

政制及內地事務局
政府總部
香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT
EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

By email

(7 pages in total)

Our Ref.: CMAB C2/11

Your Ref.: CB2/PL/CA

Tel. No.: 2810 2908

Fax No.: 2840 1976

19 July 2019

Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.
(Attn: Ms Joanne MAK)

Dear Ms MAK,

Panel on Constitutional Affairs

Letter from Hon CHU Hoi-dick

Further to our letter of 21 June attaching our Bureaus' and the Electoral Affairs Commission's Chinese written replies to Hon CHU Hoi-dick's letter, I enclose the corresponding English translation at **Annex A** and **Annex B** for Members' reference, please.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cherie Yeung'.

(Ms Cherie YEUNG)

for Secretary for Constitutional and Mainland Affairs

政制及內地事務局
政府總部
香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT
EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG
Tel.: 2810 2908
Fax: 2840 1976

OUR REF: C2/11

(English translation on the Chinese reply issued on 21 June 2019)

Dear Hon Chu,

**Delineation of Electoral Constituency Boundaries with Respect to
the Lok Ma Chau Loop and Special Areas**

Thank you for your letter of on 29 March 2019. In consultation with relevant bureaus and departments, I set out our consolidated reply in the ensuing paragraphs:

In accordance with sections 4(a) and 18(2) of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”), one of the functions of the Electoral Affairs Commission (“EAC”) is to consider or review the boundaries of Legislative Council (“LegCo”) geographical constituencies (“GCs”) and District Council (“DC”) constituencies, and submit reports to the Chief Executive (“CE”) on its recommendations for the boundaries and names of GCs for a LegCo general election and constituencies for a DC ordinary election.

Regarding the delineation and names of constituencies for a DC ordinary election, the EAC is required to draw up its recommendations in accordance with the criteria stipulated under section 20 of the EACO, of which section 20(4A) stipulates that the EAC must follow the existing boundaries of the administrative districts and the existing number of members to be elected to a DC as specified in Schedules 1 and 3 to the District Councils Ordinance (Chapter 547) (“DCO”).

In respect of the Report on the Recommended Constituency Boundaries for the 2019 District Council Ordinary Election, the EAC conducted a public consultation exercise in Q3, 2018 and submitted the

report to the CE on 20 November 2018 in accordance with the relevant legislation mentioned above. At the meeting of the Executive Council on 4 December 2018, the Council advised and the CE ordered that the recommendations in the report should be accepted in their entirety, and that the Declaration of Constituencies (District Councils) Order 2018 should be made under section 6 of the DCO. The Order had undergone negative vetting at the LegCo in early 2019, and subsequently took effect on 1 March 2019.

Pursuant to the Order of the State Council of the People's Republic of China No. 221 ("Order No. 221") promulgated on 1 July 1997, the Lok Ma Chau Loop falls within the boundaries of the administrative division of the Hong Kong SAR. That said, the Loop does not fall within the boundaries of any administrative district as specified under sections 3 and 8 of the DCO. At present, advance works are underway at the area. The Government will review the areas of the existing administrative districts in due course and consider whether adjustment would be required.

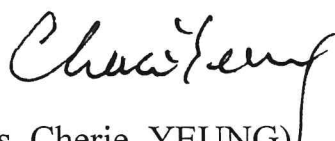
The Shenzhen Bay Port Hong Kong Port Area does not fall within the boundaries of the administrative division of the Hong Kong SAR as specified under Order No. 221, and does not fall within the boundaries of any administrative district as specified under sections 3 and 8 of the DCO. Therefore, the recommendations of the EAC for the boundaries and names of constituencies would not include the Shenzhen Bay Port Hong Kong Port Area.

In accordance with the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap. 632), with the exception of reserved matters, the West Kowloon Station Mainland Port Area is to be regarded as an area lying outside Hong Kong and lying within the Mainland for the purposes of the application of the laws of the Mainland and of the laws of Hong Kong in the Mainland Port Area, and the delineation of jurisdiction (including jurisdiction of the courts). Since matters related to the administrative districts and District Council elections

do not fall under the definition of reserved matters, the recommendations of the EAC made on the basis of EACO for the boundaries and names of constituencies are not applicable to the Mainland Port Area.

With regard to the way for showing the constituency areas on the constituency boundary maps, the Constitutional and Mainland Affairs Bureau notes that the EAC has complied with statutory requirements by showing the boundary of each DC constituency on a map or maps and supplemented the map or maps by descriptions. Any places to which the constituency boundaries are not applicable would not be specified in the constituency areas.

Yours sincerely,



(Ms Cherie YEUNG)

for Secretary for Constitutional and Mainland Affairs

選舉管理委員會

ELECTORAL AFFAIRS COMMISSION

香港灣仔港灣道 25 號
海港中心 10 樓

10/F, Harbour Centre
25 Harbour Road
Wan Chai
Hong Kong

本函檔號 OUR REF.: L/M(214) to REO CR/14/42 (Pt.27)

圖文傳真 Fax: 2511 1682

來函檔號 YOUR REF.:

電話 Tel.: 2827 7251

網址 Web Site: <https://www.eac.hk>

(English translation on the Chinese reply issued on 21 June 2019)

Dear Hon Chu,

Delineation of Electoral Constituency Boundaries

Thank you for your email to the Electoral Affairs Commission (“EAC”) and the Registration and Electoral Office on 29 March 2019 regarding the subject. The EAC has noted your enquiry and our reply is set out in the ensuing paragraphs.

In accordance with sections 4(a) and 18(2) of the Electoral Affairs Commission Ordinance (Chapter 541) (“EACO”), one of the functions of the EAC is to consider or review the boundaries of Legislative Council (“LegCo”) geographical constituencies (“GCs”) and District Council (“DC”) constituencies, and submit reports to the Chief Executive (“CE”) on its recommendations for the boundaries and names of GCs for a LegCo general election and constituencies for a DC ordinary election. Recommendations of the EAC shall be made with reference to a map or maps —

- (a) showing the delineation of the boundaries of each proposed GC or DC constituency, as the case may be;
- (b) supplemented, where the EAC 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.

Regarding the delineation and names of constituencies for a DC ordinary election, the EAC is required to draw up its recommendations in accordance with the criteria stipulated under section 20 of the EACO, in which section 20(4A) stipulates that the EAC must follow the existing boundaries of the administrative districts and the existing number of members to be elected to a DC as specified in Schedules 1 and 3 to the District Councils Ordinance (Chapter 547). In respect of the constituency boundaries for the 2019 DC Ordinary Election, the EAC submitted a report on its recommendations to the CE on 20 November 2018 in accordance with the above statutory requirements. Since both the Lok Ma Chau Loop and Shenzhen Bay Port Hong Kong Port Area do not fall within the areas of the existing boundaries of the administrative districts as specified under section 20(4A) of the EACO which the EAC must follow, the Lok Ma Chau Loop and Shenzhen Bay Port Hong Kong Port Area are not included in the above report. The EAC notes that the Government would review the areas of the existing administrative districts in a timely manner and consider whether adjustment would be required.

As for the boundaries and names of GCs for the 2020 LegCo General Election, the EAC must follow sections 18 and 19 of the Legislative Council Ordinance (Chapter 542), and the statutory criteria stipulated under section 20 of the EACO in drawing up the recommendations. Pursuant to section 20 of the EACO, the EAC shall have regard to the existing boundaries of the administrative districts and existing boundaries of GCs.

As mentioned in paragraph 2 above, the statutory functions of the EAC include considering or reviewing the boundaries of LegCo GCs and DC constituencies, and submission of report to the CE on its recommendations; but not the delineation of the areas of administrative districts.

As regards your enquiry on whether the West Kowloon Station Mainland Port Area mentioned in the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Chapter 632) is included in any constituency area for the DC ordinary election, as mentioned in paragraph 3 above, the EAC is required to delineate the boundaries of DC constituencies by following the existing boundaries of the administrative districts in accordance with the EACO. Besides, section 6 of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Chapter 632) specifies that except for reserved matters, the Mainland Port Area is to be regarded as an area lying outside Hong Kong but lying within the Mainland for the purposes of the

application of the laws of the Mainland and of the laws of Hong Kong in the Mainland Port Area, and the delineation of jurisdiction (including jurisdiction of the courts). Under such circumstances, the existing boundaries of the administrative districts do not cover such area which is to be regarded as lying outside Hong Kong but lying within the Mainland. On such basis, the constituency boundaries for the DC ordinary election, as recommended by the EAC in accordance with the EACO, are not applicable to the Mainland Port Area.

With regard to the way for showing the constituency areas on the constituency boundary maps, pursuant to section 18(2) of the EACO, the EAC is required to show the boundary of each proposed constituency on a map or maps, and where appropriate, to supplement the map or maps by descriptions. To this end, the EAC has complied with the statutory requirements by showing the boundary of each DC constituency on a map or maps and supplemented the map or maps by descriptions. To facilitate the public's understanding of the area covered by each constituency, the boundary descriptions have described the location of each constituency boundary by the roads or buildings (if any) nearest to the constituency boundaries, and listed out the major housing estates or areas in the constituency area concerned. In other words, any places to which the constituency boundaries are not applicable would not be specified in the constituency areas.

Thank you for your interest in electoral affairs.

Yours sincerely,



(Miss Bonnie Ng)
for Electoral Affairs Commission