

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance
(Chapter 542)

DECLARATION OF GEOGRAPHICAL CONSTITUENCIES (LEGISLATIVE COUNCIL) ORDER 2007

INTRODUCTION

At the meeting of the Executive Council on 16 October 2007, the Council ADVISED and the Chief Executive ORDERED that –

- (a) the recommendations in the report submitted by the Electoral Affairs Commission (“EAC”) to the Chief Executive (“CE”) on the delineation and the names of geographical constituencies (“GCs”) and the allocation of seats to each GC for the fourth LegCo election in 2008 (“the EAC Report”) should be accepted in their entirety; and
- (b) the Declaration of Geographical Constituencies (Legislative Council) Order 2007, at **Annex A**, should be made under sections 18 and 19 of the Legislative Council Ordinance (Cap. 542) (“LCO”).

A

B

2. The main text of the EAC Report is at **Annex B**. Copies of the full report have been provided to LegCo Members.

JUSTIFICATIONS

The EAC Report

(A) *Statutory Requirements (paragraphs 2.1 to 2.4 of the EAC Report)*

3. Under section 4(a) of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), one of the functions of the EAC is to consider or review the boundaries of GCs for the purpose of making recommendations as to the delineation and the names of GCs for a LegCo general election.

4. The EAC is required under section 18 of EACO 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 12 September 2004, the EAC should submit its report with recommendations for the 2008 LegCo election to the CE by 11 September 2007.

5. In making recommendations on the delineation of GCs, the EAC is bound by certain provisions under LCO and EACO. The combined effect of the relevant provisions of these two Ordinances is as follows -

- (a) there are to be five GCs [**section 18 of LCO**];
- (b) 30 Members are to be returned for all GCs, and each GC is to have four to eight elected Members [**section 19 of LCO**];
- (c) the EAC shall 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 (“the resulting number”) when the population quota¹ is multiplied by the number of Members to be returned to LegCo by that GC pursuant to any electoral law. Where it is not practicable to comply with this requirement, the EAC shall ensure that the population in that constituency should not exceed or fall short of the resulting number applicable to that constituency by more than 15% (“the 15% deviation limits”) [**section 20(1)(a) and (b) of EACO**];
- (d) the EAC shall have regard to community identities, preservation of local ties, and physical features such as size, shape, accessibility and development of the relevant area [**section 20(3) of EACO**];

Note (1) Population quota means the total population in Hong Kong divided by the total number of Members to be returned for all GCs in the election. Based on the forecast population at the end of June 2008, the population quota is: $6,975,100 \div 30 = 232,503$.

- (e) the EAC may depart from the strict application of sub-paragraph (c) above only where it appears that one or more of the considerations in sub-paragraph (d) renders a departure necessary or desirable [**section 20(5) of EACO**];
- (f) each proposed GC is to be constituted by two or more contiguous whole District Council constituencies (“DCCs”) [**section 20(2) of EACO**]; and
- (g) the EAC shall have regard to the existing boundaries of Districts and GCs [**section 20(4) of EACO**].

C & D Relevant extracts from EACO and LCO are at **Annexes C and D** respectively.

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

6. Apart from observing the statutory requirements in paragraph 5 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 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;
- (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. Where splitting is necessary, it should affect the least number of Districts; and
- (e) factors with political implications will not be taken into consideration.

(C) Provisional Recommendations of EAC

7. In making its provisional recommendations, a primary consideration of the EAC was to ensure compliance with the population criterion. Based on the forecast figures provided by an inter-departmental working group chaired by the Planning Department, the population of Hong Kong as at the end of June 2008 will be 6,975,100. With 30 GC seats, the population quota (as mentioned in paragraph 5(c) above) is 232,503.

8. The EAC considered that the best way to start the delineation process was to adopt the boundaries of the existing GCs to see if the results satisfy the statutory requirements and the working principles in paragraphs 5 and 6 above. The detailed process is set out in paragraphs 2.12 to 2.18 of the EAC Report. A summary of EAC's provisional recommendations is as follows -

<u>Name of GC</u>	<u>Projected Population as at 30.6.2008</u>	<u>Seats² Entitled</u>	<u>Seats Proposed (Seats in 2004 Election)</u>	<u>Population Deviation (as set out in para 6(c) above)</u>
Hong Kong Island (Central and Western, Wan Chai, Eastern and Southern)	1,267,900	5.453	6(6)	-9.11%
Kowloon West (Yau Tsim Mong, Sham Shui Po and Kowloon City)	1,030,000	4.430	5(4)	-11.40%
Kowloon East (Wong Tai Sin and Kwun Tong)	1,018,700	4.381	4(5)	+9.54%
New Territories West (Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands)	2,030,300	8.732	8(8)	+9.15%

Note (2) seats entitled = projected population in a GC ÷ population quota (232,503)

New Territories East (North, Tai Po, Sha Tin and Sai Kung)	1,628,200	7.003	7(7)	+0.04%
<hr/>				
Total	6,975,100	-	30(30)	-

9. Under the above recommendations, the boundaries of the existing five GCs will remain unchanged. Compared with the number of seats allocated to each GC for the 2004 LegCo Election, Kowloon West will have one additional seat, while Kowloon East will have one fewer seat. The number of seats allocated to other GCs will remain the same. The population deviation from the resulting number in each GC is well within the 15% deviation limits.

(i) Other options (paragraph 2.19 to 2.23 of the EAC Report)

10. The EAC had also explored 14 other options to delineate the GCs along the District boundaries. The resulting distribution of seats and range of deviation from the resulting numbers are shown in **Annex E**.

E

11. These options are:

- (a) not viable (options 1 to 9) as they do not comply with the relevant statutory requirements to the extent that the number of seats of the resultant GCs would exceed or fall short of the permissible range of 4 to 8, or the deviation figures would fall outside the 15% deviation limits; or
- (b) not desirable (options 10 to 14) as they do not give due regard to community integrity or existing GC boundaries, do not improve upon the deviation figures, or otherwise do not comply with EAC's working principles as set out in paragraph 6 above.

12. For example, the EAC considered the option of reallocating Kwai Tsing District from New Territories West ("NTW") to Kowloon West ("KW") (option 10). This option would yield a smaller range of deviation (+9.54% to -7.47%, compared with the range of +9.54% to -11.40% in the provisional recommendations), and a more even population distribution among the GCs. However, the EAC considered it undesirable for a GC to

comprise Districts of both the New Territories and Kowloon (see the working principle in paragraph 6(c) above) for the reason of preserving community identities. In addition, the improvement in deviation figures was too small to justify redrawing the boundaries and thus requiring electors to adjust themselves to the new delineations.

13. The EAC also considered it undesirable to delineate the GCs by splitting the existing Districts, having regard to the requirement to preserve community identities and local ties.

(ii) Public consultation (paragraphs 3.1 to 4.15 of the EAC Report)

14. As required under section 19 of EACO, the EAC conducted a public consultation exercise on its provisional recommendations for a period of 30 days from 5 July 2007 to 3 August 2007. During this period, members of the public could submit written representations to the EAC, or attend the public forum held on 26 July 2007 to express their views. The LegCo Panel on Constitutional Affairs (“CA Panel”) was also briefed on the provisional recommendations at its meeting on 16 July 2007.

15. The EAC received a total of 220 written representations. The public forum was attended by 51 people, 14 of whom expressed their views on the provisional recommendations. The original texts of the written representations are contained in Part II of Volume I of the EAC Report. Summaries of the written and oral representations and the views expressed at the meeting of the LegCo CA Panel are shown in Appendix V of the same volume.

16. The EAC’s proposal to maintain the existing boundaries of the five GCs was generally supported. However, a large number of representations objected to the EAC’s recommendation to alter the number of seats allocated to the GCs of KW (from four to five) and Kowloon East (“KE”) (from five to four), and suggested that the allocation of seats should remain the same as in the 2004 LegCo Election. Their major arguments centered on the need to maintain status quo and to preserve community stability, the relatively small difference in the projected population figures between KW and KE, and the anticipated future increase of population in KE. On the other hand, there are a few submissions in support of the proposed allocation of seats in the two GCs. The EAC rejected the proposal of maintaining the existing

number of seats for KW and KE since KW has a larger projected population than KE. Although the difference is relatively small, the EAC considered that it would be unfair to KW if it is allocated fewer seats than KE. In addition, the proposal to maintain status quo might contravene section 20(1)(a) of EACO, which requires the EAC to ensure that the population in each proposed GC is as near as is practicable to the resulting number³. Moreover, for reason of fairness and consistency, the EAC considered it essential to adhere to the population forecasts projected as at 30 June 2008, and does not consider it appropriate to take future population trend into consideration.

17. In fact, with a view to achieving a smaller range of deviation from the resulting numbers, the EAC had explored the options of allowing the KE constituency to take in a contiguous District from KW or New Territories East (“NTE”) (options 3, 12 and 13 of Annex E). However, the options would either cause the number of seats in a GC to fall outside the permissible range of four to eight (in the case of option 3) or only yield a very marginal improvement in the range of deviation and could not justify redrawing the GC boundaries. A number of representations proposed to adjust the boundaries of KW and KE GCs by splitting Kowloon City District and transferring some of the District’s DCCs from KW to KE, so as to even out the population in these two GCs and to maintain the current number of seats for them. This view was also expressed by a Member at the LegCo CA Panel meeting on 16 July 2007. The EAC did not accept such proposals for reason of preserving community identities and local ties.

18. Some representations offered other alternative delineations, such as moving Islands District from NTW GC to Hong Kong Island (“HKI”) GC⁴ (this was also raised by two LegCo Members at the LegCo CA Panel meeting on 16 July 2007). The EAC carefully considered these suggestions, but decided that they should not be accepted for one or more of the following reasons – the proposal did not fit in with the statutory

Note (3) Under the proposal to maintain the status quo, the deviations from the resulting numbers for KW and KE (at +10.75% and -12.37% respectively) would still be within the $\pm 15\%$ statutory limit, but would not be as close to the resulting numbers as compared with those under the provisional recommendations (-11.40% and +9.54% respectively).

Note (4) This was to reduce the population in NTW, since although the population projections should entitle NTW to 8.732 seats, rounded up to nine, the statutory provisions only allow a GC to be allocated eight seats at most.

framework; the resultant population would yield a greater range of deviation; or the proposal would have adverse effect on community identities and local ties.

(D) Final Recommendations of the EAC (paragraphs 4.16 to 4.18 of the EAC Report)

19. Having considered all the public representations, the EAC decided that it was not necessary or appropriate to make any alteration to its provisional recommendations. It has thus adopted its provisional recommendations in full as its final recommendations.

20. The EAC submitted its final recommendations to the CE on 11 September 2007.

THE ORDER

21. According to section 21 of EACO, the EAC Report received by the CE shall be considered by the CE-in-Council as soon as practicable. The decision of the CE-in-Council will be effected by way of an Order under sections 18 and 19 of LCO, which has to be tabled in LegCo for negative vetting. Further, under section 23 of EACO, the Administration is 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 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 (i.e. on or before 17 October 2007 as the report was submitted to the CE on 11 September 2007).

22. On 16 October 2007, the CE-in-Council decided that the recommendations in the EAC Report should be accepted in their entirety, and the Declaration of Geographical Constituencies (Legislative Council) Order 2007, at Annex A, should be made under sections 18 and 19 of LCO. The Order declares areas to be GCs, gives names to these GCs, and provides for the allocation of seats to each GC in accordance with the EAC's final recommendations. The boundaries and names of the GCs and the number of seats in each GC are shown in the **Schedule** to the Order.

LEGISLATIVE TIMETABLE

23. The legislative timetable will be –

Publication in the Gazette	18 October 2007
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Tabling at LegCo	24 October 2007
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We will also table the EAC Report at LegCo on 17 October 2007 as required by law.

IMPLICATIONS OF THE PROPOSAL

24. 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

25. There was a public consultation exercise for 30 days on the EAC's provisional recommendations. Details are set out in paragraphs 14 to 18 above.

PUBLICITY

26. A press release will be issued and a spokesman will be available for answering enquiries.

ENQUIRY

27. Any enquiries on the brief should be addressed to Mr Ivanhoe CHANG, Principal Assistant Secretary (Constitutional and Mainland Affairs) 2, on 2810 2908.

Constitutional and Mainland Affairs Bureau
October 2007

AW039a

**DECLARATION OF GEOGRAPHICAL
CONSTITUENCIES (LEGISLATIVE COUNCIL)
ORDER 2007**

(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 2008.

2. Interpretation

In this Order –

“approved map” (獲批准地圖) means a map –

- (a) referred to in column 4 of the Schedule; and
- (b) approved by the Chief Executive in Council on 16 October 2007;

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

- (a) specified opposite to that area in column 3 of the Schedule; and
- (b) coloured red in the relevant approved map and described as “Recommended 2008 Legislative Council Geographical 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 –

- (a) represented in the relevant approved map by the unbroken edging coloured red delineating that area; and
- (b) described as “Recommended 2008 Legislative Council Geographical 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 specified 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 fourth term of office of the Legislative Council.

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

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

For each geographical constituency declared under section 3, the number of Members to be returned at the general election for the fourth term of office of the Legislative Council is specified in column 6 of the Schedule opposite to the name of the constituency.

SCHEDULE

[ss. 2, 3 & 4]

GEOGRAPHICAL CONSTITUENCIES

Item	Name of Area	Area Code	Delineation of Area	Name of Constituency	Number of Members
1.	Hong Kong Island	LC1	The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2008/HK and marked with the names Central & Western District, Wan Chai District, Eastern	Hong Kong Island	6

District and Southern
District.

- | | | | | | |
|----|----------------------------|-----|--|----------------------------|---|
| 2. | Kowloon
West | LC2 | The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2008/KLN-W&E and marked with the names Yau Tsim Mong District, Sham Shui Po District and Kowloon City District. | Kowloon
West | 5 |
| 3. | Kowloon
East | LC3 | The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2008/KLN-W&E and marked with the names Wong Tai Sin District and Kwun Tong District. | Kowloon
East | 4 |
| 4. | New
Territories
West | LC4 | The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2008/NT-W and marked with the names Tsuen Wan District, Tuen | New
Territories
West | 8 |

Mun District, Yuen Long
District, Kwai Tsing
District and Islands District.

5.	New Territories East	LC5	The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2008/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

2007

Explanatory Note

This Order declares areas of Hong Kong to be geographical constituencies for the purpose of an election to elect Members for the fourth 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.

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 openness, honesty and fairness 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 or review the boundaries of 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 Under section 18 of the EACO, 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 not more than 36 months from the preceding

general election. As the previous general election was held on 12 September 2004, the EAC is required to submit the report for the 2008 LegCo Election by 11 September 2007.

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 the process of drawing up the delineation proposals of GC boundaries 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 : Statutory Criteria

Criteria stipulated under the Legislative Council Ordinance

2.1 In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the following statutory criteria stipulated under the Legislative Council Ordinance (Cap. 542) (“LCO”):

- (a) there are to be **5 GCs** for the purpose of returning Members at elections for those constituencies [section 18(1) of the LCO];
- (b) at a general election, **30 Members** are to be returned for all GCs [section 19(1) of the LCO]; and
- (c) the number of Members to be returned for each GC is to be a number, **not less than 4 nor greater than 8** [section 19(2) of the LCO].

Criteria stipulated under the Electoral Affairs Commission Ordinance

2.2 In accordance with the EACO, the EAC shall -

- (a) **ensure** that the extent of each proposed GC is such that the population in that constituency is **as near as practicable** to the number which results (i.e. “ 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) of the EACO];
- (b) where it is not practicable to comply with paragraph (a) in respect of a proposed GC, 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 [section 20(1)(b) of the EACO]; and
- (c) ensure that each proposed GC is to be constituted by 2 or more contiguous whole District Council constituencies [section 20(2) of the EACO].

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

- (a) community identities and the preservation of local ties
[section 20(3)(a) of the EACO];
- (b) physical features such as size, shape, accessibility and
development of the relevant area or any part thereof
[section 20(3)(b) of the EACO];
- (c) existing boundaries of Districts [section 20(4)(a) of the
EACO]; and
- (d) existing boundaries of GCs [section 20(4)(b) of the
EACO].

2.4 The EAC may depart from the strict application of the requirements set out in paragraph 2.2 (a) and (b) above only where it appears that a consideration referred to in paragraph 2.3 (a) or (b) above renders such a departure necessary or desirable [section 20(5) of the EACO].

Section 2 : 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;
- (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. Where splitting is necessary, it should affect the least number of Districts; and
- (e) factors with political implications will not be taken into consideration.

2.6 The working principles mentioned above have been adopted for the demarcation exercises for the LegCo Elections since 1998.

Section 3 : Name and Code of Constituencies

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, the New Territories West and the New Territories East). The GCs are also distinguished by a code and numbering system starting from “LC 1” and ending at “LC 5”, being 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 constituencies. These methods have also been adopted in the demarcation exercises for the LegCo Elections since 1998.

Section 4 : Changes to Boundaries between Districts

2.8 During the last demarcation exercise of the GC boundaries for the 2004 LegCo Election, the EAC found that a recently built private residential development named Nob Hill had straddled the boundaries between Sham Shui Po and Kwai Tsing Districts (and also the boundaries of Kowloon West and the New Territories West GCs). This affected the Commission’s demarcation work. The EAC is pleased to note that the Administration has, taking into account the Commission’s recommendation

and views of local residents and relevant parties concerned, realigned the boundaries of Sham Shui Po District and Kwai Tsing District to put the entire Nob Hill within Sham Shui Po District. The amendment was stipulated in the District Councils Ordinance (Amendment of Schedule 1) Order 2006, which was endorsed by the LegCo on 21 June 2006.

Section 5 : Population Forecasts

2.9 Section 20(6) of the EACO provides that the Commission shall endeavour to estimate the total population of Hong Kong or any proposed GC in the year in which a LegCo general 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 having regard to the available information which is the best possible in the circumstances.

2.10 An Ad Hoc Subgroup (“AHSg”), formed under the Working Group on Population Distribution Projections chaired by the Planning Department (“PlanD”), took up the task of providing the Commission with the necessary population forecasts. The AHSg was chaired by an Assistant Director of the PlanD and comprised representatives from a number of bureaux and departments, including the Constitutional and Mainland Affairs Bureau (“CMAB”), Census and Statistics Department, Home Affairs Department (“HAD”), Housing Department, Lands

Department (“LandsD”), Rating and Valuation Department and the Registration and Electoral Office (“REO”). To make the best estimation as close to the election date as practicable, the AHSB has used the statistics of the 2006 population by-census recently released by the Census and Statistics Department as the basis for projection in this demarcation exercise. The AHSB has produced a report with population forecast as at **30 June 2008**.

2.11 The report prepared by the AHSB, which provides forecasts of population of Hong Kong down to DCCA level, estimates that the total population of the territory will be 6,975,100 as at 30 June 2008. The population figures in the report were adopted by the Commission for delineation of GC boundaries. The **population quota** (defined in section 17(1) of the EACO as meaning the total population of Hong Kong divided by the total number of Members to be returned for all GCs, i.e. $6,975,100 \div 30$) is **232,503** for the purpose of this demarcation exercise.

Section 6 : The Process of Delineation

2.12 Upon receipt of the forecast population figures from the AHSB in May 2007, the REO started to draw up preliminary proposed delineations of GCs, by grouping DCCAs, being the building blocks of GCs, in an appropriate manner to form each of the required 5 GCs. The REO then presented the preliminary proposals to the Commission for consideration.

2.13 The Commission considers that the best way to start is to adopt the boundaries of the existing GCs to see if the results satisfy the statutory criteria and the working principles stated in paragraphs 2.1 – 2.5 above. This approach has the benefit of maintaining the existing boundaries to which electors have long grown accustomed since 1998. Electors will not have to adjust themselves to a new GC.

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

<u>Existing GC and Code</u>	<u>Forecast Population</u>
Hong Kong Island ¹ (LC 1)	1,267,900
Kowloon West ² (LC 2)	1,030,000
Kowloon East ³ (LC 3)	1,018,700
New Territories West ⁴ (LC 4)	2,030,300
New Territories East ⁵ (LC 5)	1,628,200
Total:	6,975,100

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 the New Territories West comprises the Districts of Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands.

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

2.15 The number of seats to be allocated to each GC is derived by dividing the above forecast population with the population quota, i.e. 232,503 (paragraph 2.11 refers), and the details are as follows –

<u>GC</u>	<u>Number of Seats</u>
Hong Kong Island (LC 1)	5.453
Kowloon West (LC 2)	4.430
Kowloon East (LC 3)	4.381
New Territories West (LC 4)	8.732
New Territories East (LC 5)	7.003
Total: 28 (excluding decimal places)	

2.16 Excluding the decimal places in the number of seats for each GC, the 5 GCs take up a total of 28 seats. The 2 remaining seats are then allocated to the 2 GCs with the largest remainders, in order to meet the statutory requirement of ensuring that the extent of each proposed GC is such that the population in that constituency is **as near as practicable** to the resulting number as set out in paragraph 2.2(a) above. However, the New Territories West (LC 4), which has the largest remainder, has already been allocated with 8 seats, i.e. the maximum number of seats for a GC under the law (this was also the situation for the New Territories West in 2004). Therefore, the 2 remaining seats have to be allocated to the 2 GCs with the second and third largest remainders, which are Hong Kong Island (LC 1) and Kowloon West (LC 2). The resulting distribution is as follows –

<u>GC</u>	<u>Proposed</u> <u>Number of Seats</u>	<u>Deviation from</u> <u>the resulting</u> <u>number</u>
Hong Kong Island (LC 1)	6	-9.11%
Kowloon West (LC 2)	5	-11.40%
Kowloon East (LC 3)	4	+9.54%
New Territories West (LC 4)	8	+9.15%
New Territories East (LC 5)	7	+0.04%
Total:	30	

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

2.17 The Commission finds that by adopting the boundaries of the existing GCs as the boundaries for the 2008 GCs, all the statutory criteria and the working principles in paragraphs 2.1 - 2.5 above are fulfilled. Compared with the number of seats allocated to each GC for the 2004 LegCo Election, Kowloon West will have one additional seat, while Kowloon East will have one fewer seat. The number of seats allocated to the other GCs will remain the same.

2.18 The Commission also suggests retaining the existing names and codes for the 5 GCs, since no change in their boundaries is proposed⁶.

⁶ Except the minor rectification of district boundary between Sham Shui Po and Kwai Tsing Districts, and hence the boundary between Kowloon West and the New Territories West GCs, referred to in paragraph 2.8 above.

Section 7 : Other Options

Delineation of GC boundaries by Districts

2.19 Apart from the proposed delineation above, the Commission has explored other possible options for delineation but considered them not viable or desirable.

2.20 For example, the Commission considered the option of reallocating Kwai Tsing District from the New Territories West (LC 4) to Kowloon West (LC 2). Under this option, the New Territories West (LC 4) (with a population of 1,505,900; deviation -7.47%) and Kowloon West (LC 2) (with a population of 1,554,400; deviation -4.49%) will each be allocated seven seats, Hong Kong Island (LC 1) will have five seats and the number of seats in other GCs will be the same as in the provisional recommendations. This option will yield a range of deviation of (+9.54% to -7.47%), which is slightly smaller than that of the proposed delineations (i.e. +9.54% to -11.40%). It will also bring about a more even population distribution among the GCs. However, despite the geographical proximity, Kwai Tsing District and other Districts in Kowloon West belong to different communities. The Commission considers it undesirable for a GC to comprise Districts of both the New Territories and Kowloon, and it contradicts the working principle at paragraph 2.5(c) above. In addition, the improvement in deviation figures is too small to justify redrawing the

boundaries and thus requiring electors to adjust themselves to the new delineations.

2.21 The Commission also considered the option of moving Sai Kung District from the New Territories East (LC 5) to Kowloon East (LC 3). Under this option, Kowloon East (LC 3) (with a population of 1,434,800; deviation +2.85%) and the New Territories East (LC 5) (with a population of 1,212,100; deviation +4.27%) will have six and five seats respectively, and the number of seats in other GCs will be the same as in the provisional recommendations. This option will yield a range of deviation of +9.15% to -11.40%, which is about the same as that of the provisional recommendations. Such a marginal improvement in deviation figures does not justify redrawing the boundaries. Under this option, Sai Kung District of the New Territories will be allocated to the GC of Kowloon East, which is also not desirable.

2.22 The Commission also explored a number of other alternative delineations along the district boundaries, but all of them were either not viable (see **Appendix II**), as they did not comply with the relevant statutory requirements, or not desirable (see **Appendix III**), as they did not give due regard to community integrity or existing GC boundaries, did not improve upon the deviation figures, or otherwise did not comply with EAC's working principles as set out in paragraph 2.5.

Delineation of GC boundaries by DCCAs

2.23 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.

Section 8 : The Provisional Recommendations

2.24 Having explored the alternatives and consulted District Officers of the HAD, the Commission considers that the proposal suggested in paragraph 2.16 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 GC 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 5 July to 3 August 2007 for a period of 30 days. During this period, members of the public were invited to submit representations 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 the GCs were exhibited for public inspection at District Offices, public housing estate offices, post offices, public libraries and the REO during the consultation period. The public may also browse such information on the EAC's website.

3.3 An open letter from the Chairman of the EAC was attached to each set of consultation document to explain to the public the statutory criteria and working principles adopted by the Commission in delineating GCs.

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, i.e. 5 July 2007, 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 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 The REO also briefed the LegCo Panel on Constitutional Affairs on 16 July 2007, where Members expressed their views on the provisional recommendations.

3.7 A public forum was held at 2:30 pm on 26 July 2007 at the Conference Room of the EAC in Wan Chai, where members of the public could personally attend and make oral representations 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

3.8 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 219 written representations. At the forum, 51 persons turned up and 14 of them expressed their views on the provisional recommendations.

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

CHAPTER 4

CONSIDERATION OF REPRESENTATIONS

Section 1 : Deliberations on 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 (including the views expressed by LegCo Members at the meeting of the LegCo Panel on Constitutional Affairs held on 16 July 2007) and considered whether they should be accepted. The Commission also considered a representation received before the consultation period.

4.2 The Commission examined each of the representations received in detail, considered 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 and oral representations and the EAC's views on each representation is at **Appendix V**. The EAC noted that most representations concerned about the boundaries and number of seats of Kowloon West ("KW"), Kowloon East ("KE") and the New Territories West ("NTW") GCs. In considering the representations, the Commission has noticed the following issues.

(a) Adherence to Statutory Requirements

4.3 Among the representations received, some of them offered counter-proposals which would affect the number of GCs to be delineated (e.g. to combine KW and KE GCs) or would cause the number of seats in a GC to fall outside the range allowed (i.e. from four to eight) in the statutory provisions (e.g. to increase the maximum number of seats in a GC from eight to nine). As the LCO stipulates that there are to be **5 GCs with 4 to 8 Members for each GC** (see paragraph 2.1 in Chapter 2), such proposals cannot be accepted (items 3, 10, 15, 20, 22 and 23 of **Appendix V**).

(b) Anticipated Changes in Population

4.4 Some representations suggested that the future population trend in the KW and KE constituencies would justify maintaining the current number of seats for the 2 GCs (put up by items 1, 2 and 18 of **Appendix V**). For reason of fairness and consistency, the EAC considers it essential to adhere to the population forecasts projected as at 30 June 2008 in delineating the five GCs in this demarcation exercise. In line with the established practice, the EAC considers it not appropriate to take future population trend into consideration. Future changes in population after the said cut-off date would be catered for in the next demarcation exercise, taking into account the latest development at that time.

(c) Maintaining the Status Quo

4.5 It is noted that a majority of the representations suggested to maintain the status quo for all 5 GCs, i.e. to maintain the existing boundaries so as to preserve community ties and avoid confusion, as well as to maintain the existing number of seats for KW (four seats) and KE (five seats). One of the justifications put forward in these representations was that if the number of seats in KE was reduced, there would be fewer LegCo Members who were familiar with the needs of KE residents for them to seek help, and this would hamper social stability in the community. They also argued that under the status quo, the projected population of KW and KE would still fall within $\pm 15\%$ of the relevant resulting number.

4.6 The EAC agrees that maintaining the existing boundaries for all GCs would comply with the statutory requirement that the EAC shall have regard to existing GC boundaries as provided in section 20(4) of the EACO, and would be in line with the EAC's working principle to use the existing GC boundaries as the basis of consideration in the current demarcation exercise. The EAC has also proposed to maintain the existing GC boundaries in its provisional recommendations.

4.7 As regards the suggestion of maintaining the existing number of seats for KW and KE, it cannot be accepted because the GC of KW has a larger projected population than KE. Although the difference is relatively

small, it would be unfair to KW if it is allocated fewer seats than KE. In addition, according to section 20(1)(a) of the EACO, the EAC shall ensure that the extent of each proposed GC is such that the population in that constituency is **as near as is practicable** to the **resulting number**. Under the proposal to maintain the status quo, the deviations from the resulting numbers for KW and KE would still fall within the $\pm 15\%$ statutory limit (+10.75% and -12.37% respectively). However, they would not be as close to the resulting numbers as compared with those under the provisional recommendations (-11.40% and +9.54%). **The status quo suggestion would contravene the statutory criterion in section 20(1)(a) of the EACO** which stipulates that the population in a GC should be as near as is practicable to the resulting number. The EAC would not be able to fully comply with the law if it accepts the suggestion to maintain the status quo.

(d) Fairness in Representation

4.8 A number of representations considered that the population difference between KE and KW constituencies was so small that it would be unfair to the residents in KE if KW was to be allocated one more seat than KE (see items 2, 4, 18 and 23 of **Appendix V**).

4.9 As mentioned before in paragraph 4.7, the EAC considers that if the GC boundaries are to remain unchanged, it would not be appropriate to maintain the current number of seats in KW and KE GCs. On the other

hand, with a view to achieving a better population distribution, the EAC has explored the options of allowing the KE constituency to take in a contiguous district from the New Territories East (“NTE”) or KW, as detailed in Section 7 of Chapter 2. The resultant population in these options, however, either would only yield a very marginal improvement in the range of deviation and could not justify redrawing the GC boundaries, or would cause the number of seats in one of the GCs to fall outside the permissible range of four to eight (options 3, 12 and 13 in **Appendices II and III**). Some representations proposed to adjust the boundary between KW and KE, so as to give a small part of a District to KE in order to increase the population of KE and thus justify maintaining the current number of seats. The EAC considers such proposals to be undesirable, and this would be further discussed in paragraph 4.14.

4.10 Some representations considered it unfair for NTW GC to be allocated 8 seats, as its population entitled 8.732 seats, and the figure should be rounded up to 9. They considered that NTW would be “under-represented” in this case (items 4, 15, 24, 25 and 26 of **Appendix V**). If NTW was to be allocated 8 seats, to bring the population of NTW closer to the resulting number for 8 seats, some suggested to move part of NTW to other GCs.

4.11 The Commission understands the concern expressed in these representations, but it should be emphasized that the deviation from the

resulting number for NTW is +9.15%, which is within the permissible deviation limit of $\pm 15\%$ under the law. Furthermore, under the existing statutory criteria stipulated in the LCO, the maximum number of seats to be allocated to a GC is 8, hence it will not be legally in order for EAC to allocate 9 seats to NTW. The EAC has also explored alternative options in delineating NTW (see paragraph 2.20 in Chapter 2 and **Appendices II and III**), but has found those options not desirable.

4.12 The EAC also considers that if the population of a GC is within the permissible range, to remove part of it to another GC (or to take in a part from another GC) with the sole aim of maintaining the existing number of seats for the GC may run a risk of placing undue emphasis on the number of seats and jeopardising the established community ties.

4.13 Some representations at the LegCo Panel on Constitutional Affairs raised issues relating to the list system of proportional representation. The Commission would like to stress that such issues are outside the jurisdiction of the Commission, and, as always, matters of maintaining political influence or advantage will not be considered by the EAC.

(e) Preservation of Community Identities and Local Ties

4.14 A number of representations proposed to re-delineate the boundaries of the KW and KE GCs by transferring some DCCAs of

Kowloon City District from the KW constituency to the KE constituency, so as to even out the population in these two GCs and to maintain the current number of seats for them (items 1, 3 and 23 of **Appendix V**). In considering such proposals, the EAC is under a statutory duty to pay due regard to the preservation of community identities and local ties, as well as the existing boundaries of the districts and GCs, as provided under section 20(3) and (4) of the EACO (see paragraph 2.3 in Chapter 2). Also, under the EAC's working principles (as set out in paragraph 2.5 in Chapter 2), splitting of Districts among two or more GCs is to be avoided. The EAC believes it would not be appropriate to accept those proposals to transfer some parts of a District from KW to KE, in order to preserve community identities and local ties, and to comply with its working principles.

4.15 A number of representations suggested moving part of NTW to other GCs to bring down the population of NTW. While some representations had not specified the relevant part to be removed, some proposed to move the Islands District to Hong Kong Island ("HKI") GC (items 4 and 24 in **Appendix V**). On paper, the suggestion seemed to generate smaller deviation figures, but it would result in the combination of a District to a GC with distinctly different local characteristics and community ties. Islands District is generally regarded as part of the New Territories, and according to EAC's working principles (see paragraph 2.5 in Chapter 2), should be treated differently from HKI. Moreover, the EAC had received supporting views to keep the boundary of NTW GC intact, so

as to preserve its community identity (items 11 and 19 of **Appendix V**). The residents of Islands District had also objected to moving out their district from NTW GC (item 19 in **Appendix V**). The EAC is thus of the view that the proposal to move Islands District to HKI should not be accepted.

Section 2 : The Recommendations

4.16 Section 20(5) of the EACO stipulates that the Commission shall only depart from the resulting number population requirement stipulated under section 20(1)(a)-(b) of the EACO where it is necessary or desirable when having regard to the considerations listed in section 20(3) of the EACO (i.e. community identities, preservation of local ties, physical features such as size, shape, accessibility and development of the relevant area or any part thereof). Save where one or more of such considerations made it impracticable or undesirable, the Commission should adhere to the resulting number as far as possible in the demarcation of GCs. This is in fact achieved under the provisional recommendations. As the EAC's provisional recommendations did not propose any change in the existing GC boundaries⁷, the community integrity of the 5 GCs would not be affected. The EAC's provisional recommendations have given due regard to the preservation of community identity and local ties.

⁷ save the minor rectification of district boundary between Sham Shui Po and Kwai Tsing Districts, and hence the boundary between Kowloon West and the New Territories West GCs.

4.17 The EAC has taken into account all the public representations (including supporting and objecting views, and counter-proposals offered) received concerning the delineation and number of seats for the 5 GCs. On balance, the EAC considers that the suggestions proposing change of boundaries or number of seats of GCs from the provisional recommendations cannot be accepted.

4.18 The Commission decides that it is not necessary or appropriate to make any alteration to the provisional recommendations, which now remain as its final recommendations. The final recommendations in respect of the 5 GCs, including the number of seats allocated to each GC, their names and reference code numbers, the component DCCAs and their population details as well as the maps showing the boundaries of the recommended GCs 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 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 CMAB for their advice.

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 faithfully held on to this important principle in this demarcation exercise.



Individual Section Mode

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws

Contents of Section



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.

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws


雙語法例資料系統
Bilingual Laws Information System

Individual Section Mode

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws

Contents of Section

▼				
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)

[Previous section of
enactment](#)

[Next section of
enactment](#)

[Switch language](#)

[Back to the List of
Laws](#)


雙語法例資料系統
Bilingual Laws Information System

Individual Section Mode

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws

Contents of Section



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)

[Previous section of
enactment](#)

[Next section of
enactment](#)

[Switch language](#)

[Back to the List of
Laws](#)


雙語法例資料系統
Bilingual Laws Information System
Individual Section Mode

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws

Contents of Section

▼				
Chapter:	542	Title:	LEGISLATIVE COUNCIL	Gazette Number:L.N. 189 of
			ORDINANCE	2003
Section:	18	Heading:	Establishment of	Version Date: 01/10/2004
			geographical constituencies	

PART III

ESTABLISHMENT OF CONSTITUENCIES

- (1) There are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies. (Replaced 25 of 2003 s. 5)
- (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.

Previous section of
enactment

Next section of
enactment

Switch language

Back to the List of
Laws



雙語法例資料系統
Bilingual Laws Information System

Individual Section Mode

[Previous section of
enactment](#)

[Next section of
enactment](#)

[Switch language](#)

[Back to the List of
Laws](#)

Contents of Section



Chapter:	542	Title:	LEGISLATIVE COUNCIL	Gazette Number:	L.N. 189 of
			ORDINANCE		2003
Section:	19	Heading:	Number of Members to be	Version Date:	01/10/2004
			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).

(Replaced 25 of 2003 s. 6)

[Previous section of
enactment](#)

[Next section of
enactment](#)

[Switch language](#)

[Back to the List of
Laws](#)

Analysis of Other Options:**(I) Non-viable options[#]****Option 1**

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,455,900	6	+4.36%
LC 3 (KE)	592,800	[3]	[-15.01%]
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,628,200	7	+0.04%

Option 2

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,622,800	7	-0.29%
LC 3 (KE)	425,900	[2]	-8.41%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,628,200	7	+0.04%

Option 3

(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)	1,267,900	6	-9.11%
LC 2 (KW)	667,800	[3]	-4.26%
LC 3 (KE)	1,380,900	6	-1.01%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,628,200	7	+0.04%

Option 4

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	5	-11.40%
LC 3 (KE)	1,018,700	4	+9.54%
LC 4 (NTW)	1,476,100	6	+5.81%
LC 5 (NTE)	2,182,400	[9]	+4.29%

Option 5

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	4	+10.75%
LC 3 (KE)	1,018,700	4	+9.54%
LC 4 (NTW)	1,505,900	7	-7.47%
LC 5 (NTE)	2,152,600	[9]	+2.87%

Option 6

(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)	1,267,900	6	-9.11%
LC 2 (KW)	656,500	[3]	-5.88%
LC 3 (KE)	1,018,700	5	-12.37%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	2,001,700	8	+7.62%

Option 7

(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)	1,267,900	6	-9.11%
LC 2 (KW)	667,800	[3]	-4.26%
LC 3 (KE)	1,018,700	5	-12.37%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,990,400	8	+7.01%

Option 8

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	5	-11.40%
LC 3 (KE)	592,800	[3]	[-15.01%]
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	2,054,100	8	+10.43%

Option 9

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	5	-11.40%
LC 3 (KE)	425,900	[2]	-8.41%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	2,221,000	[9]	+6.14%

Options 1-9 are *not viable* either because the number of seats of the resultant GCs would exceed or fall short of the permissible range of 4 to 8, or the deviation figures would fall outside the $\pm 15\%$ limit. Such figures are square-bracketed for ease of reference.

Note:

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Analysis of Other Options:
(II) Viable but not desirable options*

Option 10

(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)	1,267,900	5	+9.07%
LC 2 (KW)	1,554,400	7	-4.49%
LC 3 (KE)	1,018,700	4	+9.54%
LC 4 (NTW)	1,505,900	7	-7.47%
LC 5 (NTE)	1,628,200	7	+0.04%

Option 11

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,650,100	7	+1.39%
LC 3 (KE)	1,018,700	5	-12.37%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,008,100	4	+8.40%

Option 12

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	5	-11.40%
LC 3 (KE)	1,638,800	7	+0.69%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,008,100	4	+8.40%

Option 13

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	5	-11.40%
LC 3 (KE)	1,434,800	6	+2.85%
LC 4 (NTW)	2,030,300	8	+9.15%
LC 5 (NTE)	1,212,100	5	+4.27%

Option 14

(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)	1,267,900	6	-9.11%
LC 2 (KW)	1,030,000	4	+10.75%
LC 3 (KE)	1,018,700	4	+9.54%
LC 4 (NTW)	1,735,100	8	-6.72%
LC 5 (NTE)	1,923,400	8	+3.41%

- * Options 10-14 are *viable* (i.e. 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 the marginal improvement in deviation figures does not justify redrawing the GC boundaries.

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