

CHAPTER 4

WORK AFTER THE PUBLIC CONSULTATION

Section 1 : Deliberations and Observations

4.1 As soon as the public consultation period ended, the EAC went through each of the written and oral representations to consider whether they should be accepted.

4.2 Some representations referred to some special physical features of individual areas which should be taken into account in the delineation exercise. Where required, the staff of the EAC Secretariat conducted site visits to appreciate and assess the arguments raised and explore the feasibility of the proposals given. To enable the EAC to thoroughly consider the representations and arrive at a fair and balanced recommendation, the information gathered from the site visits and the EAC Secretariat's analysis and observations were presented to the EAC with the aid of maps and photographs to show the relevant features.

4.3 As with past delineation exercises, the EAC has received both supporting and opposing representations on its provisional recommendations. When deliberating such cases, the EAC continued to adopt the relevant statutory criteria and working principles (see Chapter 2) to examine the merits on both sides in a prudent manner.

4.4 In the course of deliberation, the EAC adopted broadly the same approaches as with previous delineation exercises. Regarding the views expressed in the representations, the EAC noted the following issues and set out its observations so that the public can fully understand the factors that have been taken into consideration:

(a) Deviation from the population quota

The principle of “equal representation” (i.e. equal number of people should have equal number of representatives) is an important consideration in the delineation of constituency boundaries. Therefore, under the statutory criteria in the EACO for making recommendations as to the delineation of boundaries of DCCAs for a DC ordinary election, the projected population of each DCCA should be as near the population quota as practicable. However, given the unique situation of Hong Kong being a small and compact place with a dense population, which is distributed vertically, we need to achieve a sensible balance against the other criteria, i.e. community identities, preservation of local ties and the physical features of the relevant area. For these reasons, it is not practicable to strictly adhere to the population quota in every DCCA. Furthermore, in the context of an election, there is a need to have regard to the existing boundaries and keep the number of affected DCCAs in the delineation exercise to a minimum so that any impact or

disruption which will likely be caused to electors in coming elections can be reduced as far as practicable. Moreover, the existing boundaries of many DCCAs have been long-established and redrawing all the boundaries would unnecessarily upset local ties and generate controversies. Therefore, from a pragmatic point of view, it is neither practicable nor desirable to redraw the existing boundaries of all DCCAs for the sake of strict compliance with the requirement of population quota. Hence, where it is not practicable to ensure that the population in a DCCA is the same as the population quota, the EACO allows the population in a DCCA to deviate from the population quota within a 25% permissible range. The EACO further allows departure from the strict application of the above population requirements when considerations of community identity, preservation of local ties and the physical features of the relevant area render such departure necessary or desirable.

Given the above considerations, when embarking on a new delineation exercise, there is a reasonable and practical need to formulate proposals having regard to the existing DCCA boundaries, which have been drawn up in accordance with the same statutory criteria, and at the same time, to ensure that the boundaries continue to comply with the relevant criteria. If the constituency boundaries are substantially redrawn in every exercise, serious disruption to many well-established local communities as well as unnecessary confusion and complaints

among the affected electors may result. As such, there is a practical need and it has long been a long-established working principle of the EAC that existing DCCA boundaries should as far as possible be maintained if the projected population stays within the 25% permissible range. This working principle has worked well in past exercises and therefore should continue to be adopted in the present exercise.

There are representations suggesting re-delineation of the boundaries of some DCCAs for the sole purpose of bringing their populations (which are already within the permissible range) even closer to the population quota. With the above considerations, the EAC would seek to maintain the existing boundaries as far as practicable although these representations may potentially bring about improvement on the population distribution across the DCCAs within a District. Notwithstanding this, where a new DCCA is to be created or the boundaries of one or more DCCAs are to be re-delineated to accommodate neighbouring population changes, the EAC would take the opportunity to explore ways to achieve a smaller population deviation or a more even population distribution while ensuring that the populations of all the affected DCCAs stay within the permissible range and the extent of changes is kept to a minimum.

As explained above, the statutory criteria allow the population of a DCCA to go beyond the 25% permissible range if considerations of community identity, preservation of local ties and the physical features of the areas concerned render it necessary or desirable. To ensure that the boundary delineation exercise can be conducted in a systematic and orderly manner, the 25% permissible limit should in principle be strictly applied. Exceptions should be granted only in clear and well-justified cases. When considering whether an exception should be granted or not, the extent of deviation is obviously a relevant consideration. For example, where the percentage of deviation is substantial, re-delineation of boundaries is required unless there is very cogent and persuasive argument to justify otherwise. Even if a DCCA was allowed to exceed the limits in the last boundary delineation exercise, it does not necessarily mean that such departure should continue to be allowed in the present exercise, and the EAC will examine the case afresh to determine if there are viable means to reduce the deviation and/or to bring the projected population of the DCCA within the permissible range. On the other hand, if the departure from the permissible limits is only marginal and any change to the existing boundaries would unnecessarily upset long-established local ties, there is a greater likelihood for an exception to be made.

(b) Community identity and preservation of local ties

Many representations have put forward grounds of community integrity and preservation of local ties in support of their proposals to either preserve or re-delineate the existing DCCA boundaries. Community integrity and local ties are of course relevant considerations in a delineation exercise but their significance need to be considered in the context of other considerations such as the geography of the areas, characteristics of the surrounding communities and the local infrastructure interlinking them. Also, some of the arguments are entirely a matter of preference, and sometimes, based on parochial perspectives and might in some cases be affected by subjective feelings. The EAC noted that due to continuing urbanisation and the gradual development of community infrastructure over the past decades, factors defining community identities, integrity or local ties might have become more obscure in many areas. In any case, the EAC would assess these representations on the basis of clear and objective factual evidence as far as practicable. While the number of representations might to some extent reflect the intensity of local sentiments on the issues, the substance and merits of a proposal should prevail when weighing different or opposing proposals.

When considering these representations, we consider it necessary to recapitulate the key objective of the boundary delineation

exercise as elucidated above, namely, to ensure that the projected population of each proposed DCCA is as near the population quota as practicable and where this is not practicable, to ensure that the projected population would not exceed or fall short of the population quota by more than 25%. The EAC understands that where the boundaries need to be adjusted to accommodate projected changes in population, conflicts would naturally arise between the need to adhere to the criterion of population quota on the one hand and to have regard to the local sentiments in keeping the existing boundaries intact on the ground of community integrity and local ties on the other. As always, the principle remains that population consideration comes first unless it is clearly necessary or desirable to keep the boundaries intact for reasons of community identity and preservation of local ties. This is especially the case when the projected population of a DCCA exceeds the 25% permissible limits.

Conversely, the EAC also needs to adopt an equally prudent and cautious approach when examining representations advocating re-delineation of the boundaries of some DCCA on account of community integrity and local ties even though the projected population deviations in these DCCAs stay well within the statutory permissible limits, and therefore, their boundaries do not require adjustment (referred to hereunder as “unaltered DCCAs”). In keeping with the established practice, modifications to the boundaries of any unaltered DCCAs would

be considered only if:

- (i) they are supported by overwhelming reasons and would bring about notable and substantial improvement on community and development considerations which is incontrovertible;
- (ii) the total number of unaltered DCCAs which would be affected will not exceed a reasonable limit; and
- (iii) except for special circumstance, all the resulting populations of the affected DCCAs should stay within the permissible range.

(c) Role of District Officers in the boundary delineation exercise

The statutory criteria require the consideration of the community identities, preservation of local ties, and the physical features (such as the size, shape, accessibility and development) of the relevant areas when formulating its recommendations on the boundaries of DCCAs. The relevance and significance of these considerations varies in different districts and there is a need for a fair and objective assessment whenever a boundary delineation proposal touches upon community identities, local ties and local features of a district. For this reason, and given DOs' relevant knowledge about the local environment and district features, the

EAC would in accordance with the established practice invite them to provide factual information relating to their respective districts. The EAC considers such a process both necessary and useful as better understanding of the local environment and features would enable the EAC to better appreciate the practicability of different delineation proposals. However, it must be emphasised that the inputs of DOs are strictly confined to factual information and objective observations relating to issues of the communities, local ties and local features of the areas under consideration.

(d) **Population figures for boundary delineation**

There are a few representations raising queries about the projected population figures adopted for the boundary delineation exercise. Most of them centre around two questions: (i) the projected figures do not agree with the population figures obtained from other sources; and (ii) the projected figures fail to take into account future developments in the districts.

Firstly, it is necessary to point out that, according to the EACO, the delineation exercise should be conducted on the basis of the projected populations of individual constituencies in the year in which the election to which the exercise relates is to be held. In accordance with the established practice, for the 2015 DC ordinary election, the projected population figures as at 30 June

2015 are adopted for delineation. As in past exercises, the projected population figures are provided by the AHS_G, set up specially for the purpose of the delineation exercise under the Working Group on Population Distribution Projections in the PlanD. The population distribution projections are based on up-to-date official data kept by relevant government departments and are arrived at after a comprehensive data compilation process using a scientific and systematic methodology. As such, the data provided by AHS_G should remain as the sole authoritative basis for the boundary delineation work. Secondly, although the development of an area is one of the factors which the EAC should have regard to when considering the boundary of a DCCA, it is essential to adhere to the projected population distribution as at 30 June 2015 in the present exercise. Changes in population arising from developments thereafter would not be taken into account and would be considered in future delineation exercises.

4.5 The above are some observations distilled from the experience of the present and past DCCA boundary delineation exercises and are set out to illustrate some general points of consideration. The EAC believes that in making these observations, it would be conducive to understanding the working principles adopted by the Commission in applying the statutory criteria. These are, however, only general observations, and they should be read in a holistic manner and in context when they are applied to specific cases.

Section 2 : The Recommendations

4.6 At its meetings on 27 August and 18 September 2014, the Commission, having considered the representations received and information gathered from site visits and DOs on local features, drew up its final recommendations. Its views on the representations are recorded in the last column of **Appendix II**.

4.7 The EAC adjusted its provisional recommendations in respect of the boundaries of 20 DCCAs and the names of two DCCAs. Details of the alterations and changes are set out in **Appendices III and IV** respectively.

4.8 In its final recommendations, the EAC adjusted the boundaries of 109 DCCAs and allowed the projected population in 24 DCCAs to deviate from the permissible limits of the population quota for the reasons specified in **Appendix V**.

4.9 The EAC notes that a smaller number of DCCAs were required to change their boundaries this time as compared with the changes made in the last delineation exercise (i.e. 122).

4.10 A summary of the Commission's final recommendations is shown in **Appendix VI** of this volume. The boundary maps and descriptions of the final recommendations are in **Volume 2**.