

**Appendix II - General Issues****General Issues****Summaries of Written/Oral Representations**

<i>No. *</i>		<i>Representations</i>	<i>EAC's Views</i>
<i>W</i>	<i>O</i>		
<b><i>Item 1: General views on the delineation</i></b>			
3	-	Support the EAC's provisional recommendations. One representation supports the EAC's independent operation to uphold a fair and just system.	The supporting view is noted.
1	-	Supports the EAC to re-arrange the order of the DCCA codes for quick identification of the DCCA locations in the map and clear understanding of the DCCAs concerned.	The supporting view is noted.
1	-	<p>Considers that the EAC has failed to let the members of the public understand and inspect the relevant information on the population figures adopted in the delineation process. The representation puts forth the following views:</p> <ul style="list-style-type: none"> <li>the legislation requires that the population in each DCCA must be near the population quota. The EAC should first ensure that the population in each DCCA is as near to the population quota as practicable. However, on the contrary, the EAC's working principle has stated that for DCCAs where the projected population falls within the statutory permissible</li> </ul>	<p>In drawing up the delineation recommendations, the EAC must strictly adhere to the statutory criteria under the EACO and its working principles. The delineation should be made on the basis of the projected populations, existing DCCA boundaries and relevant local factors.</p> <p>As regards the relevant population figures, the EAC will examine whether it is appropriate to show the projected populations of individual DCCAs before adjustments to their boundaries in the consultation document of the provisional recommendations for public information in the next DC delineation exercise.</p>

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\* W: Number of written representations.

O : Number of oral representations.

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		<p>range, their boundaries will be maintained as far as possible;</p> <ul style="list-style-type: none"> <li>• according to the working principle, the EAC adopts the way which affects the least number of existing DCCAs or less population when adjusting DCCA boundaries. In practice, such working principle is contradictory to the statutory criteria of having regard to community identities and preservation of local ties, and will make the shapes of some DCCAs become odd;</li> <li>• objectively, adopting the option with minimum changes in delineating DCCA boundaries will give rise to a political effect and favour the interests and planning of certain political parties. Besides, the EAC's argument that a representation is not accepted because there is a view supporting a particular delineation recommendation which may involve political consideration; and</li> <li>• irregular boundaries or boundaries without regard to land surface features or overhead structures such as hills and waters, major roads, railway tracks, etc. will undermine community integrity and create difficulties for electors to understand the area of the DCCAs.</li> </ul>	

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1	-	<p>Makes the following comments with respect to the EAC's delineation exercises and suggests that the Government should increase the number of DC seats, provide more resources and prevent the ever-growing need for adjustments of DCCAs:</p> <ul style="list-style-type: none"> <li>• due to the small size of a DCCA as opposed to the high level of population flow, the number of DCCAs with boundary adjustments in the present delineation exercise is more than that in the past. As required by the legislation, a DCCA should be represented by about 17 000 people and frequent re-delineation of DCCA boundaries will be required once there is a 25% change in population (about 4 250 people);</li> <li>• re-delineation of DCCAs should be kept to the minimum as frequent adjustments will have an impact on the election results;</li> <li>• the current practice of deciding the number of seats before re-delineating the DCCAs is not desirable. For instance, the overall population of the Wan Chai District is declining, however, since no seats will be deducted, B02 (Oi Kwan), B03 (Canal Road), B04 (Causeway Bay) and B07 (Tai Hang) are to be affected. On the other hand, the population of J27 (Laguna City) continues to exceed the permissible upper limit as the increase in the number of seats in the Kwun Tong District is inadequate; and</li> </ul>	<p>As the suggestion on amendment to the number of DC seats is related to the enactment of the primary legislation, which does not fall under the purview of the EAC, the EAC has referred the relevant view to the CMAB for consideration.</p> <p>In drawing up the delineation recommendations, the EAC must strictly adhere to the statutory criteria under the EACO. Both population quota and deviation from the permissible range are statutory requirements which the EAC must comply with in the delineation exercise. It is a statutory requirement that the EAC has to examine the existing boundaries of all DCCAs on the basis of the projected populations of individual DCCAs in the year in which the relevant election would be held, and appropriately adjust the boundaries of those DCCAs with projected populations exceeding the statutory permissible upper or lower limits with a view to ensuring that their projected populations do fall within the statutory permissible range. For DCCAs where the projected populations do fall within the permissible range, adjustment to their boundaries would not be necessary in principle.</p> <p>Pursuant to the EACO, apart from taking into account the projected population, the EAC must also have regard to the other statutory factors including community identities, preservation of local ties and physical features (such as the size, shape, accessibility and development) of the relevant area when adjusting the DCCA boundaries. With the ongoing urban</p>

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		<ul style="list-style-type: none"> <li>the EAC invites the DOs to provide views relating to community characteristics, local ties and the actual development of their respective administrative districts. Such arrangement gives the DOs a pivotal role in the delineation process and it is hard to ensure that the DOs are free from political influence. Besides, it is difficult for the public to confirm whether the DOs have gathered the views from the members of the local community and whether the views are impartial or not.</li> </ul>	<p>development, many areas are well-developed with comprehensive community infrastructure and ancillary transport facilities. Hence, community identities and local ties are, more often than not, no longer obvious factors justifying the keeping or re-delineation of the existing boundaries for most DCCAs. Therefore, factors on community identities and local ties considered by the EAC refer to those overwhelming and incontrovertible objective facts, such as the preservation of traditional ties between villages or retaining unique communities with historical elements.</p> <p>In order to comply with the above statutory criteria, the EAC considers it essential to have an understanding of the local characteristics, geographical environment and the accessibility of the proposed DCCAs so that the feasibility of various options could be assessed thoroughly. Taking into account that the DOs, being officers responsible for district administration, do have more comprehensive and in-depth knowledge on the local characteristics, geographical and transport matters of their administrative districts, as a long standing practice, the EAC will invite DOs to provide factual information of their respective administrative districts on such matters for reference.</p> <p>When the DOs are invited to provide information, the EAC has specified that only information of objective facts on local characteristics, geographical and transport situations are sought. The important principle that political facts will be not taken into account has been</p>

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			<p>emphasised. The advice provided by the DOs is only a part of the variety of reference material when the delineation recommendations were drawn up by the EAC. The EAC has given all round consideration to all statutory requirements, in particular the population figures affected, before making the recommendations.</p> <p>In addition, if representations received during the public consultation period have put forward different views about the local environment, where required, the EAC will task its staff to conduct site visits to appreciate and assess the arguments raised in the representations before drawing up the final recommendations.</p>
9	2	<p>(a) Consider that EAC's use of projected population as a factor for consideration in the delineation has led to fragmented DCCAs and the approach is both rigid and out of touch with the actual situation. For instance, splitting a housing estate into three different DCCAs would disrupt social harmony and turn them into battlegrounds for competing groups (including political parties). Besides, it also failed to take into account the issue of community integrity. Propose that the EAC should not only take into account the population figures but also other factors in the delineation.</p>	<p><u>Items (a) to (d)</u> Pursuant to the EACO, apart from taking into account the projected population, the EAC must also have regard to the other statutory factors, including community identities, preservation of local ties and physical features (such as the size, shape, accessibility and development) of the relevant area when adjusting the DCCA boundaries. Factors on community identities and local ties considered by the EAC refer to those overwhelming and incontrovertible objective facts, such as the preservation of traditional ties between villages or retaining unique communities with historical elements.</p> <p>There are various options in delineating DC boundaries and there is no sole or absolute way to do so. The EAC must take all the factors into account, mainly</p>

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		<p>(b) One representation states that the presence of too many private buildings, especially old single block buildings in a DCCA makes it difficult for a DC member to provide service. For example, L11 (San Hui) in the Tuen Mun District has more than 40 single block buildings. Considers that the EAC's provisional recommendations have not taken into account the factors of actual population size, community identities, local characteristics, types of buildings and number of buildings. Moreover, boundaries adjustments in every four years would cause confusion among the residents, making it difficult for them to cast their votes or seek assistance from DC members. Five representations state that the EAC's delineation is politically motivated and biased in favour of a certain political camp.</p>	<p>the population figures while having regard to the other statutory factors such as geography and accessibility, etc. These factors do certainly not include political ones or any factors not relevant to the statutory requirements.</p> <p>Due to the statutory permissible upper limit in delineating DCCA boundaries, large-scale public or private housing estates are normally divided into different DCCAs.</p> <p>The delineation recommendations must be based on objective data of population distribution. Arrangements on district administration matters or community services provided by DC members are not the relevant factors of consideration.</p> <p>As the view about review and amendment to the DCO is related to the enactment of the primary legislation, which does not fall under the purview of the EAC, the EAC has referred the relevant view to the CMAB for consideration.</p>
		<p>(c) One representation states that the delineation of DCCAs has given rise to dissatisfaction across all political camps, which may undermine the Government's efforts in mustering sufficient support.</p>	
		<p>(d) One representation states that the delineation of DCCAs is not people-oriented. It fails to take into account various factors like the distribution of various social strata, cultural differences in different localities, community network, etc., and so makes it difficult for DC members to truly</p>	

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		<p>and effectively reflect the views of the residents and implement district policies. Therefore, proposes to:</p> <ul style="list-style-type: none"> <li>• review the delineation of boundaries afresh and re-organise those housing estates that have been arbitrarily divided into different DCCAs or merged with other DCCAs;</li> <li>• amend the legislation to stipulate that equal priority should be given to the factors of population, community identities and preservation of local ties as well as the physical features of the relevant area in delineating DCCA boundaries; and</li> <li>• conduct a comprehensive review and amendment to the DCO so as to enhance the function and power of DCs.</li> </ul>	
		<p>(e) One representation considers that the EAC disregards public opinion in delineating DCCA boundaries.</p>	<p><u>Item (e)</u> The EACO stipulates that the EAC is responsible for drawing up the provisional recommendations and to consult the public thereafter. After the public consultation period, the EAC will consider each and every representation received with reference to the same set of statutory criteria and working principles. If the proposals received during public consultation period better comply with the statutory criteria and working principles for the delineation exercise than the provisional recommendations, the EAC will accept the proposals and revise its provisional recommendations</p>

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			before submitting the final recommendations to the CE.
1	-	Considers that the reason for strange shapes of certain DCCAs is because of the EAC's overriding principle of "maintaining boundaries of the existing DCCAs". Proposes that in the long run, the EAC should make each DCCA with an equal number of population and re-delineate the boundaries of some DCCAs.	This proposal is <b>not accepted</b> . According to the current statutory criteria, the projected population in each proposed DCCA should be as near the population quota as practicable. However, it is not practicable for the population of each DCCA to strictly achieve a single population quota. Hence, the statutory criteria allow the population of a DCCA to exceed or fall short of the population quota by not more than 25%. As for those DCCAs where the projected populations do fall within the permissible range, adjustments to their existing boundaries would not be necessary in principle so as to avoid any impact on the established community ties between the existing DCCAs as far as possible.
4	-	Object to the re-delineation of the DCCA boundaries. One representation proposes that the boundaries of the DCCAs for the 2019 DC Ordinary Election should remain the same as those for the 2015 DC Ordinary Election.	The proposal is <b>not accepted</b> . According to the EACO, the EAC should refer to the projected populations of individual DCCAs in the year in which the relevant election would be held as well as the number of elected seats specified for each DC under the DCO to appropriately adjust the boundaries of those DCCAs with projected populations exceeding the statutory permissible upper or lower limits and those of the adjacent DCCAs.
-	2	Query the confidentiality of the provisional recommendations because some people had information about the contents of the recommendations and started electioneering activities before the recommendations were made public.	Throughout the whole process of drawing up the provisional recommendations, confidentiality is preserved, including the consultation with the DOs and communication with other working partners. Before the provisional recommendations are made



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			<p>public, the EAC would not consult any members of the local community, nor disclose any details of the delineation exercise to any organisations or individuals beyond its working partners. The EAC believes that all parties taking part in the exercise will abide by the principle of confidentiality and will not divulge the information to any other parties. Follow-up actions would be taken seriously if the EAC receives any complaint supported by substantive evidence.</p>
-	1	<p>Proposes to review the procedures of the delineation exercise and considers that the political inclinations of the DOs may have compromised the delineation recommendations.</p>	<p>Pursuant to the EACO, apart from taking into account the projected population, the EAC must also have regard to the other statutory factors including community identities, preservation of local ties and physical features (such as the size, shape, accessibility and development) of the relevant area when adjusting the DCCA boundaries. In order to comply with the above statutory criteria, it is necessary for the EAC to have an understanding of the local characteristics, geographical environment and the accessibility of the proposed DCCAs so that the feasibility of the various options be considered thoroughly. Taking into account that the DOs, being officers responsible for district administration, do have more comprehensive and in-depth knowledge on the local characteristics, geographical and transport matters of their administrative districts, as a long standing practice, the EAC will invite the DOs to provide factual information of their respective administrative districts on such matters for reference.</p> <p>When the DOs are invited to provide information, the EAC has specified that</p>

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			<p>only information of objective facts on local characteristics, geographical and transport matters are sought. The important principle that political facts will be not taken into account has been emphasised. The advice provided by the DOs is only a part of the variety of reference material when the delineation recommendations were drawn up by the EAC. The EAC has given all round consideration to all statutory requirements, in particular the population figures affected, before making the recommendations.</p> <p>In addition, if representations received during the public consultation period have put forward different views about the local environment, where required, the EAC will task its staff to conduct site visits to appreciate and assess the arguments raised in the representations before drawing up the final recommendations.</p>
1	2	<p>(a) Propose to amend the statutory criteria so that the maximum deviation from the population quota for a DCCA be increased from 25% to 30% with a view to reducing the number of DCCAs requiring boundaries adjustments and better preserving the integrity of community.</p> <p>(b) Propose to amend the EACO and DCO so that the EAC will be allowed to increase or reduce no more than 10% of the seats in each administrative district in response to a fall in population as well as the need to cater for local characteristics.</p>	<p><u>Items (a) to (c)</u>                      These proposals are policy-related and involve amendment to relevant legislation. The EAC has referred these views to the CMAB for consideration.</p>

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		(c) Propose that the population quota should not be calculated on the basis of the total population of Hong Kong divided by the number of elected seats. Instead, it should be calculated on the basis of administrative districts as each administrative district has its unique features.	
1	1	Request reviewing the DCCA boundaries afresh in view of the great disparity in populations amongst different DCCAs, ranging from the lowest of 6 501 to the highest of 24 772. One representation queries whether prolonged deviation from the population quota as in the case of some DCCAs is justified in terms of fair use of public money and public interest.	<p>In respect of reviewing the boundaries of the DCCAs, the EACO requires that the EAC has to examine the existing boundaries of all DCCAs on the basis of the projected population of individual DCCAs in the year in which the relevant election would be held, and appropriately adjust the boundaries of those DCCAs with projected populations exceeding the permissible upper or lower limits with a view to ensuring that their projected populations do fall within the statutory permissible range. For DCCAs where the projected populations do fall within the permissible range, adjustment to their boundaries would not be necessary in principle. The EAC may under special circumstances, having regard to the community identities, traditionally close local ties or unique geographical environment of individual DCCAs, allow the population of a DCCA to deviate from the statutory permissible range according to the statutory criteria.</p> <p>In drawing up the delineation recommendations, the EAC must strictly adhere to the statutory criteria under the EACO and its working principles. The delineation should be made on the basis of the projected populations, existing DCCA boundaries</p>

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			and relevant local factors.
<b><i>Item 2: Population figures</i></b>			
1	1	(a) Query the accuracy of the projected population figures, for example, those of B07 (Tai Hang) and E17 (East Tsim Sha Tsui & King's Park). One representation points out that the populations of certain DCCAs have increased despite the absence of newly completed buildings or large-scale development projects in those DCCAs, e.g. that of G01 (Ma Tau Wai) has increased from 17 000 in the previous term to 20 629 in the current term.	<p><u>Items (a) and (b)</u></p> <p>The projected population figures as at 30 June 2019 are used for the delineation exercise for the 2019 DC Ordinary Election. As in the past, the projected population figures are provided by the AHSG, set up specially for the purpose of the delineation exercise under the Working Group on Population Distribution Projection in the PlanD. The current population distribution projections are derived by using scientific and systematic methodology based on the results of the 2016 population by-census carried out by the C&amp;SD as well as the up-to-date official data kept by the relevant government departments. Members of the AHSG are all professional departments which all along have been responsible for territory-wide population census and projections on population distribution. They possess the most up-to-date information on the population and land and housing development, and the data are highly-accepted generally. The EAC has all along relied on the statistical figures provided by the AHSG, which are the only data available for the delineation exercise.</p> <p>The relevant population figures refer to Hong Kong's resident population (comprising usual residents and mobile residents), but not including the mobile population.</p>
1	-	(b) Proposes that apart from residents, mobile population should also be taken into account in the delineation exercise. For instance, there are quite a lot of on-going commercial activities in C33 (Tsui Tak) due to the presence of industrial and commercial buildings, shopping centres and markets. The DC member concerned also has to handle the social problems caused by the mobile population.	

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<b><i>Item 3: Consultation arrangements</i></b>			
-	1	Proposes to make reference to the arrangements for the delineation of boundaries for the rural representative elections. If further adjustments to DCCA boundaries are required after the completion of the first round of consultation, another round of consultation for a period of one month will be conducted.	The EAC has followed the statutory requirement under Section 19 of the EACO to conduct a public consultation exercise on its provisional recommendations. In fact, it is practically impossible to conduct two rounds of public consultation under the current framework and tight timetable for conducting the delineation exercise.
-	1	Proposes to model on the practice adopted in the delineation exercise for the LegCo by listing out in the relevant documents all feasible options for each of the DCCA requiring boundary adjustments.	The number of constituencies and the statutory criteria for boundary delineation in respect of DC and LegCo are different. As a large number of DCCAs requiring boundary adjustments is involved in the DC delineation exercise and there are various options in delineating the DCCA boundaries, it is operationally infeasible to list out all feasible options in the relevant documents.
9	5	Consider that arrangements must be made for conducting public forum on the Hong Kong Island and more public forums should be conducted in various areas. One representation suggests that an additional public forum be conducted at a community centre in Tseung Kwan O or Sai Kung. Another representation proposes to organise a public forum in the New Territories West.	In preparing for the conduct of the public consultation on the provisional recommendations on the DCCA boundaries, the EAC would review the relevant arrangements in light of the experience gained from the previous consultation exercises. As for the views of the public on matters concerning public forum arrangements, the views have been noted by the EAC for reference in the future review on the relevant arrangements.

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<b><i>Item 4: Electoral policy</i></b>			
-	1	(a) Proposes to model on the arrangement for the LegCo general elections that a DCCA can have two seats if the population of the DCCA is too large. This will make it easier for members of the public to seek assistance from DC members.	<u>Items (a) to (c)</u> These proposals made in the representations involve amendment to the DCO and are related to the enactment of the primary legislation, which do not fall under the purview of the EAC. The EAC has referred these views to the CMAB for consideration.
1	-	(b) Considers the size of DCs is too small and fragmented. Proposes to set up councils which will take up similar roles as those of the former Urban Council and Regional Council so that eligible electors could vote to return DC members of the DCs of bigger size and participate in DC matters. Such arrangement would facilitate the implementation of district policies.	
1	-	(c) Proposes to combine the DCCAs and share resources as many of the electors are mobile population.	
<b><i>Item 5: Electoral arrangements</i></b>			
1	-	(a) Whenever there is a re-delineation of DCCA, there will be changes of polling stations without any consultation. Residents find this frustrating and inexplicable.	<u>Items (a) and (b)</u> In drawing up the delineation recommendations, the EAC must strictly adhere to the statutory criteria and the working principles. Apart from taking into account the projected population, the EAC must also have regard to other statutory factors,

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1	-	(b) Re-delineation of DCCA boundaries will have impact on the location of polling stations and the number of polling stations. It will also cause inconvenience to members of the public and lead to economic inefficiency.	including community identities, the preservation of local ties, physical features (such as the size, shape, accessibility and development) of the relevant area. Arrangement on polling stations is not the relevant factor of consideration. The EAC has referred the relevant view to the REO for consideration.