

CHAPTER 5

THE PROVISIONAL RECOMMENDATIONS : GENERAL DECISIONS WITH REASONS

5.1 At the meeting of the Commission held on 28 July 1999 for the delineation of the PDCAs, 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 Legislative Council Ordinance and the EAC Ordinance in respect of the delineation of the LegCo GCs are as follows:

- (a) the Commission must delineate 5 LCCAs;
- (b) each LCCA is to be composed of whole and contiguous DCCAs;
- (c) the Commission shall have regard to the existing boundaries of Districts, of the UC Area and of the RC Area;
- (d) the number of members to be returned to the LegCo for each of the 5 LCCAs delineated is to be not less than 4 nor greater than 6;
- (e) the population in an LCCA shall be as near as is practicable to the resulting number when the population quota is multiplied by the number of members to be returned to LegCo by that LCCA, and where it is not practicable to comply with this

requirement, the population in that LCCA shall not exceed or fall short of the applicable resulting number by more than 15% 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 render a departure necessary or desirable.

Section 2 : The Forming Blocks

5.3 Each LCCA to be recommended by the Commission is to consist of whole DCCAs which are contiguous to each other. It may be remembered that there are 390 DCCAs in the Schedule to the order entitled “Declaration of Constituencies (District Councils) Order 1999” and published in the Gazette as L.N.131 of 1999 on 28 May 1999. The Commission’s task was to group appropriate DCCAs to form an LCCA.

Section 3 : The Population Criterion and Related Matters

5.4 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.

5.5 The residential population. The population forecast figures for 2000 provided by the Ad Hoc Subgroup are those in respect of the

residential population of Hong Kong as at the end of March 2000 and its geographical distribution within each of the DCCAs 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.

5.6 The reference date. In respect of the second LegCo general election to be held in September 2000, the Ad Hoc Subgroup's population forecast related to the end of March 2000, 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. A change from March 2000 to a later date would have been impracticable, if not impossible. As a result, the March 2000 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 2000 LegCo general election and the demarcation of LCCAs.

5.7 Adherence to the resulting number. Owing to the significance

placed by the EAC Ordinance on the population quota and the resulting number and the provision that the Commission shall only depart from the 15% range of the resulting number 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 resulting number as far as possible in the demarcation of LCCAs. This was in fact achieved.

5.8 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 2000** is **6,736,900**. The population of each of the 18 Districts comprising the sum total of all the populations in the DCCAs in them is set out in Tables 1 and 2 of **Appendix I**. 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 and in each of the DCCAs.

5.9 The population quota. The population quota is the basis by which the resulting number can be reached. By dividing the total population of 6,736,900 by the total number of members to be returned by all the LCCAs in the 2000 LegCo general election, namely, 24, **the population quota of 280,704** is obtained.

Section 4: Boundaries of Districts, the UC Area and the RC Area, and Community Identities, Local Ties and Physical Features

5.10 The Commission in its task has to have regard to the existing boundaries of districts and of the UC area and of the RC area, and the

considerations under section 20(3) of the EAC Ordinance, namely, community identities, local ties and physical features such as size, shape, accessibility and development of the relevant areas or part thereof. The Commission is of the view that while it should use its utmost endeavours to pay due regard to these boundaries and considerations, the preponderance is on ensuring that the population criterion is to be complied with.

Section 5 : Working Principles

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

- (a) the boundaries of the existing 5 GCs should form the basis of the demarcation exercise;
- (b) for GCs whose populations comply with the population quota requirement, i.e. their population figures fall within the range of 15% either way, their boundaries would be adopted as far as possible to form new LCCAs;
- (c) splitting of District by DCCAs shall be avoided unless there are very strong reasons;
- (d) where the boundaries of the UC area and of the RC area do not coincide with those of the Districts, the GC boundary will follow the District boundaries; 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 criteria and considerations provided in the EAC Ordinance for the delineation of GCs for the 1998 and the 2000 LegCo elections are the same. By adopting the existing boundaries for the 2000 LegCo election, the same criteria and considerations would almost always be complied with; and
- (b) electors have either accepted or grown accustomed to the boundaries of the existing GCs since 1998. Unless there are strong reasons such as a vastly excessive deviation from the population quota to justify an alteration, electors will not have to adjust themselves to a new GC as a result of a change in the boundaries.

Section 6 : The Delineation Work

5.13 The Commission considered that the best way to start is to adopt the boundaries of the existing GCs to see if the results could satisfy the statutory criteria and the working principles as stated in paragraphs 5.2 and 5.11 above.

5.14 The forecast populations for the 5 existing GCs, as provided by the Ad Hoc Group are as follows:

<u>Existing GC</u>	<u>Population</u>
Hong Kong Island	1,343,400
Kowloon West	1,029,000
Kowloon East	1,016,100
New Territories West	1,804,900
New Territories East	1,543,500

5.15 When these populations were divided by the population quota,

i.e., 280,704, the following figures about the number of seats for each GC were produced:

<u>GC</u>	<u>Number of Seats</u>
Hong Kong Island	4.79
Kowloon West	3.67
Kowloon East	3.62
New Territories West	6.43
New Territories East	5.50

5.16 Taking into account the integral number of seats, the 5 GCs took up 21 seats in the first instance. The remaining seats were then allocated to the 3 GCs with the largest remainder, i.e., Hong Kong Island, Kowloon West and Kowloon East. The resulting distribution of seats then became:

<u>PDCA</u>	<u>Remainder and Number of Seats</u>		<u>+/- % of Population Quota</u>
Hong Kong Island	0.79	5	-4.28%
Kowloon West	0.67	4	-8.36%
Kowloon East	0.62	4	-9.50%
New Territories West	0.43	6	+7.17%
New Territories East	0.50	5	+9.97%
Total:		24	

5.17 The Commission found that by adopting the boundaries of the existing GCs as the PDCA boundaries, all the statutory criteria in paragraph 5.2 and the working principles in paragraph 5.11 above have been fulfilled.

5.18 The Commission has also explored other options to see if they could produce population deviation figures which were even better than those shown in paragraph 5.16 above and at the same time fulfilled all the

statutory criteria and working principles. The Commission did that by transferring whole districts from one GC to another. It noted however that with the exception of the option of transferring Sai Kung District from New Territories East to Kowloon East, none of the other options explored could reduce the population deviation in one GC without affecting adversely that in another.

5.19 Although the option of transferring Sai Kung District from New Territories East to Kowloon East would reduce the population deviation in both New Territories East (from +9.97% to +9.16%) and Kowloon East (from -9.5% to -4.96%), it would involve the transfer of a District from the RC area to the UC area, thereby breaching the statutory requirements of section 20(4)(b) of the EAC Ordinance. It would also combine two districts with distinctly different local characteristics and community ties. This option was therefore not adopted.

5.20 Having considered all the available options, the Commission came to the conclusion that except for some very minor adjustments in order to reflect certain minor revisions of the boundaries of some districts as a result of recent developments, the existing GC boundaries should be adopted as its provisional recommendations. The Commission also proposed that the 24 seats for the LegCo GCs should be distributed as follows: Hong Kong Island 5, Kowloon West 4, Kowloon East 4, New Territories West 6 and New Territories East 5.

Section 7 : Names of Legislative Council Constituencies

5.21 The existing names of the 5 GCs i.e., Hong Kong Island,

Kowloon West, Kowloon East, New Territories West and New Territories East comprise two easily distinguished components, namely, the name of the area in which the GC is situated and a directional reference. Since this nomenclature has been well received and accepted by the community, the Commission felt that the same naming system should be adopted for the 2000 LegCo election and decided therefore to name the 5 PDCAs in its provisional recommendations again as Hong Kong Island, Kowloon West, Kowloon East, New Territories West and New Territories East.

Section 8 : Code Reference of Legislative Council Constituencies

5.22 The Commission considered it desirable to distinguish LCCAs by code reference and decided to adopt the existing codes and numbering system for the LCCAs, i.e., by prefixing them with “LC” indicating LegCo and following by a number, starting from “1” and ending at “5”. The numbering was arranged from south to north and left to right. To distinguish the provisionally determined LegCo constituencies from those eventually recommended, the Commission refers to the former as “PDCAs” and the latter as “LCCAs”.

Section 9 : The Provisional Recommendations

5.23 It was based on all the above decisions and reasons that the Commission provisionally determined the delineation of LegCo GCs. The population and component DCCAs of each of the PDCAs are set out in Appendix VI. 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.