

Summary of Written Representations

<i>Item no.</i>	<i>Representations</i>	<i>EAC's views</i>
1	One representation objects to the uneven allocation of the additional 5 GC seats to the 5 GCs and proposes that one additional seat be allocated to each GC so as to balance the interests of the 5 GCs.	Under the proposal, allocation of the 35 seats is not based on the populations of the 5 GCs. The proposal is not accepted because it contravenes the statutory criterion set out in section 20(1)(a) of the EACO, which stipulates that the population in a GC should be as near as practicable to the resulting number.
2	<p>One representation:</p> <p>(a) supports the EAC's provisional recommendations as they are the best proposals if all the relevant statutory criteria and working principles have to be adhered to;</p> <p>(b) objects to the suggestion that Islands District be transferred from NTW to the HKI because:</p> <p>(i) Islands District has been located at the peripheral area of NTW since 1997 and would continue to be on the periphery of the new GC even it is transferred to HKI;</p> <p>(ii) more than half of the population of Islands District resides in Tung Chung and these residents rely on the land transport to travel to other districts; and</p> <p>(iii) even the Islands District is moved to HKI, according to the population projections of the Planning Department for 2016 and 2019, the number of seats for NTW would need to be increased in future LegCo Elections so as to maintain the population of NTW within the $\pm 15\%$ permissible range;</p>	<p><u>Item (a)</u> The supporting view is noted.</p> <p><u>Item (b)</u> The view is noted. Under the EAC's provisional recommendations, the Islands District will be retained in NTW.</p> <p><u>Items (c) and (d)</u> The proposals entail amendments to the LCO, which fall outside the EAC's jurisdiction and the scope of the present demarcation exercise. The proposals have been referred to the Constitutional and Mainland Affairs Bureau ("CMAB") for reference.</p>

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	<p>(c) considers that the votes of NTW carries less weight than those of other GCs. The representation proposes that the maximum number of seats of each GC stipulated in the LCO should be increased from 9 to 10 to reduce the deviation figure for NTW; and</p> <p>(d) proposes that the delineation of GCs be dispensed with and that the 35 LegCo Members be elected by all electors in Hong Kong instead of by electors of individual GCs so that each elector's vote would carry equal weight.</p>	
3	<p>One representation proposes to transfer Islands District from NTW to HKI because:</p> <p>(a) based on the population forecast for NTW, it is entitled to 10 seats. However, only 9 seats are allocated to NTW under the EAC's provisional recommendations because of the statutory upper limit. The residents of NTW are under-represented and treated unfairly;</p> <p>(b) as Islands District adjoins the Central and Western District and the Southern District in HKI, the proposal complies with the requirement of the EACO that each proposed GC is to be constituted by two or more contiguous whole District Council constituencies;</p> <p>(c) many residents of Islands District have to take ferry to HKI first when they go to urban areas. Hence, there are community ties between Islands District and HKI. The proposal complies with the requirement of the EACO that the EAC shall have regard to community identities and preservation of local ties.</p>	<p>The proposal is not accepted because:</p> <p>(a) the deviations from the resulting number for NTW (+10.78%) and HKI (-9.77%) under the EAC's provisional recommendations are within the $\pm 15\%$ permissible limit stipulated in the EACO;</p> <p>(b) as stipulated in sections 20(3)(a) and 20(3)(b) of the EACO, the EAC shall have regard to the community identities, the preservation of local ties and physical features in delineating GCs. Islands District is generally regarded as part of the New Territories and despite the social-economic development in recent years, its community identities and physical features remain basically different from those of HKI. The proposed transfer will have the undesirable effect of marrying a district into a GC with distinctly different local characteristics and community identities;</p> <p>(c) the northern part of Lantau Island currently falls within Tsuen Wan District while the rest of it belongs to Islands</p>

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		<p>District. If the latter is transferred to HKI from NTW, Lantau Island would be split into two parts and put in two different GCs, thus adversely affecting its community identities;</p> <p>(d) the proposal also cannot comply with the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately; and</p> <p>(e) there are views objecting to the transfer of Islands District from NTW to HKI (see item nos. 2 and 9).</p>
4	<p>One representation:</p> <p>(a) proposes to transfer “Southern Lantau Island” (without specifying the exact areas involved), Peng Chau, Cheung Chau and Lamma Island from NTW to HKI because:</p> <p>(i) the residents of these outlying islands have a closer relationship with HKI as most of their residents travel to Hong Kong Island by ferry for work or study. On the other hand, these outlying islands do not have any ties with NTW in terms of transportation. Apart from geographical location, transportation link should also be taken into consideration in delineating the boundary of GCs; and</p> <p>(ii) the deviation percentages of both NTW and HKI will be evened out. After the proposed transfer, the deviation percentages of HKI and NTW will become -4.47% and +6.65% respectively; and</p> <p>(b) has no objection to transferring the whole Islands District from NTW to HKI.</p>	<p><u>Items (a) and (b)</u></p> <p>See item no. 3. In addition, the proposed transfer of part of Lantau Island and a few outlying islands of Islands District to the HKI will split the Islands District and some of its District Council Constituency Areas (“DCCAs”) (e.g. T01 – Lantau and T08 – Lamma & Po Toi). Having regard to the statutory criterion set out in section 20(4) of the EACO that the EAC shall have regard to the existing boundaries of Districts and the EAC’s working principle that splitting of Districts by DCCAs should be avoided, the proposal cannot be accepted.</p>

<i>Item no.</i>	<i>Representations</i>	<i>EAC's views</i>
5	<p>One representation considers that 6 instead of 5 GCs should be delineated for the LegCo Elections. An additional GC namely “Lantau and Islands” should be created to cover the area of Islands District, north of the Lantau Island and Ma Wan because:</p> <ul style="list-style-type: none"> (i) the population of the new GC would be more or less the same as those of other GCs; (ii) the new GC has richer natural resources than NTE and NTW; (iii) the new GC would mainly comprise people who are living in villages and following traditional customs; and (iv) the new GC will help even out the population of NTW. 	<p>The representation is not accepted because the resultant number of GCs will exceed the total number of GCs stipulated in the LCO (i.e. 5 GCs).</p>
6	<p>One representation:</p> <ul style="list-style-type: none"> (a) considers that the demarcation of boundaries for and allocation of seats to HKI, KW and KE are reasonable; (b) considers the very large population of the present NTW and NTE undesirable as: <ul style="list-style-type: none"> (i) candidates concerned would need to spend tremendous time and efforts to conduct electioneering activities in these GCs; (ii) a political party may put up more than one list of candidates in each GC for strategic reasons which would cause confusion to electors and waste papers as a larger ballot paper would be required; and (iii) the cost of arranging a by-election, when necessary, would be higher in a large GC; (c) proposes the following delineation options: 	<p><u>Item (a)</u> The supporting view is noted.</p> <p><u>Item (b)</u> Having explored various options, the EAC considers that its provisional recommendations, which fulfill all the relevant statutory requirements and established working principles, are the best option. Besides, under the EAC’s provisional recommendations, the deviation of population from the resulting number of each of NTW and NTE is within the permissible limit of $\pm 15\%$ stipulated in the LCO.</p> <p><u>Item (c)(i)</u> The proposal is not accepted because the resultant number of GCs will exceed the total number of GCs stipulated in the LCO (i.e. 5 GCs).</p>

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	<p>(i) to split NTW into “New Territories Northwest” (Tuen Mun and Yuen Long Districts) and “New Territories Southwest” (Tsuen Wan, Kwai Tsing and Islands Districts) and to divide NTE into “New Territories Northeast” (Tai Po and North Districts) and “New Territories Southeast” (Shatin and Sai Kung Districts). About 4 or 5 seats will be allocated to each of these GCs; or</p> <p>(ii) to transfer Sai Kung District from NTE to KE and Kwai Tsing District from NTW to KW so that KW, KE, NTW and NTE will each be allocated 7 seats; and</p> <p>(iii) to divide HKI into 2 GCs in the long run.</p>	<p><u>Item (c)(ii)</u> The proposal is not accepted because the EAC has explored these options but considered them not desirable (see Options 10 and 12 in Appendix III).</p> <p><u>Item (c)(iii)</u> Delineation of boundary must be based on the projected population and the prevailing statutory criteria at the time of delineation. Dividing HKI into 2 GCs should be subject to the total number of GCs stipulated in the LCO.</p>
7	<p>One representation:</p> <p>(a) agrees with the delineation and seat allocation for HKI, KW and KE; and</p> <p>(b) proposes to re-delineate the New Territories into 3 GCs as follows:</p> <p>(i) “New Territories Southeast” consisting of Sha Tin and Sai Kung Districts;</p> <p>(ii) “New Territories Southwest” consisting of Tuen Mun, Tsuen Wan, Kwai Tsing and Islands Districts; and</p> <p>(iii) “New Territories North” consisting of North, Yuen Long and Tai Po Districts;</p> <p>as the numbers of seats for the present NTW and NTE are already very large and Yuen Long has closer connection with Tai Po than Tuen Mun.</p>	<p><u>Item (a)</u> The supporting view is noted.</p> <p><u>Item (b)</u> The proposal is not accepted because the resultant number of GCs would exceed the total number of GCs stipulated in the LCO (i.e. 5 GCs).</p>

**Summary of Oral Representations
Made at the Public Forum on 4 July 2011**

<i>Item no.</i>	<i>Representations</i>	<i>EAC's views</i>
8	<p>One representation:</p> <p>(a) considers that LegCo Members should serve all Hong Kong people but not only the electors of their respective GC. Hence, one single constituency should be formed and the 35 Members should be elected by all electors in Hong Kong; and</p> <p>(b) appreciates that the EAC holds a public forum to consult the public on its provisional recommendations and suggests that a smaller venue may be used if the number of participants is small.</p>	<p><u>Item (a)</u></p> <p>Section 18 of the LCO sets out that there are to be 5 GCs for the purpose of returning Members at elections for those GCs. The matter raised in the representation involves amendment to the LCO, which falls outside the EAC's jurisdiction and the scope of the present demarcation exercise. The representation has been referred to the CMAB for reference.</p> <p><u>Item (b)</u></p> <p>The view is noted and the suggestion will be taken into account when organising similar forums in future.</p>
9	Same as item no. 2.	See item no. 2.
10	Same as item no. 4.	See item no. 4.

**Views Expressed by Legislative Council Members
at the Constitutional Affairs Panel Meeting on 18 July 2011**

<i>Item no.</i>	<i>Representations</i>	<i>EAC's views</i>
11	<p>One representation suggests that the population of the NTW be reduced by :</p> <p>(a) splitting it into 2 GCs (e.g. New Territories Northwest and New Territories Southwest) so that these 2 GCs will each have 5 seats; or</p> <p>(b) redrawing the New Territories into three GCs because:</p> <p>(i) the EAC's provisional recommendations are unfair to the residents in NTW as the GC has the largest population per seat;</p> <p>(ii) the large population of NTW will place a heavy financial burden on and cause difficulties to the candidates of this GC when they conduct electioneering activities; and</p> <p>(iii) it would even out the populations of the GCs.</p>	<p>The representation is not accepted because the resultant number of GCs would exceed the total number of GCs as stipulated in the LCO (i.e. 5 GCs). The EAC's provisional recommendations fulfill all the relevant statutory requirements and established working principles.</p>
12	<p>One representation is of the view that as the total population of NTW and NTE has reached 3.7 million, consideration should be given to redrawing the boundaries of the GCs in the New Territories in future so that the LegCo Members in the GCs could better serve their electors.</p>	<p>The current exercise is to delineate the boundaries of GCs for the 2012 Legislative Council Election. The delineation of GCs in the New Territories in future will be based on the then projected population and the prevailing statutory criteria at the time of delineation.</p>
13	<p>One representation suggests that the Islands District be transferred from NTW to HKI to work down the deviation percentages of the NTW and HKI.</p>	<p>See item no. 3.</p>

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14	One representation is of the view that under the current electoral system for the 2012 LegCo Election, the ratio of the LegCo Members to be returned to their electors varies greatly from constituency to constituency. This system is considered to be unreasonable.	The matter raised in the representation concerns the electoral system of the Legislative Council Election, which falls outside the jurisdiction of the EAC and the scope of the present demarcation exercise. The view has been referred to the CMAB.
15	One representation suggests that the EAC should take into account variations in the populations of different GCs and the background of electors in a GC in the process of delineation because it is difficult for a LegCo Member to provide services in his GC efficiently if the population is large and comprises both the upper and lower classes.	In the delineation of the boundaries of the GCs, the EAC is required to adhere to the statutory criteria set out in the EACO, LCO and the established working principles. While the population of individual GCs is a factor of consideration in the delineation exercise as stipulated in the aforesaid statutory criteria, the background of electors is not.