of options for delineation. The various options of allowing an existing GC to take in a contiguous district from another GC or to give up a district to another GC with a view to achieving a better population distribution have been considered.

2.18 Fourteen options have been identified using the same method of calculation described in paragraphs 2.13 to 2.14 above. Their resultant distribution of seats and range of deviation from the resulting numbers are shown in **Appendix III**.

2.19 The calculations show that these options are either not feasible because the resultant distribution of seats exceeds the statutory limit of four to eight seats per constituency as stipulated in the LegCo (Amendment) Ordinance 2003 (ie options 6 to 14), or not desirable because the resultant population figures are not closer to the resulting numbers (ie options 1, 2, 3 and 5). The population deviation in some options even exceeds the permissible range of 15% (ie options 6 and 13).

2.20 There is only one option (ie option 4) which can yield a smaller range of deviation (“+8.03% to –10.75%” as compared with “+8.03% to –10.81%” under the proposed delineation in paragraph 2.14), and bring about an improvement in the overall population distribution among the LCCAs. However, under this option, Sai Kung district will be taken by the LCCA of Kowloon East which comprises Wong Tai Sin and Kwun Tong districts. Although the Tseung Kwan O new town area of Sai Kung may bear some resemblance to the urban districts of Kowloon East, a substantial part of Sai Kung consists of rural area the community identity of which greatly differs from the urbanized Kowloon East. Statistically, the population figures under the option is only marginally better than the proposed combination, as its lowest value of –10.75% is only 0.06 less than the lowest value (-10.81%) of the proposed one, while their highest values are the same (+8.03%).

2.21 On balance, the Commission does not recommend this option, having regard to the statutory criterion of preservation of community identities and local ties. It is also considered not desirable to adopt an option which will involve changes to the existing boundaries of the districts and the GCs taking into account the very slight improvement in deviation figures that it can bring about.

Delineation of GC boundaries by DCCAs

2.22 Although the Commission may come up with numerous options of delineation by splitting the existing districts along the DCCA boundaries, it does not consider it desirable to do so having regard to the requirement to

preserve community identities and local ties in the districts.

2.23 The Commission is of the view that any option involving changes to the existing GC boundaries will inevitably cause confusion to the public and is therefore undesirable. An example will be an elector belonging to a constituency in the Kowloon district for the 2003 District Council Election being grouped to a New Territories constituency for the 2004 LegCo Elections.

The boundary between Kowloon West and New Territories West GCs

2.24 The Commission is aware that if the existing boundaries of GCs are to be maintained, a private residential development named Nob Hill, which was built after the last demarcation exercise, will straddle the boundaries of the Kowloon West and New Territories West GCs. That Nob Hill straddles two districts (ie Sham Shui Po and Kwai Tsing) had already affected the work of the Commission in the demarcation exercise of the 2003 District Council Election. However, as the Administration has yet to propose amendments to the district boundary between Sham Shui Po and Kwai Tsing so as to include the whole of Nob Hill in either one of the districts, the Commission considers it not advisable to make any changes ahead of the Administration's decision on the alignment of the district boundary between Sham Shui Po and Kwai Tsing. The Commission has, nevertheless, urged the Administration to rectify the relevant district boundary in view of the inconvenience that may be caused to the residents concerned.

Section 8 : The Provisional Recommendations

2.25 Having explored the alternatives and considered the comments from District Officers of the HAD, the Commission considers that the proposal indicated in Section 6 above is the best option, and that the same names and codes of the existing GCs should be adopted, as they have been well received and accepted by the community. Details of the provisional recommendations, including the population and component DCCAs of each LCCA are set out in **Appendix IV**. These provisional recommendations were then put forth by the Commission for public consultation.

CHAPTER 3

THE PUBLIC CONSULTATION

Section 1 : The Consultation Period and Public Forum

3.1 In compliance with the requirement of section 19 of the EACO, the Commission conducted a public consultation exercise on its provisional recommendations from 15 July to 13 August 2003 for a period of 30 days. During this period, members of the public might send in their representations, in writing, to the Commission to express their views on the provisional recommendations on the delineation and names of the GCs.

3.2 A list of the provisionally recommended GCs, together with the component districts and DCCAs, and maps showing the boundaries of GCs were exhibited for public inspection at District Offices, public housing estate offices, post offices, public libraries and the REO during the consultation period.

3.3 To enable the public to understand the statutory criteria and working principles adopted by the Commission in delineating LCCAs, an open letter from the Chairman of the EAC was attached to each set of consultation document to explain the criteria and principles used. This new practice is adopted in response to the fact that a number of representations outside the jurisdiction of the Commission were received in the demarcation exercise for the 2000 LegCo Elections, and the Commission then considered

that avenues should be explored to ensure that the public understood the statutory criteria for delineating LCCAs.

3.4 The public consultation was widely publicised through the electronic and print media as well as the EAC's website on the Internet and the government gazette.

3.5 On the first day of the consultation period, ie 15 July 2003, the Commission held a press conference to launch the public consultation exercise and invited the public to give their views on the Commission's provisional recommendations. The Commission also appealed to the public that not only those who had opposing or different views should speak up, but also those who supported the provisional recommendations should do likewise. This was to enable the EAC to more accurately gauge the public's views and degree of acceptance of the provisional recommendations.

3.6 A public forum was held at 2:30 pm on 7 August 2003 at the Conference Room of the EAC in Wan Chai, where members of the public could personally attend and express their views verbally to the Commission direct. Audio-visual aids were used to facilitate understanding of the representations by making reference to maps.

Section 2 : Number of Representations Received

3.7 The EAC received one proposal from the public concerning the delineation exercise before commencement of the public consultation.

During the consultation period, the Commission received a total of 9 written representations. At the forum, 7 persons turned up and 5 of them expressed their views on the provisional recommendations. Among the representations received, there were 7 which supported the EAC's provisional recommendations.

3.8 The original texts of the written representations are contained in **Appendix V** of this volume. Summaries of the written and oral representations are shown in **Appendix VI** of this volume.

CHAPTER 4

CONSIDERATION OF REPRESENTATIONS

Section 1 : The Representations

4.1 As soon as the public consultation period ended, the EAC went through all the written and oral representations on the provisional recommendations to consider whether they should be accepted. The Commission also paid regard to a suggestion from the public concerning the delineation exercise which was received before the commencement of the consultation period. Amongst those who made representations to the Commission were a District Council member, a political party, an owners' incorporation of a private residential development, Heung Yee Kuk New Territories and individuals.

Section 2 : Deliberations on the Representations

4.2 The Commission examined each of the representations received in detail, including the viability of the proposals suggested and the reasons put forward. General views provided in the representations were also noted. A summary of all written or oral representations and the EAC's views on each representation is at **Appendix VI**. In considering the representations, the Commission has taken into account the following factors in arriving at its decisions.

(a) Adherence to Statutory Requirements

4.3 Among the representations received, many of them offer counter-proposals on the number of GCs to be delineated and the number of LegCo Members to be returned in each GC. In this connection, the Commission considers that it is of paramount importance to adhere strictly to the statutory requirements laid down in the LegCo (Amendment) Ordinance 2003, which stipulates that there are to be **5 GCs with 4 to 8 Members for each GC** (paragraph 2.2 in Chapter 2 refers). Therefore, representations which propose changes contravening one or both of these statutory requirements cannot be accepted. (items 2, 3, 4 and 6 of **Appendix VI**)

(b) Preservation of Community Identities and Local Ties

4.4 Some representations propose to re-delineate the boundaries of LCCAs, such as by transferring a New Territories district (or part of a district) to a constituency in either Hong Kong or Kowloon, so as to even out the population in the two constituencies (items 1, 7 and 13 of **Appendix VI**).

4.5 In making deliberations on such proposals, the EAC considers that it would be necessary to pay due regard to the preservation of community identities and local ties, as well as the existing boundaries of districts and GCs, as required under section 20(3) and (4) of the EACO (paragraph 2.4 in Chapter 2 refers). The EAC also considers it desirable for the Commission to adhere to its working principle that Hong Kong Island, Kowloon and New Territories are to be treated separately, as these areas have

been regarded as distinct from one another (paragraph 2.5(c) in Chapter 2 refers). Another important consideration is to avoid causing confusion to the public by adjusting the existing boundaries of constituencies, to which the public has grown accustomed since 1998.

4.6 Despite the above statutory constraints, the Commission remains open to all suggestions. Before deciding whether the counter-proposals can be accepted, the Commission has carefully examined each one to find out whether it is possible to bring about any improvement to the provisional recommendations in terms of population distribution and preservation of local ties. After consideration, the Commission decides that the representations should not be accepted for one or more of the following reasons: the resultant population from all the suggestions yields a greater range of deviation, adverse effect on the community identities and local ties, and likely confusion caused to the public.

(c) Maintenance of Political Influence

4.7 It is also noted that some representations propose to adjust the boundary of constituencies aiming at allocating more seats to the Kowloon West (“KW”) constituency (items 1, 7 and 13 of **Appendix VI**). The major justification put forth in these representations dwells on fairness and equality in the representation of population in the KW and Kowloon East constituencies, which are allocated 4 and 5 seats respectively although there is only a small difference in their respective population. The representations also consider that under the list system of proportional representation, the

number of votes needed to elect a member to the last seat and the influence of a vote (on the number of LegCo Members to be elected) should be roughly the same for each constituency.

4.8 The EAC notes that the KW constituency is the only constituency that is not allocated any additional seat despite the increase of 6 seats for GC elections in the 2004 LegCo Elections. The Commission, however, wishes to emphasize that although the KW constituency has the smallest population and the least number of seats among all 5 LCCAs under the provisional recommendations, its population deviation from the resulting number (+7.75%) is well within the $\pm 15\%$ statutory limit.

4.9 In fact, with a view to achieving a better population distribution, as detailed in Section 7 of Chapter 2, the EAC has explored the options of allowing (i) the KW constituency to take in a contiguous district from the New Territories West (“NTW”) or the New Territories East (“NTE”) constituency; and (ii) the NTE constituency to take in a contiguous district from the NTW constituency. The resultant population in these options, however, either yields a greater range of deviation, or causes the number of seats in one of the LCCAs to exceed the upper permissible limit (options 1, 2, 5, 9 and 10 of **Appendix III**).

4.10 As for the other arguments raised in such representations, the Commission would like to stress that issues relating to the list system of proportional representation is outside the jurisdiction of the Commission, and, as always, matters of maintaining political influence or advantage will not be

considered by the EAC.

4.11 Taking into account all the reasons above, the EAC considers that the suggestion of giving more seats to the KW constituency cannot be accepted.

(d) Future Population Trend

4.12 On the argument of anticipated population increase in the New Territories and KW constituencies put up by items 3, 4 and 9 of **Appendix VI**, the Commission is of the view that the future population trend is not a certain factor. For the sake of establishing a level playing field for all constituencies, the cut-off date of 30 June 2004 as the basis for the population forecast must be adopted for this demarcation exercise. The EAC therefore considers that representations seeking justification from future population increase cannot be accepted.

Section 3 : The Recommendations

4.13 After having carefully considered all the public representations, including the supporting views and counter-proposals offered, the Commission decides that it is not necessary to make any alteration to the provisional recommendations, which now remain as its final recommendations. The final recommendations in respect of the 5 LCCAs, including the number of seats allocated to each, their names and reference code numbers, the component DCCAs and their population details as well as

the maps showing the boundaries of the recommended LCCAs are contained in **Volume 2** of this report.

CHAPTER 5

A CONCLUDING NOTE

Section 1 : Acknowledgements

5.1 With the completion of this demarcation exercise, the Commission would like to express its gratitude towards the following parties for their contributions: the AHSG, for its provision of the population forecasts; the District Offices of the HAD, for their input on the basis of their local knowledge; the LandsD, for their production of the various maps and films for the conduct of the consultation exercise and production of the report; the Information Services Department for their contribution to the publicity programme relating to the consultation exercise, the Government Logistics Department for the printing of the consultation materials and this report, and the CAB for their advice throughout the exercise.

5.2 The REO, being the executive arm of the Commission, has provided the manpower required for carrying out the exercise. The Commission is particularly thankful to the staff of the REO for their dedicated and concerted efforts in the preparation work.

5.3 Last but not least, the Commission is most grateful to those members of the public who put forth their representations in writing or voiced them personally at the public forum.

Section 2 : The Important Principle

5.4 As in previous demarcation exercises, the EAC has adhered to the statutory requirements and its working principles as far as practicable. The EAC has made every effort to strike a balance between observing the population quota requirement and at the same time accommodating suggestions from the public with reference to the community considerations. As always, the Commission has paid no regard to any suggestions with political implications.

5.5 Delineation of constituencies is an integral part of an election. The Commission is committed to conducting each and every election under its supervision in an open, fair and honest manner. The Commission has all the time held on to this important principle in this demarcation exercise.