

CHAPTER 4

CONSIDERATION OF REPRESENTATIONS

Section 1 : The Representations

4.1 As soon as the public consultation period ended, the EAC went through all the written and oral representations on the provisional recommendations to consider whether they should be accepted. The Commission also paid regard to a suggestion from the public concerning the delineation exercise which was received before the commencement of the consultation period. Amongst those who made representations to the Commission were a District Council member, a political party, an owners' incorporation of a private residential development, Heung Yee Kuk New Territories and individuals.

Section 2 : Deliberations on the Representations

4.2 The Commission examined each of the representations received in detail, including the viability of the proposals suggested and the reasons put forward. General views provided in the representations were also noted. A summary of all written or oral representations and the EAC's views on each representation is at **Appendix VI**. In considering the representations, the Commission has taken into account the following factors in arriving at its decisions.

(a) Adherence to Statutory Requirements

4.3 Among the representations received, many of them offer counter-proposals on the number of GCs to be delineated and the number of LegCo Members to be returned in each GC. In this connection, the Commission considers that it is of paramount importance to adhere strictly to the statutory requirements laid down in the LegCo (Amendment) Ordinance 2003, which stipulates that there are to be **5 GCs with 4 to 8 Members for each GC** (paragraph 2.2 in Chapter 2 refers). Therefore, representations which propose changes contravening one or both of these statutory requirements cannot be accepted. (items 2, 3, 4 and 6 of **Appendix VI**)

(b) Preservation of Community Identities and Local Ties

4.4 Some representations propose to re-delineate the boundaries of LCCAs, such as by transferring a New Territories district (or part of a district) to a constituency in either Hong Kong or Kowloon, so as to even out the population in the two constituencies (items 1, 7 and 13 of **Appendix VI**).

4.5 In making deliberations on such proposals, the EAC considers that it would be necessary to pay due regard to the preservation of community identities and local ties, as well as the existing boundaries of districts and GCs, as required under section 20(3) and (4) of the EACO (paragraph 2.4 in Chapter 2 refers). The EAC also considers it desirable for the Commission to adhere to its working principle that Hong Kong Island, Kowloon and New Territories are to be treated separately, as these areas have

been regarded as distinct from one another (paragraph 2.5(c) in Chapter 2 refers). Another important consideration is to avoid causing confusion to the public by adjusting the existing boundaries of constituencies, to which the public has grown accustomed since 1998.

4.6 Despite the above statutory constraints, the Commission remains open to all suggestions. Before deciding whether the counter-proposals can be accepted, the Commission has carefully examined each one to find out whether it is possible to bring about any improvement to the provisional recommendations in terms of population distribution and preservation of local ties. After consideration, the Commission decides that the representations should not be accepted for one or more of the following reasons: the resultant population from all the suggestions yields a greater range of deviation, adverse effect on the community identities and local ties, and likely confusion caused to the public.

(c) Maintenance of Political Influence

4.7 It is also noted that some representations propose to adjust the boundary of constituencies aiming at allocating more seats to the Kowloon West (“KW”) constituency (items 1, 7 and 13 of **Appendix VI**). The major justification put forth in these representations dwells on fairness and equality in the representation of population in the KW and Kowloon East constituencies, which are allocated 4 and 5 seats respectively although there is only a small difference in their respective population. The representations also consider that under the list system of proportional representation, the

number of votes needed to elect a member to the last seat and the influence of a vote (on the number of LegCo Members to be elected) should be roughly the same for each constituency.

4.8 The EAC notes that the KW constituency is the only constituency that is not allocated any additional seat despite the increase of 6 seats for GC elections in the 2004 LegCo Elections. The Commission, however, wishes to emphasize that although the KW constituency has the smallest population and the least number of seats among all 5 LCCAs under the provisional recommendations, its population deviation from the resulting number (+7.75%) is well within the $\pm 15\%$ statutory limit.

4.9 In fact, with a view to achieving a better population distribution, as detailed in Section 7 of Chapter 2, the EAC has explored the options of allowing (i) the KW constituency to take in a contiguous district from the New Territories West (“NTW”) or the New Territories East (“NTE”) constituency; and (ii) the NTE constituency to take in a contiguous district from the NTW constituency. The resultant population in these options, however, either yields a greater range of deviation, or causes the number of seats in one of the LCCAs to exceed the upper permissible limit (options 1, 2, 5, 9 and 10 of **Appendix III**).

4.10 As for the other arguments raised in such representations, the Commission would like to stress that issues relating to the list system of proportional representation is outside the jurisdiction of the Commission, and, as always, matters of maintaining political influence or advantage will not be

considered by the EAC.

4.11 Taking into account all the reasons above, the EAC considers that the suggestion of giving more seats to the KW constituency cannot be accepted.

(d) Future Population Trend

4.12 On the argument of anticipated population increase in the New Territories and KW constituencies put up by items 3, 4 and 9 of **Appendix VI**, the Commission is of the view that the future population trend is not a certain factor. For the sake of establishing a level playing field for all constituencies, the cut-off date of 30 June 2004 as the basis for the population forecast must be adopted for this demarcation exercise. The EAC therefore considers that representations seeking justification from future population increase cannot be accepted.

Section 3 : The Recommendations

4.13 After having carefully considered all the public representations, including the supporting views and counter-proposals offered, the Commission decides that it is not necessary to make any alteration to the provisional recommendations, which now remain as its final recommendations. The final recommendations in respect of the 5 LCCAs, including the number of seats allocated to each, their names and reference code numbers, the component DCCAs and their population details as well as

the maps showing the boundaries of the recommended LCCAs are contained in **Volume 2** of this report.