

LEGISLATIVE COUNCIL BRIEF

Legislative Council Ordinance (Cap. 542)

Declaration Of Geographical Constituencies (Legislative Council) Order 1999

INTRODUCTION

At the meeting of the Executive Council on 16 November 1999, the Council ADVISED and the Chief Executive ORDERED that the Declaration of Geographical Constituencies (Legislative Council) Order 1999 at Annex A should be made under sections 18 and 19 of the Legislative Council Ordinance.

BACKGROUND AND ARGUMENT

General Background

2. The Electoral Affairs Commission (“the Commission”) is a statutory independent body responsible for making recommendations to the Chief Executive on the delineation and the names of geographical constituencies (“GCs”) and the allocation of seats to each GC for LegCo elections. The process of boundary delineation is subject to prescribed procedures under the Electoral Affairs Commission Ordinance and the Legislative Council Ordinance. There are also statutory criteria which the Commission must follow in making its recommendations (see paragraph 6 below). These requirements are to ensure transparency of the process and public acceptance of the final decision.

3. For the second LegCo election to be held in 2000, the Commission is required to publish its provisional recommendations for public consultation for not less than 30 days. The Commission may hold meetings to receive representations and it must have regard to such representations when making its recommendations to the Chief Executive. The Commission must submit a report containing its recommendations to the Chief Executive not later than 31 October 1999.

4. Under section 23 of the Electoral Affairs Commission Ordinance, the Administration is required to table the Commission's report in the LegCo within 30 days of its submission for public information. In parallel, the report is to be submitted to the Chief Executive in Council for a decision on the delineation and the names of the GCs and the allocation of seats to each GC. The CE in Council must have regard to the Commission's report when making a decision, which will be effected by way of an Order published under sections 18 and 19 of the Legislative Council Ordinance. The Order has to be tabled in LegCo for negative vetting.

5. In accordance with the statutory requirements, the Commission published its provisional recommendations for public consultation on 1 September 1999 and submitted a report containing its final recommendations to the Chief Executive on 30 October 1999. The report will be tabled in LegCo on 24 November 1999.

Statutory Criteria for Making Recommendations

6. In making recommendations on the delineation of constituency boundaries, the Commission is bound by certain legal requirements under the Electoral Affairs Commission Ordinance and the Legislative Council Ordinance. The main requirements of these two Ordinances are -

- (a) there shall be five geographical constituencies (section 18(1) of the Legislative Council Ordinance);
- (b) each constituency shall have four to six seats (section 19(2) of the Legislative Council Ordinance);
- (c) the maximum deviation in population for each constituency is $\pm 15\%$ (section 20(1) of the Electoral Affairs Commission Ordinance); and
- (d) the Commission may depart from the strict application of the population criterion only where a consideration relating to community identities, the preservation of local ties and physical features such as size, shape, accessibility and development of the relevant area renders a departure necessary or desirable (section 20(5) of the Electoral Affairs Commission Ordinance).

These criteria are the same as those for the 1998 LegCo election.

Provisional Recommendations of the Commission

(A) Working Principles (paragraphs 5.11 - 5.22 of the report)

7. In the delineation exercise, the Commission adopted a working principle that the boundaries of the existing five GCs should be adopted as far as possible if their populations comply with the population quota requirement. This can obviate the need for electors to adjust themselves to a new GC after having become accustomed to the existing boundaries since 1998.

8. Based on the forecast provided by an inter-departmental working group chaired by the Planning Department, the population of Hong Kong at the end of March 2000 will be 6 736 900. With 24 GC seats, the population quota is 280 704. By distributing the four additional seats to each existing GC except the New Territories East, the deviation of population in each GC is well within the maximum deviation percentage allowed in law as shown in the table at Annex B.

(B) Public Consultation (paragraphs 6.1 - 6.15 of the report)

9. The Commission published its provisional recommendations for public consultation on 1 September 1999. The public were invited to put forward their views by 30 September 1999. A public forum was also held on 27 September 1999 for the Commission to hear representations from the public.

10. Six written representations were received and four people made oral representation at the public forum. Four of these representations expressed support for the Commission's provisional recommendations. The remaining representations were mainly related to proposals to allocate more seats to the New Territories as a whole or one more seat to the New Territories East GC.

Final Recommendations of the Commission (*paragraph 6.16 of the report*)

11. Having considered all the public representations carefully, the Commission decided not to make any change to its provisional recommendations. The Commission recommended that for the second LegCo election, the boundaries and names of all existing GCs should be retained and one additional seat should be allocated to each GC except the New Territories East GC.

PUBLIC CONSULTATION

12. The provisional recommendations of the Commission were publicized when it launched the public consultation on 1 September. The Commission held a press conference on the same day to explain its provisional recommendations. The Commission also held a public forum on 27 September to listen to public views.

BASIC LAW IMPLICATIONS

13. The Department of Justice has advised that the Order does not conflict with the provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

14. The Department of Justice has advised that the Order is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

15. The making of the Order has no financial or staffing implications.

LEGISLATIVE TIMETABLE

16. The Order will be published in the Gazette on 19 November 1999 and tabled in the LegCo for negative vetting on 24 November 1999.

PUBLICITY

17. A press release will be issued before the Order is published in the Gazette. A spokesman will be available for answering media enquiries.

Constitutional Affairs Bureau
16 November 1999

File Ref. : CAB C1/30/8

CWP1198

**DECLARATION OF GEOGRAPHICAL CONSTITUENCIES
(LEGISLATIVE COUNCIL) ORDER 1999**

(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 2000.

2. Interpretation

In this Order -

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

- (a) submitted together with the report referred to in section 18(1)(a) of the Electoral Affairs Commission Ordinance (Cap. 541) by the Electoral Affairs Commission to the Chief Executive on 30 October 1999;
- (b) specified in column 4 of the Schedule;
- (c) identified by reference to a plan number (Plan No.) prefixed “LCCA”;
- (d) approved by the Chief Executive in Council on 16 November 1999; and
- (e) deposited in the office of the Electoral Registration Officer;

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

- (a) prefixed “LC” and followed by a number;

- (b) mentioned opposite that area in column 3 of the Schedule; and
- (c) coloured red and described as “Recommended 2000 Legislative Council Constituency Area Code” in the legend of the relevant approved map;

“constituency boundary”(選區分界), in relation to an area declared to be a geographical constituency in this Order, means -

- (a) the boundary represented by the unbroken edging coloured red delineating, or partially delineating, that area and described as “Recommended 2000 Legislative Council Constituency Area Boundary (coincides with District Boundary)” in the legend of the relevant approved map; or

- (b) where any part of a district boundary -

- (i) coincides with the HKSAR boundary; and

- (ii) (A) joins or abuts any boundary, mentioned in paragraph (a), partially delineating that area; or

- (B) circumscribes or otherwise partially delineates that area,

that part of the district boundary, and that boundary, mentioned in paragraph

(a), partially delineating that area;

“district boundary”(地方行政區分界) means the boundary represented by the unbroken edging coloured green and described as “District Boundary” in the legend of the relevant approved map;

“HKSAR boundary”(特區界線) means the boundary of the administrative division of the Hong Kong Special Administrative Region promulgated by the Order of the State Council of the People’s Republic of China No. 221 dated 1 July 1997 and published as S.S. No. 5 to Gazette No. 6/1997 of the Gazette.

3. Declaration of Legislative Council

geographical constituencies

Each area named in column 2 of the Schedule and delineated on the approved map mentioned opposite that area in column 4 of the Schedule is declared to be a geographical constituency for the purpose of an election to elect the Members for the second term of office of the Legislative Council, and the name of the geographical constituency is specified opposite that area in column 5 of the Schedule.

4. Number of Members to be returned for

each geographical constituency

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

SCHEDULE

[ss. 2, 3 & 4]

| Item | Name of Area | Area Code | Delineation of Area | Name of Constituency | Number of Members |
|------|------------------|-----------|---|----------------------|-------------------|
| 1. | Hong Kong Island | LC1 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/2000/HK and marked with the district names Central & Western, Wan Chai, Eastern and Southern. | Hong Kong Island | 5 |
| 2. | Kowloon West | LC2 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/2000/KLN-W&E and marked with the district names Yau Tsim Mong, Sham Shui Po and Kowloon City. | Kowloon West | 4 |
| 3. | Kowloon East | LC3 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/2000/KLN-W&E and marked with the district names Wong Tai Sin and Kwun Tong. | Kowloon East | 4 |

- | | | | | | |
|----|----------------------|-----|--|----------------------|---|
| 4. | New Territories West | LC4 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/2000/NT-E and marked with the district names Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands. | New Territories West | 6 |
| 5. | New Territories East | LC5 | That area delineated by the constituency boundary on the approved map identified as Plan No. LCCA/2000/NT-E and marked with the district names North, Tai Po, Sha Tin and Sai Kung. | New Territories East | 5 |

Clerk to the Executive Council

COUNCIL CHAMBER

1999

Explanatory Note

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

**The Electoral Affairs Commission's Recommendations on
Delineation of Geographical Constituencies for the 2000 LegCo
Election**

| <u>Name of GC</u> | <u>Projected Population as at 31.3.2000</u> | <u>Seats* Entitled</u> | <u>Seats Proposed</u> | <u>Population Deviation</u> |
|--------------------------|--|-----------------------------------|----------------------------------|--|
| Hong Kong Island | 1,343,400 | 4.786 | 5 | -4.28% |
| Kowloon West | 1,029,000 | 3.666 | 4 | -8.36% |
| Kowloon East | 1,016,100 | 3.620 | 4 | -9.50 |
| New Territories West | 1,804,900 | 6.430 | 6 | +7.17% |
| New Territories East | 1,543,500 | 5.499 | 5 | +9.97% |
| Total | 6,736,900 | - | 24 | - |

- * Seats entitled for each GC is calculated based on :
- seats entitled = projected population in a GC ÷ population quota
 - population quota = 6,736,900 ÷ 24 = 280,704