

## CHAPTER 2

### DELINEATION OF CONSTITUENCIES

#### Section 1 : Basis of Delineation

2.1 The proposed delineation of GCs for the 2004 LegCo Elections is drawn up on the basis of –

- (a) the number of GCs and Members to be returned as stipulated in the LegCo (Amendment) Ordinance 2003 detailed in paragraph 2.2 below;
- (b) the statutory criteria set out in paragraphs 2.3 and 2.4; and
- (c) the working principles set out in paragraphs 2.5 and 2.7.

#### Section 2 : Number of Geographical Constituencies and Members to be Returned

2.2 The Basic Law stipulates that the number of Members of the LegCo to be returned by GCs through direct elections is to be increased from 24 to 30 for the 2004 LegCo Elections. Against this background, sections 18(1) and 19(1)–(2) of the LegCo Ordinance (Cap. 542) were repealed and substituted by the following under the LegCo (Amendment) Ordinance 2003:

- (a) There are to be **5 GCs** for the purpose of returning Members at elections for those constituencies.
- (b) At a general election, **30 Members** are to be returned for all GCs.
- (c) The number of Members to be returned for each GC is to be a number, **not less than 4 nor greater than 8**, specified in the order declaring the area of the constituency.

### **Section 3 : Statutory Criteria**

2.3 In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the statutory criteria stipulated in section 20 of the EACO. These criteria are-

- (a) to **ensure** that the extent of each proposed GC is such that the population in that constituency is **as near as is practicable** to the number which results (ie “ the **resulting number**”), when the population quota is multiplied by the number of members to be returned to the LegCo by that GC pursuant to any electoral law [section 20(1)(a)];
- (b) where it is not practicable to comply with paragraph (a) in respect of a proposed GC, to ensure that the extent of the constituency is such that the population in that constituency

does not exceed or fall short of the resulting number applicable to that constituency, by more than 15% [section 20(1)(b)];

- (c) to ensure that each proposed GC is to be constituted by 2 or more contiguous whole District Council constituencies [section 20(2)]; and
- (d) the Commission may depart from the strict application of (a) and (b) only where it appears that a consideration referred to in paragraph 2.4 (a) or (b) below renders such a departure necessary or desirable [section 20(5)].

2.4 In making such recommendations, the EAC shall also **have regard to –**

- (a) community identities and the preservation of local ties [section 20(3)(a)];
- (b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof [section 20(3)(b)];
- (c) existing boundaries of districts [section 20(4)(a)]; and
- (d) existing boundaries of GCs [section 20(4)(b)].

## Section 4 : Working Principles

2.5 Apart from the statutory criteria set out above, the Commission also adopted the following working principles for the current demarcation exercise -

- (a) the boundaries of the existing 5 GCs should form the basis of consideration in the current demarcation exercise;
- (b) for those existing GCs where the population falls within the permissible range of the population quota requirement, their boundaries will be adopted as far as possible to form new Legislative Council Constituency Areas (“LCCAs”);
- (c) Hong Kong Island, Kowloon and the New Territories are to be treated separately, as these areas have been regarded as distinct from one another;
- (d) splitting of districts by District Council Constituency Areas (“DCCAs”) should be avoided unless there are very strong reasons for doing so. Where splitting is necessary, it should affect the least number of districts; and
- (e) matters relating to maintaining political influence or advantage will not be considered.

2.6 The criteria and working principles mentioned above were also adopted for the demarcation exercise for the 1998 and 2000 LegCo Elections.

2.7 In determining the name and code reference for the GCs, the Commission considers that the name of GCs should comprise two easily distinguished components – the name of the area in which the GC is situated and a directional reference similar to those employed for the existing GCs (Hong Kong Island, Kowloon West, Kowloon East, New Territories West and New Territories East). The GCs are distinguished by a code and numbering system with a prefix “LC” denoting LegCo following by a number starting from “1” and ending at “5”. The numbering was arranged from south to north and from west to east. The Commission hopes that by adopting this naming and coding system, anyone who consults the maps will find it easier to understand them and locate the constituency areas. These methods were also adopted in the demarcation exercise for the 1998 and 2000 LegCo Elections.

## **Section 5 : Population Forecasts**

2.8 As required under section 20(6) of the EACO, the Commission shall endeavour to estimate the total population of Hong Kong or any proposed GC in the year in which the election is to be held for the purpose of making recommendations on the delineation of GCs. If it is not practicable to do so, the Commission shall estimate the population of Hong Kong or the GC by having regard to the available information which is the best possible

in the circumstances.

2.9 An Ad Hoc Subgroup (“AHSG”), formed under the Working Group on Population Distribution Projections set up in the Planning Department (“PlanD”), took up the primary task of providing the Commission with the necessary population forecasts, the most essential information required for the conduct of the exercise. The AHSG was chaired by an Assistant Director of the PlanD and comprised representatives from a number of bureaux and departments, including the Constitutional Affairs Bureau (“CAB”), Financial Services and the Treasury Bureau, Census and Statistics Department, Home Affairs Department (“HAD”), Housing Department, Lands Department (“LandsD”), Marine Department, Rating and Valuation Department and the Registration and Electoral Office (“REO”). To enhance the accuracy of the result produced, the AHSG was requested to project the population distribution figures at a date as close to the election date as practicable. The AHSG therefore provided a report with population forecast as at **30 June 2004**, assuming that the LegCo general election would be held in September 2004. The term of reference and membership of the AHSG is at **Appendix I**.

2.10 The report prepared by the AHSG, which provides forecasts of population of Hong Kong down to DCCA level, estimates that the total population of the territory will be 6,957,700 as at 30 June 2004. The population figures in the report are adopted by the Commission for delineation of GC boundaries, and the *population quota (the total population of Hong Kong divided by the total number of Members to be returned for*

*all GCs, ie 6,957,700 ÷ 30*) is **231,923** for the purpose of this demarcation exercise as defined in section 17(1) of the EACO.

## **Section 6 : The Process of Delineation**

2.11 Upon receipt of the forecast population figures from the AHSG in April 2003, the REO started to draw up preliminary proposed delineations of GCs, by grouping DCCAs, being the building blocks of LegCo GCs, in an appropriate manner to form each of the required 5 LCCAs. The REO then presented the preliminary proposals to the Commission for consideration.

2.12 The Commission considers that the best way to start is to adopt the boundaries of the existing GCs to see if the results will satisfy the statutory criteria and the working principles stated in paragraphs 2.3 – 2.5 above. This approach has the benefit of maintaining the existing boundaries to which electors have long grown accustomed since 1998. Unless there are overriding reasons such as a vastly excessive deviation from the population quota to justify a deviation, electors will not have to adjust themselves to a new GC as a result of a change in the boundaries.

2.13 The forecast population provided in the AHSG's report for the 5 existing GCs are as follows –

<u>Name of Existing GC and Code</u>	<u>Population</u>
Hong Kong Island <sup>1</sup> (LC 1)	1,274,600
Kowloon West <sup>2</sup> (LC 2)	999,600
Kowloon East <sup>3</sup> (LC 3)	1,034,300
New Territories West <sup>4</sup> (LC 4)	2,004,300
New Territories East <sup>5</sup> (LC 5)	1,644,900

2.14 The number of seats for each GC obtained by dividing the above forecast population individually by the population quota, ie 231,923 (paragraph 2.10 refers), are as follows –

<u>GC</u>	<u>Number of Seats</u>
Hong Kong Island (LC 1)	<b>5.496</b>
Kowloon West (LC 2)	4.310
Kowloon East (LC 3)	<b>4.460</b>
New Territories West (LC 4)	<b>8.642</b>
New Territories East (LC 5)	7.092
	<hr/>
Total:	28 (excluding decimal places)

Taking into account the integral number of seats, the 5 GCs take up a total of 28 seats in the first instance. The 2 remaining seats are then allocated to the 2 GCs with the largest remainder. However, as New Territories West (LC 4)

---

<sup>1</sup> The GC of Hong Kong Island comprises the districts of Central & Western, Wan Chai, Eastern and Southern.

<sup>2</sup> The GC of Kowloon West comprises the districts of Yau Tsim Mong, Sham Shui Po and Kowloon City.

<sup>3</sup> The GC of Kowloon East comprises the districts of Wong Tai Sin and Kwun Tong.

<sup>4</sup> The GC of New Territories West comprises the districts of Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands.

<sup>5</sup> The GC of New Territories East comprises the districts of North, Tai Po, Sha Tin and Sai Kung.

which has the largest remainder has already been allocated with 8 seats, ie the maximum number of seats allowed for a GC under the LegCo (Amendment) Ordinance 2003, the 2 remaining seats are allocated to the 2 GCs with the second and third largest remainder, ie Hong Kong Island and Kowloon East. The resulting distribution is as follows –

<u>LCCA</u>	<u>Number of Seats</u>	<u>Deviation from the resulting number</u>
Hong Kong Island (LC 1)	6	-8.40%
Kowloon West (LC 2)	4	+7.75%
Kowloon East (LC 3)	5	-10.81%
New Territories West (LC 4)	8	+8.03%
New Territories East (LC 5)	7	+1.32%
Total:	<u>30</u>	

Details of the calculation are shown in **Appendix II**.

2.15 The Commission finds that by adopting the boundaries of the existing GCs as the boundaries for the 2004 LCCAs, all the statutory criteria and the working principles at paragraphs 2.2 - 2.5 above can be fulfilled. By comparing with the number of seats allocated to each GC for the 2000 LegCo Elections, the LCCAs of Hong Kong Island and Kowloon East will each obtain one additional seat, while New Territories West and New Territories East will each obtain two more seats.

2.16 As the boundaries of the GCs are proposed to remain unchanged,

the Commission considers it appropriate that the existing names and codes for the 5 GCs be adopted for the 5 LCCAs.

## **Section 7 : Other Options**

### *Delineation of GC boundaries by districts*

2.17 Apart from the proposed delineation above, the Commission has also explored a number of options for delineation. The various options of allowing an existing GC to take in a contiguous district from another GC or to give up a district to another GC with a view to achieving a better population distribution have been considered.

2.18 Fourteen options have been identified using the same method of calculation described in paragraphs 2.13 to 2.14 above. Their resultant distribution of seats and range of deviation from the resulting numbers are shown in **Appendix III**.

2.19 The calculations show that these options are either not feasible because the resultant distribution of seats exceeds the statutory limit of four to eight seats per constituency as stipulated in the LegCo (Amendment) Ordinance 2003 (ie options 6 to 14), or not desirable because the resultant population figures are not closer to the resulting numbers (ie options 1, 2, 3 and 5). The population deviation in some options even exceeds the permissible range of 15% (ie options 6 and 13).

2.20 There is only one option (ie option 4) which can yield a smaller range of deviation (“+8.03% to -10.75%” as compared with “+8.03% to -10.81%” under the proposed delineation in paragraph 2.14), and bring about an improvement in the overall population distribution among the LCCAs. However, under this option, Sai Kung district will be taken by the LCCA of Kowloon East which comprises Wong Tai Sin and Kwun Tong districts. Although the Tseung Kwan O new town area of Sai Kung may bear some resemblance to the urban districts of Kowloon East, a substantial part of Sai Kung consists of rural area the community identity of which greatly differs from the urbanized Kowloon East. Statistically, the population figures under the option is only marginally better than the proposed combination, as its lowest value of -10.75% is only 0.06 less than the lowest value (-10.81%) of the proposed one, while their highest values are the same (+8.03%).

2.21 On balance, the Commission does not recommend this option, having regard to the statutory criterion of preservation of community identities and local ties. It is also considered not desirable to adopt an option which will involve changes to the existing boundaries of the districts and the GCs taking into account the very slight improvement in deviation figures that it can bring about.

### *Delineation of GC boundaries by DCCAs*

2.22 Although the Commission may come up with numerous options of delineation by splitting the existing districts along the DCCA boundaries, it

does not consider it desirable to do so having regard to the requirement to preserve community identities and local ties in the districts.

2.23 The Commission is of the view that any option involving changes to the existing GC boundaries will inevitably cause confusion to the public and is therefore undesirable. An example will be an elector belonging to a constituency in the Kowloon district for the 2003 District Council Election being grouped to a New Territories constituency for the 2004 LegCo Elections.

*The boundary between Kowloon West and New Territories West GCs*

2.24 The Commission is aware that if the existing boundaries of GCs are to be maintained, a private residential development named Nob Hill, which was built after the last demarcation exercise, will straddle the boundaries of the Kowloon West and New Territories West GCs. That Nob Hill straddles two districts (ie Sham Shui Po and Kwai Tsing) had already affected the work of the Commission in the demarcation exercise of the 2003 District Council Election. However, as the Administration has yet to propose amendments to the district boundary between Sham Shui Po and Kwai Tsing so as to include the whole of Nob Hill in either one of the districts, the Commission considers it not advisable to make any changes ahead of the Administration's decision on the alignment of the district boundary between Sham Shui Po and Kwai Tsing. The Commission has, nevertheless, urged the Administration to rectify the relevant district boundary in view of the inconvenience that may be caused to the residents

concerned.

## **Section 8 : The Provisional Recommendations**

2.25 Having explored the alternatives and considered the comments from District Officers of the HAD, the Commission considers that the proposal indicated in Section 6 above is the best option, and that the same names and codes of the existing GCs should be adopted, as they have been well received and accepted by the community. Details of the provisional recommendations, including the population and component DCCAs of each LCCA are set out in **Appendix IV**. These provisional recommendations were then put forth by the Commission for public consultation.