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政府總部



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3 September 2007

Clerk to Legislative Council
(Attn: Ms Guy YIP)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(By Fax: 2121 0420)

Dear Ms Yip,

**Meeting between Members of the Legislative Council and
the Sham Shui Po District Council to be Held on 7 June 2007**

Demarcation of Constituencies for the District Council Election

The Legislative Council ("LegCo") Secretariat sent a letter to the Constitutional and Mainland Affairs Bureau ("CMAB") and the Registration and Electoral Office ("REO") on 17 August, attaching a note on some items of concern regarding the demarcation of District Council constituency areas ("DCCAs") raised by the Sham Sui Po District Council ("SSPDC") at its meeting with LegCo Members. The followings are our reply and that of the REO.

Number of seats for Sham Sui Po District

The SSPDC expressed its views in the number of elected seats in the next term District Council ("DC"). We already wrote to the SSPDC Chairman last May to explain the reasons for not proposing to increase the number of elected members in SSPDC. The relevant reasons, which were also included in our reply to the LegCo Secretariat on 23 May, are set out in the following paragraphs.

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In view of the sharp population growth in the new towns of Tung Chung and Tseung Kwan O in the Islands and Sai Kung districts respectively since the last DC Election in 2003, the Administration amended Part I of Schedule 3 of the District Councils Ordinance (Cap. 547) in June 2006 to increase the number of elected seats in the Islands DC and Sai Kung DC by two and three respectively. The amendment legislation was passed by the LegCo on 7 June 2006 and published in the Gazette on 9 June 2006.

The Administration increased the number of elected seats in the Islands DC and the Sai Kung DC because the significant population growth of the new towns in the two districts between 2003 and 2007 would cause the overall population of those relevant constituencies to exceed the population quota¹ by over 25%. This would still be the case even if the boundaries of the constituencies were re-delineated. If no seats were added, the EAC might have to merge rural DCCAs in order to spare some seats, or to include urban and rural areas in the same DCCA. Due to the obvious differences between the communities of rural areas and new towns, such arrangement would not be conducive to maintaining the uniqueness and cohesion of the relevant communities. Therefore, additional seats were needed to allow the EAC some room to re-delineate the DCCAs in Tung Chung and Tseung Kwan O in order to contain their population within the statutory limit.

The same situation as in Islands and Sai Kung districts was not found in other administrative districts. For Sham Sui Po, the total projected population of the 21 DCCAs was 385,742 as at mid-2007, an average of 18,369 for each DCCA, which deviated from the population quota by about 6%. Some DCCAs had a larger population, but at the same time quite some DCCAs in the district had a population lower than the population quota. In general, the problem of population exceeding the population quota by over

¹ The EAC adopted the criteria stipulated under section 20 of the Electoral Affairs Commission Ordinance as the basis for making its recommendations. These criteria include –

- (a) The EAC shall ensure that the population in each proposed DCCA is as near the population quota as practicable. "Population quota" means the figure arrived at by dividing the total population of Hong Kong by the total number of elected members to be returned in the DC ordinary election.
- (b) Where it is not practicable to comply with (a) in a certain proposed DCCA, the EAC shall ensure that the population in that DCCA does not exceed or fall short of the population quota by more than 25%.
- (c) The EAC shall have regard to the community identities, preservation of local ties, and the physical features (such as the size, shape, accessibility and development) of the area.
- (d) The EAC may depart from strict adherence to (a) and (b) only where it appears that considerations referred to in (c) justify such departure.

The population quota before the addition of seats to the Islands and Sai Kung DCs was 6,996,222 divided by 400, i.e. 17,491. The population quota after the addition is 17,275.

25% in individual DCCAs can be dealt with by the EAC through adjusting the boundaries if the adjacent DCCAs have lower population, and no increase in seat is required.

We fully understand the demand of SSPDC Members for additional seats so that the existing DCCA boundaries can be retained as far as possible. However, the practice has been to take the overall population in a district as the basis for considering an increase in the number of seats. The current situation in Sham Sui Po had yet to justify such an increase in the district.

Prior to the 2011 DC Election, the Administration will review the population figures of the 18 districts, and their number of DC seats. We will re-examine the situation of population growth in Sham Sui Po by then.

Population data of each street block

The SSPDC suggested that the EAC should provide population data of each street block to the DC during its demarcation exercises. The following paragraphs are the response from the REO.

The REO has responded on this point in its reply to the LegCo Secretariat on 23 May. According to section 20 of the Election Affairs Commission Ordinance (Cap.541), the EAC shall endeavour to estimate the total population of Hong Kong or any DCCA in relevant year for the purposes of constituency delineation. Therefore, before making recommendations for the delineation of DCCAs for the 2007 DC Election, the EAC requested the Working Group on Population Distribution Projections under the Planning Department to set up an inter-departmental Ad Hoc Subgroup to project the population as at 30 June 2007. The Ad Hoc Subgroup comprised representatives from various bureaux and departments including the Planning Department, Census and Statistics Department, Housing Department, Lands Department, Rating and Valuation Department, Home Affairs Department, CMAB and REO, who provided professional views and data within their respective purview. Based on the available data and other information provided by the bureaux and departments concerned, the Ad Hoc Subgroup used scientific methods to produce forecasts of the overall population in each constituency that met statistical standards, so as to facilitate the EAC's formulation of provisional recommendations on the delineation of constituencies.

The SSPDC Chairman wrote to the EAC on 27 July 2006, requesting the EAC to provide population data of each street block in the Sham Shui Po District. After receiving the request of SSPDC, the REO had sought the advice of the Ad Hoc Subgroup. After careful consideration of the Ad Hoc Sub-group's advice the EAC Chairman replied to the SSPDC on 3 August 2006. The reply pointed out that although during the forecasting process, the Ad Hoc Subgroup would make preliminary estimation on the population of individual street blocks or street block groups, these estimated figures were only results of one of the steps in the forecasting process of the overall population in the DCCA. Using such estimate out of context without regard to the other steps of estimation would easily lead to misunderstanding or errors. To avoid inaccurate estimation, the EAC considered it undesirable to provide the statistics of street blocks for individual use in forecast.

On the other hand, the EAC also mentioned to the SSPDC in the reply that the consultation document for public consultation on provisional recommendations of the delineation of constituencies for the 2007 DC Election had set out the estimated population of each constituency, and the names of major housing estates or areas for reference of the public. The SSPDC was welcome to offer any comment on the delineation of constituencies in the provisional recommendations, or put forward alternative proposals based on the provisional recommendations of the EAC for its consideration before the end of the consultation period. The EAC would solicit the assistance of the Ad Hoc Subgroup, as necessary, in forecasting the population of new proposals put forward by the public. In fact, the REO has provided the population forecast to the SSPDC on its various alternative proposals for reference.

Having analysed the proposals received during the consultation period, the EAC submitted the final recommendations on the delineation of constituencies to the Chief Executive on 21 November 2006. The Chief Executive-in-Council accepted the recommendations in their entirety, and this decision was effected by way of the Declaration of Constituencies (District Councils) Order 2006. The Order was submitted to the Legislative Council on 10 January 2007, and the Legislative Council had completed its vetting of the Order.

The EAC understood the concern of the SPPDC, and its suggestion had been put on record for review when the EAC sought the advice of the Ad Hoc Subgroup on the demarcation of DCCA boundaries in future.

The EAC's reply to the SSPDC on 3 August 2006, and the minutes of the SSPDC meeting held on 13 February 2007 which recorded members' discussions and the REO representatives' explanations, have been attached to the previous reply to the Legislative Council Secretariat, and are therefore not attached again here.

Demarcating some constituency boundaries along rear lanes

The SSPDC expressed its concerns on the EAC's recommendations to delineate the boundaries of some constituencies along rear lanes. The following paragraphs are the response from the REO.

As in the past demarcation exercises, the EAC adopted the same statutory criteria and working principles in the current exercise. These criteria and principles were stated in the article "Message from the Chairman" of the public consultation documents on the EAC's provisional recommendations on delineation of constituencies, and were enclosed in REO's reply to the Legislative Council Secretariat. According to the statutory criteria, EAC shall ensure that the population in each constituency is as near the population quota as practicable. The EAC shall have regard to the community identities, preservation of local ties, and the physical features (such as the size, shape, accessibility and development) of the area. The statutory criteria and working principles do not prescribe that the demarcation must be made only along main roads, and not smaller streets or rear lanes.

In fact, in conducting previous delineation exercises in accordance with the statutory criteria and working principles, the EAC had demarcated some DCCA boundaries along rear lanes. For example, in demarcating DCCA boundaries for the 2003 DC Election, some constituencies in Central and Western District, Eastern District and Kowloon City District had their boundaries demarcated along rear lanes. In the current exercise, some constituencies in Yau Tsim Mong District and Kwun Tong District also had their boundaries demarcated along rear lanes. The demarcation of boundaries for Nam Cheong North (F03), Nam Cheong South (F05) and

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Nam Cheong Central (F06) constituencies along rear lanes in Sham Shui Po District in this demarcation exercise did not deviate from the established statutory criteria and working principles of the EAC.

Besides, prior to the DC Election, the REO would send a poll card to each elector, clearly indicating the name of the constituency to which he belongs, address of the polling station, with a location map of the polling station attached for his reference. This arrangement could give electors a clear idea of their constituencies and polling stations, and could avoid confusion.

In the past DC elections, the boundaries of some DCCAs were also demarcated, along rear lanes, and this had not affected the smooth conduct of the elections.

Representatives of the EAC also clarified the above points in the meeting of the SSPDC held on 13 February 2007.

The EAC wishes to reiterate that in order to meet the statutory population requirements, it may sometimes be difficult to avoid demarcating the boundaries of some constituencies along rear lanes. In the future demarcation exercises of constituency boundaries, the EAC will take into account the views expressed by the SSPDC on this matter.

Yours sincerely,



(Ivanhoe CHANG)

for Secretary for Constitutional Affairs

c.c. CEO/REO (Attn: Ms Elsa LAI) (Fax: 2511 1682)