

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance
(Chapter 542)

**DECLARATION OF GEOGRAPHICAL CONSTITUENCIES
(LEGISLATIVE COUNCIL) ORDER 2011**

INTRODUCTION

At the meeting of the Executive Council on 18 October 2011, 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 fifth Legislative Council (“LegCo”) general election in 2012 (“the EAC Report”) should be accepted in their entirety;
- (b) the Declaration of Geographical Constituencies (Legislative Council) Order 2011 (“the Order”), 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 the 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 7 September 2008, the EAC should submit its report with recommendations for the 2012 LegCo general election to the CE not later than 6 September 2011.

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

- (a) there are to be five GCs [**section 18(1) of LCO**];
- (b) 35 Members are to be returned for all GCs, and the number of Members to be returned for each GC is not less than five nor greater than nine [**section 19(1) and (2) 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

¹ According to section 17(1) of the EACO, “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. Based on the forecast population as at 30 June 2012, the population quota is: $7\,180\,700 \div 35 = 205\,163$.

EAC should 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 $\pm 15\%$ 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 or any part thereof **[section 20(3)(a) and (b) of EACO]**;
- (e) the EAC may depart from the strict application of sub-paragraph (c) above only where it appears that a consideration 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 **[section 20(2) of EACO]**; and
- (g) the EAC shall have regard to the existing boundaries of Districts² and GCs **[section 20(4)(a) and (b) of EACO]**.

C & D Extracts of the relevant provisions of the EACO and LCO are at **Annexes C** and **D** respectively.

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

6. Apart from the statutory requirements set out in paragraph 5 above, the EAC also adopted a number of working principles when arriving at its provisional recommendations (which now become its final recommendations after considering views received during public consultation), including the following –

- (a) the boundaries of the existing five GCs should form the basis of consideration in the current demarcation exercise;

² According to section 20(7) of the EACO, “District” has the meaning assigned to it by the District Councils Ordinance (Cap. 547), which means an area declared to be a District thereunder.

- (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 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 District Council Constituency Area (“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.

(C) Provisional Recommendations of EAC (paragraphs 2.11 to 2.15 of the EAC Report)

7. In making its provisional recommendations, the primary consideration of the EAC was to ensure compliance with the statutory criteria and working principles as set out in paragraphs 5 and 6 above. Based on the forecast figures provided by an inter-departmental working group chaired by the Planning Department, the projected population of Hong Kong as at 30 June 2012 will be 7 180 700. With 35 GC seats, the population quota (as elaborated in footnote 1) is 205 163.

8. The EAC recommends that the existing boundaries and the names of the five GCs should remain unchanged and that the 35 seats for GCs be allocated among the five GCs based on their respective projected population as at 30 June 2012. Following the established process of delineation and in accordance with the statutory requirement of section 20(1)(a) of the EACO that the population in each proposed GC should be as near as is practicable to the resulting number³, the EAC has adopted a two-step approach to allocate the 35 seats –

³ The resulting number is obtained by multiplying the number of seats allocated to the GC and the population quota. This is explained in paragraph 5(c) above.

- (a) Step One: seats are allocated amongst the five GCs by dividing the projected population of each GC by the population quota and allocating seats according to the integer of the calculated number subject to the statutory limits⁴. Accordingly, 33 seats are first allocated to the five GCs; and
- (b) Step Two: As for the allocation of the remaining two seats, all six possible options for seat allocation have been worked out as shown in Appendix I to the EAC Report. After considering the six options, the one with the smallest range of percentage deviation of the population from the resulting number in the individual GCs (i.e. Option C) is adopted.

The detailed process is set out in paragraphs 2.11 to 2.15 of the EAC Report. A summary of the EAC's provisional recommendations is as follows –

<u>Name of GC</u>	<u>Projected population as at 30.6.2012</u>	<u>Seats allocated in Step-One</u>	<u>Seats allocated in Step-Two</u>	<u>Proposed number of seats</u>	<u>Deviation from resulting number (see para. 5(c) above)</u>
Hong Kong Island (comprising Central and Western, Wan Chai, Eastern and Southern Districts)	1 295 800	6	1	7	-9.77%

⁴ According to section 19 of the LCO, the number of Members to be returned for each GC must not be less than five nor greater than nine. This is explained in paragraph 5(b) above.

Kowloon West (comprising Yau Tsim Mong, Sham Shui Po and Kowloon City Districts)	1 081 700	5	0	5	+5.45%
Kowloon East (comprising Wong Tai Sin and Kwun Tong Districts)	1 062 800	5	0	5	+3.61%
New Territories West (comprising Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands Districts)	2 045 500	9	0	9	+10.78%
New Territories East (comprising North, Tai Po, Sha Tin and Sai Kung Districts)	1 694 900	8	1	9	-8.21%
Total	7 180 700	33	2	35	-

9. Comparing the number of seats allocated to each GC under the provisional recommendations with that for the 2008 LegCo general election, New Territories East (“NTE”) will get two more seats. Hong Kong Island (“HKI”), Kowloon East (“KE”) and New Territories West (“NTW”) will each have one additional seat, while Kowloon West (“KW”) will have the same number of seats. The population deviation from the resulting number in each GC is well within the $\pm 15\%$ deviation limits.

(i) Other options (paragraphs 2.16 to 2.21 of the EAC Report)

10. The EAC had also explored 16 other possible options to delineate the GCs by moving a contiguous district from one GC to another. The EAC considers these options either not viable or not desirable. Details are set out in paragraphs 2.17 to 2.20 of the EAC Report. The resulting distribution of seats and range of deviation from the resulting numbers of these other options are shown in **Annex E**. The details are summarised below.

E

11. The other options considered by the EAC are either:

- (a) not viable (options 1 to 9) as the deviation percentage of at least one GC in each of them falls outside the statutory permissible range of $\pm 15\%$ and, in the case of option 5, the resultant number of seats allocated to the five GCs also exceeds the total number of seats stipulated in the LCO (i.e. 35); or
- (b) not desirable (options 10 to 16) as they do not have regard to community integrity and/or do not comply with EAC's working principles as set out in paragraph 6 above.

12. For example, the EAC has considered the option of transferring Islands District from NTW to HKI (Option 16 at **Annex E**). Under this option, the newly formed NTW and HKI will have a population of 1 887 800 and 1 453 500 respectively. NTW will be allocated nine seats (with a deviation percentage of +2.24%) and HKI will be allocated seven seats (with a deviation percentage of +1.21%). KW and KE will each obtain five seats and NTE will have nine seats. Under this option, the number of seats allocated to the five GCs will be the same as that of the provisional recommendations. It will yield a smaller range of deviation (+5.45% to -8.21%) than the EAC's provisional recommendations (+10.78% to -9.77%).

13. Despite the improvement in the range of deviation, the EAC considers Option 16 undesirable having regard to the need to preserve community identities, the preservation of local ties and physical features as required under section 20(3)(a) and (b) of the EACO. Firstly, Islands District and the existing districts in HKI belong to different communities. Islands District is generally regarded as part of the New Territories and, despite the

social-economic development in recent years, its community identities and physical features remain basically different from those of HKI. Adopting this option will have an undesirable effect of transferring a district to a GC with distinctly different local characteristics and community identities. Secondly, the northern part of Lantau Island currently falls within Tsuen Wan District while the rest of it belongs to Islands District. If the latter is transferred to HKI from NTW, Lantau Island would be split into two parts and belong to two different GCs, thus adversely affecting its community identities. This option also could not comply with the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately (see paragraph 6(c) above).

14. Although the EAC may theoretically come up with numerous other options of delineation by splitting the existing Districts along the DCCA boundaries, it does not consider it desirable to do so in view of the statutory requirements that the EAC shall have regard to community identities and preservation of local ties and physical features of the relevant area and the existing boundaries of Districts and GCs.

(ii) Public consultation (paragraphs 3.1 to 4.7 of the EAC Report)

15. 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 23 June to 22 July 2011. During this period, members of the public could submit written representations to the EAC, or attend the public forum held on 4 July 2011 to express their views. The LegCo Panel on Constitutional Affairs (“CA Panel”) also discussed the provisional recommendations at its meeting on 18 July 2011.

16. The EAC received a total of seven written representations. The public forum was attended by 21 people. 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 to the same volume.

17. The views received show that the EAC's proposal to maintain the existing boundaries of the five GCs was generally supported. However, the EAC has noticed the following issues –

- (a) a number of representations expressed concerns on the number of GCs to be delineated. The representations generally considered that the population and geographical coverage of both NTE and NTW were very large. They proposed to split up NTW into two GCs or to re-delineate the New Territories into three GCs. As these proposals would lead to delineation of more than five GCs, contravening section 18(1) of the LCO, the EAC could not accept such proposals;
- (b) some representations proposed that NTW should be allocated ten seats according to its population. As this would exceed the statutory maximum number of seats that a GC could get (i.e. nine seats as stipulated in section 19(2) of the LCO), it would not be legally in order for the EAC to accede to such proposals; and
- (c) some other representations suggested moving Islands District to HKI to reduce the deviation percentages of NTW and HKI. As explained in paragraphs 12 to 13 above, the EAC considers the option of transferring Islands District to HKI undesirable taking into account the relevant statutory requirements and the established working principles. Furthermore, the EAC has received opposite views objecting to such transfer. Hence, the EAC considered that the suggestion should not be accepted.

(D) Final Recommendations of the EAC (paragraphs 4.8 to 4.9 of the EAC Report)

18. Having examined all the representations and for the considerations set out in paragraph 17 above, 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. The EAC then submitted its final recommendations to the CE on 5 September 2011. The Chief Executive-in-Council accepted the final

recommendations in their entirety. The decision of the Chief Executive-in-Council will be effected by way of the Order.

THE ORDER

19. The Order has four sections and a schedule. Section 1 specifies 1 January 2012 as the commencement date of the Order, which is after the completion of the negative vetting of the Order. Section 2 defines certain terms used in the Order. Section 3 and the Schedule declare the areas to be GCs for the purpose of an election to elect Members for the fifth term of office of LegCo and give names to the GCs. Section 4 specifies the number of Members to be returned at the general election for the fifth term of office of LegCo for each GC declared by the Order.

LEGISLATIVE TIMETABLE

20. The legislative timetable is as follows –

Publication in the Gazette	21 October 2011
Tabling at LegCo	26 October 2011

We will also table the EAC Report at LegCo on 19 October 2011 in accordance with the relevant provision of the EACO.

IMPLICATIONS OF THE PROPOSAL

21. 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 subsidiary legislation. The Order has no financial, economic (including competition), civil service, productivity, environmental or sustainability implications. Implementation of the proposed delineation of the GCs will not require additional financial and manpower resources.

PUBLIC CONSULTATION

22. There was a public consultation exercise for 30 days on the EAC's provisional recommendations. Details are set out in paragraphs 15 to 17 above.

PUBLICITY

23. A press release will be issued. A spokesman will be available for answering enquiries.

ENQUIRY

24. Any enquiries on the brief should be addressed to Ms Anne TENG, Principal Assistant Secretary (Constitutional and Mainland Affairs) 2, at 2810 2908.

Constitutional and Mainland Affairs Bureau
19 October 2011

Declaration of Geographical Constituencies (Legislative Council) Order 2011

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

1. Commencement

This Order comes into operation on 1 January 2012.

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 _____ ;

area code (地區代號), in relation to an area declared to be a geographical constituency by 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 2012 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 by 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 2012 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 fifth 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 by this Order, the number of Members to be returned at the general election for the fifth 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/2012/HK and marked with the names Central & Western District, Wan Chai District, Eastern District and Southern District.	Hong Kong Island	7
2.	Kowloon West	LC2	The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2012/KLN-W&E and marked with the names Yau Tsim Mong District, Sham Shui Po District and Kowloon City District.	Kowloon West	5

Item	Name of Area	Area Code	Delineation of Area	Name of Constituency	Number of Members
3.	Kowloon East	LC3	The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2012/KLN-W&E and marked with the names Wong Tai Sin District and Kwun Tong District.	Kowloon East	5
4.	New Territories West	LC4	The area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/R/2012/NT-W and marked with the names Tsuen Wan District, Tuen Mun District, Yuen Long District, Kwai Tsing District and Islands District.	New Territories West	9
5.	New Territories East	LC5	The area delineated by the constituency boundary on the approved map identified as Plan	New Territories East	9

Item	Name of Area	Area Code	Delineation of Area	Name of Constituency	Number of Members
			No. LCCA/R/2012/ NT-E and marked with the names North District, Tai Po District, Sha Tin District and Sai Kung District.		

Clerk to the Executive Council

COUNCIL CHAMBER

2011

Explanatory Note

This Order declares areas of Hong Kong to be geographical constituencies for the purpose of an election to elect Members for the fifth 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”) is an independent and apolitical body established under section 3 of the Electoral Affairs Commission Ordinance (“EACO”) (Cap. 541), with the primary objective of upholding openness, honesty and fairness in public elections.

Section 2 : Responsibility of the EAC

1.2 Under section 4(a) of the EACO, one of the functions of the EAC is to consider or review the boundaries of geographical constituencies (“GCs”) for the purpose of making recommendations on 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 (“CE”) a report on the recommendations for the delineation of the GCs and the names proposed for each constituency in relation to a LegCo general election not more than 36 months from the preceding general election. As the last general election of the LegCo was held on 7 September 2008, the EAC is required to submit the report for the 2012 LegCo Election to the CE by 6 September 2011.

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 EAC'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 EAC. **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, **35 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 5 nor greater than 9** [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) above 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 two 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 Districts¹ [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 EAC also adopted the following working principles for the current demarcation exercise:

¹ “Districts” means the 18 Districts as set out in Part II of Schedule 1 of the District Councils Ordinance (Cap. 547).

- (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 would 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 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 general elections since 1998.

Section 3 : Name and Code of Constituencies

2.7 In determining the name and code reference for the GCs, the EAC considers that the name of GCs should comprise two easily distinguished components, namely the name of the area in which the GC is situated and a directional reference similar to those adopted for the existing GCs, i.e. Hong Kong Island (“HKI”), Kowloon West (“KW”), Kowloon East (“KE”), the New Territories West (“NTW”) and the New Territories East (“NTE”). 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 EAC 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 general elections since 1998.

Section 4 : Population Forecasts

2.8 Section 20(6) of the EACO provides that the EAC 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 EAC shall estimate the population of Hong Kong or the GC having regard to the available information which is the best possible in the circumstances.

2.9 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 EAC 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”), Housing Department, Lands Department (“LandsD”) and the Registration and Electoral Office (“REO”). The AHSG used the latest official population statistics (2009-based) released by the Census and Statistics Department in July 2010 as the basis for projection in this demarcation exercise. To make the best estimation as close to the election date as practicable, the AHSG has produced a report with population forecasts down to the DCCA level as at **30 June 2012**.

2.10 The report estimates that the total population of the territory will be **7,180,700** as at 30 June 2012. The population figures in the report were adopted by the EAC 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. $7,180,700 \div 35$) is **205,163** for the purpose of this demarcation exercise.

Section 5 : The Process of Delineation

2.11 Based on the population forecasts mentioned in paragraph 2.10 above and adhering to the statutory criteria and the working principles as set out in paragraphs 2.1 to 2.5 above, the EAC has drawn up its provisional recommendations on the boundaries and names of the GCs for the 2012 LegCo Election.

2.12 The EAC recommends that the existing boundaries of the 5 GCs should remain unchanged and that the 35 seats be allocated to the 5 existing GCs based on their respective projected population as at 30 June 2012.

2.13 Following the established process of delineation and in accordance with the statutory requirement of section 20(1)(a) of the EACO that the population in each proposed GC should be as near as practicable to the resulting number (see paragraph 2.2(a) above), the EAC has adopted a two-step method to allocate the 35 seats:

- (a) Step One: Seats are allocated amongst the 5 GCs by dividing the projected population of each GC by the population quota (see paragraph 2.10 above) and allocating seats according to the integer of the calculated number subject to the statutory limits (see paragraph 2.1 (c) above). Accordingly, 33 seats are first allocated to the 5 GCs.

- (b) Step Two: As to the allocation of the remaining two seats, all the six possible options for seat allocation are worked out and examined as shown in the table under Note 2 of the document entitled “Method for Allocation of Seats” at **Appendix I**. Option C therein is recommended for adoption since it has the smallest range of percentage deviation of the population from the resulting number in the individual GCs.

This will ensure that the variation between individual GCs in terms of the number of persons represented by a LegCo seat is reduced to a minimum.

2.14 Under the provisional recommendations, the number of seats allocated to each GC in accordance with the aforesaid method is as follows:

Proposed Name and Code of GC	Population	Seats allocated in Step-One	Seats allocated in Step-Two	Proposed Number of Seats
Hong Kong Island (LC 1)	1,295,800	6	1	7
Kowloon West (LC 2)	1,081,700	5	0	5
Kowloon East (LC 3)	1,062,800	5	0	5
New Territories West (LC 4)	2,045,500	9	0	9
New Territories East (LC 5)	1,694,900	8	1	9
Total:	7,180,700	33	2	35

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

2.15 The recommendations of the EAC fulfill all the statutory criteria and the working principles set out in paragraphs 2.1 to 2.5 above. They have the additional benefit of maintaining the existing boundaries to which electors have been accustomed since 1998 and electors will not have to adjust themselves to a new GC. The EAC also recommends that the existing names and codes for the 5 GCs be retained as there is no proposed change to the GC boundaries.

Section 6 : Other Options

Delineation of GC boundaries by Districts

2.16 The EAC has explored 16 other possible options for delineation by moving a contiguous district from one GC to another, as set out in **Appendices II and III**. Having examined these 16 options using the same method of calculation described in paragraph 2.13 above, the EAC finds them either not viable or not desirable.

2.17 Amongst the options, the EAC has considered the option of transferring Islands District from NTW to HKI (Option 16 in **Appendix III**). Under this option, the newly formed NTW and HKI will have a population of 1,887,800 and 1,453,500 respectively. NTW will be allocated nine seats (with a deviation percentage of +2.24%) and HKI will be allocated seven seats (with a deviation percentage of +1.21%). KW and KE will each obtain five seats and NTE will have nine seats. Under this option, the

number of seats allocated to the 5 GCs will be the same as that of the provisional recommendations but it will yield a smaller range of deviation (+5.45% to -8.21%) than the EAC's provisional recommendations (+10.78 to -9.77%).

2.18 As stipulated in sections 20(3)(a) and 20(3)(b) of the EACO, the EAC shall have regard to the community identities, the preservation of local ties and physical features in delineating GCs (see paragraphs 2.3(a) and 2.3(b) above). Despite the improvement in the range of deviation, the EAC considers the aforesaid option undesirable having regard to the need to preserve community identities. Firstly, Islands District and the existing districts in HKI belong to different communities. Islands District is generally regarded as part of the New Territories and, despite the social-economic development in recent years, its community identities and physical features remain basically different from those of HKI. This option, if adopted, will have the undesirable effect of marrying a district into a GC with distinctly different local characteristics and community identities. Secondly, the northern part of Lantau Island currently falls within Tsuen Wan District while the rest of it belongs to Islands District. If the latter is transferred to HKI from NTW, Lantau Island would be split into two parts and put in two different GCs, thus adversely affecting its community identities. Besides, this option could not comply with the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately (see paragraph 2.5(c) above).

2.19 The EAC has also considered the option of transferring Kwai Tsing District from NTW to KW (Option 10 in **Appendix III**). Under this option, NTW (with a population of 1,536,100; and deviation of -6.41%) and KW (with a population of 1,591,100; and deviation of -3.06%) will each be allocated eight seats. HKI, KE and NTE will have six, five and eight seats respectively. This option will yield a smaller range of deviation (+5.27% to -6.41%) than the EAC's provisional recommendations (+10.78 to -9.77%). However, despite geographical proximity, Kwai Tsing District and the districts in KW belong to communities of different social characteristics. The EAC considers it undesirable for a GC to comprise districts from the New Territories and Kowloon, and this also contradicts the working principle set out in paragraph 2.5(c) above.

2.20 As regards the other 14 options, they are either not viable (see **Appendix II**), as they do not comply with the relevant statutory requirements, or not desirable (see **Appendix III**), as they do not give due regard to community integrity and/or do not comply with the EAC's working principles.

Delineation of GC boundaries by DCCAs

2.21 Although the EAC may theoretically come up with numerous other 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 statutory requirements to preserve community identities and local ties

and pay regard to physical features within the districts (see paragraphs 2.3(a) and 2.3(b) above). Furthermore, such an approach will not be in conformity with the statutory requirement of having regard to the existing boundaries of districts (see paragraph 2.3(c) above).

Section 7 : The Provisional Recommendations

2.22 Having weighed the various options mentioned in paragraphs 2.16 to 2.20 above and consulted District Officers of the Home Affairs Department (“HAD”) insofar as local knowledge is required, the EAC considers that the provisional recommendations (i.e. retaining the existing boundaries and names of the 5 GCs and allocating the 35 seats among the 5 GCs as set out under paragraph 2.14 above) are the best option. Details of EAC’s 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 EAC 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 EAC conducted a public consultation exercise on its provisional recommendations from 23 June to 22 July 2011 for a period of 30 days. During this period, members of the public were invited to submit representations to the EAC 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 method for the allocation of seats, 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, major and district public libraries and the REO at Harbour Centre, Wan Chai during the consultation period. Such information was also made available to the public on the EAC's website.

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

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

3.5 On the first day of the consultation period, i.e. 23 June 2011, the EAC held a press conference to launch the public consultation exercise and invited the public to give their views on the EAC's provisional recommendations. Underlining the importance of having a comprehensive assessment of the acceptability of the provisional recommendations, the EAC also appealed to the public that not only those who held different views but also those who had supporting views on the EAC's provisional recommendations should come forward and make their views known. This would facilitate the EAC to arrive at a balanced decision in finalising its recommendations.

3.6 A public forum was held at 3:00 p.m. on 4 July 2011 at Community Hall, 3/F, Causeway Bay Community Centre, 7 Fook Yum Road, Causeway Bay, where members of the public could personally attend and make oral representations to the EAC direct. Audio-visual aids were used to facilitate understanding of the representations by making reference to maps.

3.7 The REO also briefed the LegCo Panel on Constitutional Affairs on 18 July 2011, where Members expressed their views on the EAC's provisional recommendations.

Section 2 : Number of Representations Received

3.8 During the consultation period, the EAC received a total of seven written representations. In addition, 21 persons turned up at the public forum held on 4 July 2011.

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 18 July 2011) and considered whether they should be accepted.

4.2 The EAC examined each of the representations received in detail and considered the viability of the proposals suggested. 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**. In considering the representations, the EAC has noticed the following issues.

(a) Number of Geographical Constituencies

4.3 A number of representations received from the public and some views expressed by LegCo Members at the meeting of the LegCo Panel on Constitutional Affairs (see items 5, 6, 7, 11 and 12 of **Appendix V**) concern the number of GCs to be delineated. They generally considered that both

the populations and the geographical coverage of NTE and NTW are very large when compared with those of the remaining 3 GCs (i.e. KW, KE and HKI), rendering electioneering activities or liaison work difficult in these GCs. They proposed that the GCs in the New Territories should be redrawn by splitting up NTW into 2 GCs or re-delineating the New Territories into 3 GCs so as to reduce the size of the GCs in the New Territories and even out the population in individual GCs. These proposals will lead to delineation of more than 5 GCs. In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the statutory criteria stipulated in the LCO. As one of these criteria is that there are to be 5 GCs for the purpose of returning Members (see paragraph 2.1 above), the aforesaid proposal, which would cause the resultant number of GCs to exceed five, cannot be accepted.

(b) Fairness in Representation

4.4 A number of the representations were of the view that NTW should be allocated ten seats according to its population. However, as it would exceed the statutory maximum number of seats of a GC as stipulated in the LCO (i.e. nine seats), only nine seats can be allocated to NTW. As a result, the deviation percentage of NTW reaches +10.78%. They considered this arrangement unfair to the residents in NTW as they were “under-represented” (see items 2, 3, 9 and 11 of **Appendix V**). Two representations further proposed that the maximum number of seats of a GC should be increased from nine to ten (see items 2 and 9 of **Appendix V**).

4.5 The EAC understands the concern raised in these representations and has explored various options of delineating NTW (see paragraphs 2.17 to 2.19 above and **Appendices II and III**). However, the EAC has found these options not viable or not desirable. It should be noted that the deviation from the resulting number of NTW (+10.78%), though comparatively large in magnitude, is within the statutory permissible range of $\pm 15\%$ stipulated in section 20(1)(b) of the EACO. Furthermore, in accordance with section 19(2) of the LCO, 5 to 9 LegCo Members are to be returned for each GC. Hence, it will not be legally in order for the EAC to allocate ten seats to NTW. In undertaking the demarcation exercise, the EAC must work within these statutory confines.

(c) Preservation of Community Identities and Local Ties

4.6 Some other representations suggested that Islands District be moved to HKI in order to reduce the deviation percentages of NTW and HKI (see items 3 and 13 in **Appendix V**). Similarly, some representations suggested transferring the southern part of Lantau Island (without specifying the exact areas involved) and some DCCAs of Islands District including Peng Chau, Cheung Chau and Lamma Island to HKI (see items 4 and 10 of **Appendix V**) because, in terms of accessibility, these places were connected with HKI by ferry.

4.7 As explained in paragraphs 2.17 and 2.18 above, the EAC considers the option of transferring Islands District to HKI undesirable

having regard to the relevant statutory requirements and the established working principles. Moreover, the EAC has received opposite views objecting to the transfer of Islands District from NTW to HKI (see items 2 and 9 of **Appendix V**). The EAC is thus of the view that the suggestion put forward in the aforesaid representations should not be accepted.

Section 2 : The Recommendations

4.8 As explained in Section 5 of Chapter 2 above, the EAC's provisional recommendations have fulfilled all the relevant statutory requirements and established working principles. The EAC has taken into account all the public representations (including supporting and objecting views and counter-proposals offered) received during the consultation period. On balance, the EAC considers that the present recommendation to retain the existing boundaries of the 5 GCs represents the most sensible and practicable way forward.

4.9 The EAC decides that it is not necessary or appropriate to make any alteration to its 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 EAC would like to express its gratitude towards the AHSB, District Offices of the HAD, LandsD, Information Services Department, Government Logistics Department and the CMAB for their contributions and assistance in the exercise.

5.2 The EAC is particularly thankful to the EAC Secretariat manned by the staff of the REO for their dedicated and concerted efforts in the preparation work.


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

Section 2 : The Important Principle

5.4 In line with previous demarcation exercises, the EAC has adhered to the statutory requirements and its working principles in this demarcation exercise. As always, the EAC has paid no regard to any

suggestions with political implications.

5.5 Delineation of GCs is an integral part of an election. The EAC is committed to conducting each and every election under its supervision in an open, fair and honest manner. The EAC has faithfully upheld this important principle in this demarcation exercise.


Chapter:	541	Title:	ELECTORAL AFFAIRS	Gazette	L.N. 187 of
			COMMISSION	Number:	2001
			ORDINANCE		
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.

Chapter:	541	Title:	ELECTORAL AFFAIRS	Gazette	L.N. 210 of
			COMMISSION	Number:	1999
			ORDINANCE		
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)

Chapter:	541	Title:	ELECTORAL AFFAIRS	Gazette	L.N. 320 of
			COMMISSION	Number:	1999
			ORDINANCE		
Section:	20	Heading:	Criteria for making	Version Date:	01/01/2000
			recommendations		

(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)


Annex D

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

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.

Chapter: 542 Title: LEGISLATIVE COUNCIL Gazette 2 of 2011
 ORDINANCE Number:
Section: 19 Heading: **Number of Members to be returned for geographical constituency** Version Date: 11/03/2011

Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

(1) At a general election, 35 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 5 nor greater than 9, specified in the order declaring the area of the constituency in accordance with section 18(2).

(Replaced 25 of 2003 s. 6. Amended 2 of 2011 s. 4)

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

(Moving Kowloon City from the existing LC 2 to LC 3)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	6	+5.27%
LC 2 Kowloon West	706,100	5*	[-31.17%]
LC 3 Kowloon East	1,438,400	7	+0.16%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,694,900	8	+3.27%
Total	7,180,700	<u>35</u>	

Option 2

(Moving Sham Shui Po from the existing LC 2 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	696,200	5*	[-32.13%]
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	2,080,400	9*	+12.67%
Total	7,180,700	<u>35</u>	

Option 3

(Moving Kowloon City from the existing LC 2 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	706,100	5*	[-31.17%]
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	2,070,500	9*	+12.13%
Total	7,180,700	<u>35</u>	

Option 4

(Moving Wong Tai Sin from the existing LC 3 to LC 2)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	6	+5.27%
LC 2 Kowloon West	1,505,900	7	+4.86%
LC 3 Kowloon East	638,600	5*	[-37.75%]
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,694,900	8	+3.27%
Total	7,180,700	<u>35</u>	

Option 5

(Moving Kwun Tong from the existing LC 3 to LC 2)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	6	+5.27%
LC 2 Kowloon West	1,720,300	8	+4.81%
LC 3 Kowloon East	424,200	5*	[-58.65%]
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,694,900	8	+3.27%
Total	7,180,700	<u>[36]</u>	

Option 6

(Moving Wong Tai Sin from the existing LC 3 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	638,600	5*	[-37.75%]
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	2,119,100	9*	+14.77%
Total	7,180,700	<u>35</u>	

Option 7

(Moving Kwun Tong from the existing LC 3 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	424,200	5*	[-58.65%]
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	2,333,500	9*	[+26.38%]
Total	7,180,700	<u>35</u>	

Option 8

(Moving Kwai Tsing from the existing LC 4 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	6	-12.13%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,536,100	8	-6.41%
LC 5 New Territories East	2,204,300	9*	[+19.38%]
Total	7,180,700	<u>35</u>	

Option 9

(Moving Yuen Long from the existing LC 4 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	6	-12.13%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,459,000	8	-11.11%
LC 5 New Territories East	2,281,400	9*	[+23.55%]
Total	7,180,700	<u>35</u>	

Legend

Options 1 to 9 are *not viable* because the deviation percentage of at least one geographical constituency (“GC”) in each of them falls outside the statutory permissible range of $\pm 15\%$. Such figures are square-bracketed for ease of reference. In the case of Option 5, the resultant number of seats allocated to the 5 GCs also exceeds the total number of seats stipulated in the Legislative Council Ordinance (Cap 542) (“LCO”) (i.e. 35).

* Following the same method of allocation of seats as set out in paragraph 2.13 of the EAC Report, the numbers of seats marked with asterisks have been adjusted in accordance with the upper limit of 9 seats and the lower limit of 5 seats as stipulated in section 19(2) of the LCO after allocating seats according to the integer of the calculated number.

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

Option 10

(Moving Kwai Tsing from the existing LC 4 to LC 2)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	6	+5.27%
LC 2 Kowloon West	1,591,100	8	-3.06%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,536,100	8	-6.41%
LC 5 New Territories East	1,694,900	8	+3.27%
Total	7,180,700	<u>35</u>	

Option 11

(Moving Sha Tin from the existing LC 5 to LC 2)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,721,600	9	-6.76%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,055,000	5	+2.85%
Total	7,180,700	<u>35</u>	

Option 12

(Moving Sai Kung from the existing LC 5 to LC 3)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	1,504,300	8	-8.35%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,253,400	6	+1.82%
Total	7,180,700	<u>35</u>	

Option 13

(Moving Sha Tin from the existing LC 5 to LC 3)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	1,702,700	9	-7.79%
LC 4 New Territories West	2,045,500	9	+10.78%
LC 5 New Territories East	1,055,000	5	+2.85%
Total	7,180,700	<u>35</u>	

Option 14

(Moving Islands from the existing LC 4 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,887,800	9	+2.24%
LC 5 New Territories East	1,852,600	9	+0.33%
Total	7,180,700	<u>35</u>	

Option 15

(Moving Tsuen Wan from the existing LC 4 to LC 5)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,295,800	7	-9.77%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,752,900	9	-5.07%
LC 5 New Territories East	1,987,500	9	+7.64%
Total	7,180,700	<u>35</u>	

Option 16

(Moving Islands from the existing LC 4 to LC 1)

<i>Geographical constituency</i>	<i>Population</i>	<i>No. of seats</i>	<i>Deviation from resulting number</i>
LC 1 Hong Kong Island	1,453,500	7	+1.21%
LC 2 Kowloon West	1,081,700	5	+5.45%
LC 3 Kowloon East	1,062,800	5	+3.61%
LC 4 New Territories West	1,887,800	9	+2.24%
LC 5 New Territories East	1,694,900	9	-8.21%
Total	7,180,700	<u>35</u>	

Notes:

Options 10 to 16 are *viable* (i.e. with resultant number of seats and deviation within the statutory limits), *but not desirable*.

Option 10 is not desirable because:

- (a) Kwai Tsing District and the districts in the existing LC 2 belong to communities of different social characteristics; and
- (b) the redrawn LC 2 will comprise districts from the New Territories and Kowloon which violates the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately as these areas have been regarded as distinct from one to another.

Please also see paragraph 2.19 in Chapter 2 of the EAC Report.

Options 11 – 13 are not desirable because:

- (a) they violate the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately as these areas have been regarded as distinct from one to another; and
- (b) no improvement to the range of deviation percentages will be achieved after redrawing the GC boundaries.

Option 14 is not desirable because:

- (a) Lantau Island will be split into two parts and put in two different GCs (i.e. LC 4 and LC 5), thus adversely affecting its community identities;
- (b) the redrawn LC 5 will cover an extremely large area; and
- (c) most of the areas of Islands District are far away from LC 5.

Option 15 is not desirable because:

- (a) Lantau Island will be split into two parts and put in two different GCs (i.e. LC 4 and LC 5), thus adversely affecting its community identities; and
- (b) the redrawn LC 4 will be cut into a very awkward shape upsetting the local connection of Kwai Tsing District with the other districts of the same GC.

Option 16 is not desirable because:

- (a) Islands District is generally regarded as part of the New Territories and its community identities and physical features remain basically different from the districts in the existing LC 1;
- (b) Lantau Island will be split into two parts and put in two different GCs (i.e. LC 1 and LC 4), thus adversely affecting its community identities; and
- (c) the redrawn LC 1 will comprise districts from the New Territories and Hong Kong Island which violates the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately as these areas have been regarded as distinct from one to another.

Please also see paragraphs 2.17 and 2.18 in Chapter 2 of the EAC Report.