

CHAPTER 5

PROVISIONAL RECOMMENDATIONS : GENERAL DECISIONS WITH REASONS

5.1 At the meetings of the Commission held for the delineation of provisional DCCAs, various matters were discussed and considered, and decisions were made in arriving at the Commission's provisional recommendations.

Section 1 : The Statutory Criteria

5.2 The main criteria prescribed in the DC Ordinance and the EAC Ordinance in respect of the delineation of the DCCs are as follows:

- (a) the Commission must delineate 390 DCCAs in 18 Districts;
- (b) the number of DCCAs, as shown in **Appendix I**, is to be delineated in each District;
- (a) the Commission must follow the existing boundaries of Districts and the number of members to be elected in a DC election as specified under the DC Ordinance;
- (d) the number of elected members to be returned for each

DCCA delineated is one;

- (e) the population in a DCCA shall be as near the population quota as is practicable, and where it is not practicable to comply with this requirement, the population in that DCCA shall not exceed or fall short of the population quota by more than 25% thereof;
- (f) the Commission shall have regard to the section 20(3) considerations which are community identities, the preservation of local ties and physical features such as size, shape, accessibility and development of the relevant area; and
- (g) the Commission may depart from the strict application of (e) above only where it appears that one or more of the section 20(3) considerations renders a departure necessary or desirable.

Section 2 : The Population Criterion and Related Matters

5.3 It is clear from the language of section 20 of the Ordinance that the most important criterion that the Commission is to comply with is the population requirement.

5.4 The residential population. The population forecast figures

for 1999 provided by the Ad Hoc Subgroup are those in respect of the residential population of Hong Kong as at the end of March 1999 and its geographical distribution within each of the street blocks in the whole of Hong Kong. The population coverage of the forecasts includes all residents present in Hong Kong and residents who are temporarily away from Hong Kong during the reference period. Foreign domestic helpers and imported workers present in Hong Kong are also considered as residents for the present purpose. However, former Hong Kong residents who have settled abroad and transients meaning persons who do not usually live in Hong Kong but are present during the reference period for short-term purposes are excluded. The working population and the visiting population who are on the move were not taken into account by the Ad Hoc Subgroup.

5.5 The reference date. In respect of the November 1999 DC ordinary election, the Ad Hoc Subgroup's population forecast related to March 1999, and not a later date. The reason is that the member Departments of the Ad Hoc Subgroup had historically used the financial year as the basis period for forecasting population. Input from the Departments was fundamentally based on the financial year as the foundation and any change to this foundation would require the Ad Hoc Subgroup to make a number of additional assumptions which would result in the forecast being less reliable. The Ad Hoc Subgroup and the Commission were also faced with a very tight time constraint, bearing in mind that the Commission has to submit a report containing its recommendations on DCCAs by 31 May 1999. A change from March

1999 to a later date would have been impracticable, if not impossible. As a result, the March 1999 forecast was adopted by the Commission in its estimate of the population of Hong Kong and its geographical distribution and as the basis for arriving at the population quota for the 1999 DC ordinary election and the demarcation of DB constituency areas.

5.6 Adherence to the population quota. Owing to the significance placed by the Ordinance on the population quota and the provision that the Commission shall only depart from the population quota by more than 25% where it is necessary or desirable when having regard to the section 20(3) considerations, the Commission decided that save where one or more of such considerations made it impracticable, the Commission should adhere to the population quota as far as possible in the demarcation of DCCs. This was in fact achieved.

5.7 The population. According to the figures supplied by the Ad Hoc Subgroup to the Commission, the territorial population (excluding transients) of Hong Kong at the end of March 1999 was 6,646,656. The Commission saw no reason to differ from the population forecast figures submitted by the Ad Hoc Subgroup and adopted such as its own estimate of the population of Hong Kong.

5.8 The population quota. By dividing the territorial population of 6,646,656 by the total number of selected members to be returned in the 1999 DC ordinary election, ie 390, the population quota of 17,043 is obtained.

Section 3 : Boundaries of Districts

5.9 Section 20(4A) of the EAC Ordinance requires that in making recommendations as to the delineation of DCCs, the Commission must follow the existing boundaries of Districts as specified in or under the DC Ordinance. The Commission's task was therefore to group appropriate street blocks or part street blocks to form the appropriate number of DCCs that make up a District within the boundary of that District.

Section 4 : Community Identities, Local Ties and Physical Features

5.10 The Commission in its task has also to have regard to the considerations under section 20(3) of the Ordinance, namely, community identities, the preservation of local ties, and physical features such as size, shape, accessibility and development of the relevant area or part thereof. The difference in wording of the subsection relating to the population quota and that of section 20(3) has shown very clearly to the Commission that greater significance is to be placed on the population criterion. Be that as it may, the Commission used its utmost endeavours to pay due regard to the section 20(3) considerations. District Officers, who are familiar with the local circumstances, were requested to comment on the Commission's preliminary proposals. Indeed, they were invited to and did attend the Commission's meetings on delineation on 4, 8, 9 and 10

February 1999 when their suggestions and views were discussed in detail, carefully considered and accepted wherever practicable.

Section 5 : General Decisions

5.11 At the commencement of the demarcation exercise, the Commission adopted certain working principles, to be applied generally in delineating DCCs as follows:

- (a) the boundaries of District Board constituency areas (“DBCAs”) delineated by the former Boundary and Election Commission in 1994 should form the basis of this demarcation exercise;
- (b) for DBCAs whose populations comply with the population quota requirement, ie their population figures fall within the range of 25% either way, their boundaries would be adopted as far as possible to form new DCCAs;
- (c) for DBCAs whose populations do not comply with the population quota requirement, ie their population figures fall outside the range of 25% either way, but were allowed to do so in the 1994 District Board election and the supporting reasons at that time are still valid, their boundaries would still be maintained as far as possible to form new DCCAs;

- (d) other than (c) above, for DBCAs whose populations do not comply with the population quota requirement, adjustments would be made to their boundaries and also those of adjacent DBCAs to form new DCCAs. Where there are two or more ways of delineation, the one that affects the least number of DBCAs will be adopted, otherwise the one with the least departure from the population quota will be selected; and
- (e) matters relating to maintaining political influence or advantage will not be considered.

5.12 The Commission considered that the above-mentioned working principles would have the following benefits:

- (a) the boundaries of DBCAs were drawn according to criteria and considerations provided in the repealed Boundary and Election Commission Ordinance, which criteria and considerations are almost identical to those applicable to the delineation of DCCAs provided in the EAC Ordinance. Without altering the boundaries, the same criteria and considerations would almost always be complied with;
- (b) the boundaries of the DBCAs were recommended by the former Boundary and Election Commission after public consultation and giving effect to and striking a fair balance between conflicting criteria, principles, considerations, and

views received from the public. Such boundaries were conclusions drawn at the time of the demarcation of the DBCAs after full and careful reflection on all views obtained at that time; and

- (c) the boundaries of the DBCAs have been either accepted or grown accustomed to by local inhabitants since 1994, and any alteration of them can only be justified by cogent reasons such as a vastly excessive deviation from the population quota.

5.13 It will be noticed that the working principles set out in paragraphs 5.11 and 5.12 above are founded on adherence to the population criterion and section 20(3) considerations. At the meetings held on 4, 8, 9 and 10 February 1999, when inputs from District Officers were discussed, further considerations were given to the section 20(3) considerations with consequential adjustments.

Section 6 : Names of DC Constituencies

5.14 New DCCAs were named by reference to the names of the localities, major features, roads, or residential settlements encompassed in the DCCAs after consulting the respective District Officers. Most of the names proposed were one of the following, namely, that by which an area was traditionally known or referred to, that which was popularly adopted by the local inhabitants, that specifically linked the locality to a particular

landmark or building estate, or that which had specific bearing on the areas grouped together to form a constituency area.

Section 7 : Code References of Districts and Constituency Areas

5.15 The Commission's provisional recommendations on the code references of Districts and constituency areas were that the Districts should be given the alphabetical reference from "A" onwards, with the omission of "I" and "O" to prevent confusion, starting from Central and Western on Hong Kong Island, followed by the Districts in Kowloon and the New Territories. The numbering of constituency areas in a District was to be prefixed by the alphabet reference for the District and started from the first numeral. "01" should be allocated to the most densely populated area, or the area traditionally considered most important or prominent or the centre of the District and the number proceeded consecutively in a clockwise direction so that as far as possible two consecutive numbers should be found in two areas contiguous to each other. The Commission hoped that by adopting this system, any one who consults the maps would find it easier to understand them and locate the constituency areas. These methods were employed in 1994 for the DBCAs and the public should be generally familiar with them.

Section 8 : Seaward Extension of Constituency Boundaries

5.16 When constituency boundaries had to continue into the sea, the Commission adopted the principle used by the former Boundary and

Election Commission in 1994 that the DCCA boundary lines were, as far as possible, drawn perpendicular to the District boundary lines on the sea.

Section 9 : The Provisional Recommendations

5.17 It was based on all the above decisions and reasons that the Commission provisionally determined the delineation of DCCs. A summary of the Commission's provisional recommendations is at **Appendix IV**. The eventual recommendations of the Commission, made after having regard to the public representations referred to in Chapter 6, are dealt with in that chapter and contained in **Volume 2** of this report.