

CHAPTER 3

CRITERIA FOR DELINEATION

3.1 Section 20 of the EAC Ordinance defines the criteria for delineating the DCCs. The Commission shall ensure that the population in each proposed DCC is as near the population quota as practicable [s 20(1)(c)]. Where it is not practicable to comply with the above requirement, the Commission shall ensure that the extent of the DCC is such that the population in that DCC does not exceed or fall short of the population quota by more than 25% thereof [s 20(1)(d)].

3.2 Under section 17(1), the “population quota” is defined as, in relation to a DC ordinary election, the total population of Hong Kong divided by the total number of elected members to be returned in that election.

3.3 For the purpose of section 20(1), the Commission

- (a) shall endeavour to estimate the total population of Hong Kong or any proposed DCC in the year in which the election to which its recommendations relate is to be held; and
- (b) if it is not practicable to comply with paragraph (a), estimate the population of Hong Kong or the DCC having regard to

the available information which is the best possible in the circumstances for the purpose of making recommendations [s 20(6)].

3.4 By virtue of section 20(3) of the EAC Ordinance, in making the 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 of any part thereof.

3.5 Under section 20(4A) of the EAC Ordinance, the Commission must follow the existing boundaries of Districts and the number of members to be elected to a DC as specified under the DC Ordinance.

3.6 The Commission may depart from the strict application of the provisions of section 20(1)(c) or (d) (see paragraph 3.1 above) only where it appears that a consideration referred to in section 20(3) renders such a departure necessary or desirable [s 20(5)].

3.7 Sections 3 to 7 of, and Schedules 1 and 2 and Part I of Schedule 3 to, the DC Ordinance operate closely with the provisions of the EAC Ordinance regarding the delineation of DCCs. Section 3(1) and (2) of, and Schedule 1 to, the DC Ordinance declare the names and

boundaries of 18 Districts. Section 4 of, and Schedule 2 to, that Ordinance provide for the establishment of one District Council in each of the 18 Districts and specify the names of the District Councils. Section 5 of, and Part I of Schedule 3 to, that Ordinance set out the number of members to be elected to each District Council. Section 6(1) of that Ordinance provides that the Chief Executive in Council may, by order, declare areas within a District to be DCCs and give names to the DCCs. Section 6(2) of that Ordinance provides that when making an order under the section, the Chief Executive in Council must have regard to the recommendations made by the EAC in its report submitted in accordance with section 18 of the EAC Ordinance. Section 7 of the DC Ordinance provides that the number of elected members to be returned for each DCC is one.

3.8 Regarding the recommendations to be made by the Commission in respect of the delineation of DCCs, the joint effect of the relevant provisions of the DC Ordinance and the EAC Ordinance is as follows:

- (a) the Commission must delineate 390 DCCs in 18 Districts for the 1999 DC ordinary election;
- (b) the number of elected members to be returned for each DCC delineated is one;
- (c) the number of DCCs, as shown in Appendix I, is to be

delineated in each District;

- (d) the population in a DCC shall be as near the population quota as practicable, and where it is not practicable to comply with this requirement, the population in that DC shall not exceed or fall short of the population quota by more than 25% thereof;
- (e) the Commission may depart from the strict application of (d) above only where it appears that one or more of the considerations provided in section 20(3) of the EAC Ordinance, namely, 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; and
- (f) the Commission must follow the existing boundaries of Districts and the number of members to be elected to a DC as specified under the DC Ordinance.