

## CHAPTER 2

### DELINEATION OF CONSTITUENCIES

#### Section 1 : Statutory Criteria

##### *Criteria stipulated under the Legislative Council Ordinance*

2.1 In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the following statutory criteria stipulated under the Legislative Council Ordinance (Cap. 542) (“LCO”):

- (a) there are to be **5 GCs** for the purpose of returning Members at elections for those constituencies [section 18(1) of the LCO];
- (b) at a general election, **35 Members** are to be returned for all GCs [section 19(1) of the LCO]; and
- (c) the number of Members to be returned for each GC is to be a number, **not less than 5 nor greater than 9** [section 19(2) of the LCO].

*Criteria stipulated under the Electoral Affairs Commission Ordinance*

2.2 In accordance with the EACO, the EAC shall:

- (a) ensure that the extent of each proposed GC is such that the population in that constituency is as near as practicable to the number which results (i.e. “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) of the EACO];
- (b) where it is not practicable to comply with paragraph (a) above in respect of a proposed GC, 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% thereof [section 20(1)(b) of the EACO]; and
- (c) ensure that each proposed GC is to be constituted by two or more contiguous whole District Council constituencies [section 20(2) of the EACO].

2.3 In making such recommendations, the EAC shall also have regard to:

- (a) community identities and the preservation of local ties [section 20(3)(a) of the EACO];
- (b) physical features such as size, shape, accessibility and development of the relevant area or any part thereof [section 20(3)(b) of the EACO];
- (c) existing boundaries of Districts<sup>1</sup> [section 20(4)(a) of the EACO]; and
- (d) existing boundaries of GCs [section 20(4)(b) of the EACO].

2.4 The EAC may depart from the strict application of the requirements set out in paragraph 2.2(a) and (b) above only where it appears that a consideration referred to in paragraph 2.3(a) or (b) above renders such a departure necessary or desirable [section 20(5) of the EACO].

## **Section 2 : Working Principles**

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

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<sup>1</sup> “Districts” means the 18 Districts as set out in Part II of Schedule 1 of the District Councils Ordinance (Cap. 547).

- (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 would be adopted as far as possible to form new GCs;
- (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. Where splitting is necessary, it should affect the least number of Districts; and
- (e) factors with political implications will not be taken into consideration.

2.6 The working principles mentioned above have been adopted for the demarcation exercises for the LegCo general elections since 1998.

### **Section 3 : Name and Code of Constituencies**

2.7 In determining the name and code reference for the GCs, the EAC considers that the name of GCs should comprise two easily distinguished components, namely the name of the area in which the GC is situated and a directional reference similar to those adopted for the existing GCs, i.e. Hong Kong Island (“HKI”), Kowloon West (“KW”), Kowloon East (“KE”), the New Territories West (“NTW”) and the New Territories East (“NTE”). The GCs are also distinguished by a code and numbering system starting from “LC 1” and ending at “LC 5”, being arranged from south to north and from west to east. The EAC hopes that by adopting this naming and coding system, anyone who consults the maps will find it easier to understand them and locate the constituencies. These methods have also been adopted in the demarcation exercises for the LegCo general elections since 1998.

### **Section 4 : Population Forecasts**

2.8 Section 20(6) of the EACO provides that the EAC shall endeavour to estimate the total population of Hong Kong or any proposed GC in the year in which a LegCo general 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 EAC shall estimate the population of Hong Kong or the GC 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 chaired by the Planning Department (“PlanD”), took up the task of providing the EAC with the necessary population forecasts. The AHSG was chaired by an Assistant Director of the PlanD and comprised representatives from a number of bureaux and departments, including the Constitutional and Mainland Affairs Bureau (“CMAB”), Housing Department, Lands Department (“LandsD”) and the Registration and Electoral Office (“REO”). The AHSG used the latest official population statistics (2009-based) released by the Census and Statistics Department in July 2010 as the basis for projection in this demarcation exercise. To make the best estimation as close to the election date as practicable, the AHSG has produced a report with population forecasts down to the DCCA level as at **30 June 2012**.

2.10 The report estimates that the total population of the territory will be **7,180,700** as at 30 June 2012. The population figures in the report were adopted by the EAC for delineation of GC boundaries. The **population quota** (defined in section 17(1) of the EACO as meaning the total population of Hong Kong divided by the total number of Members to be returned for all GCs, i.e.  $7,180,700 \div 35$ ) is **205,163** for the purpose of this demarcation exercise.

## **Section 5 : The Process of Delineation**

2.11 Based on the population forecasts mentioned in paragraph 2.10 above and adhering to the statutory criteria and the working principles as set out in paragraphs 2.1 to 2.5 above, the EAC has drawn up its provisional recommendations on the boundaries and names of the GCs for the 2012 LegCo Election.

2.12 The EAC recommends that the existing boundaries of the 5 GCs should remain unchanged and that the 35 seats be allocated to the 5 existing GCs based on their respective projected population as at 30 June 2012.

2.13 Following the established process of delineation and in accordance with the statutory requirement of section 20(1)(a) of the EACO that the population in each proposed GC should be as near as practicable to the resulting number (see paragraph 2.2(a) above), the EAC has adopted a two-step method to allocate the 35 seats:

- (a) Step One: Seats are allocated amongst the 5 GCs by dividing the projected population of each GC by the population quota (see paragraph 2.10 above) and allocating seats according to the integer of the calculated number subject to the statutory limits (see paragraph 2.1 (c) above). Accordingly, 33 seats are first allocated to the 5 GCs.

- (b) Step Two: As to the allocation of the remaining two seats, all the six possible options for seat allocation are worked out and examined as shown in the table under Note 2 of the document entitled “Method for Allocation of Seats” at **Appendix I**. Option C therein is recommended for adoption since it has the smallest range of percentage deviation of the population from the resulting number in the individual GCs.

This will ensure that the variation between individual GCs in terms of the number of persons represented by a LegCo seat is reduced to a minimum.

2.14 Under the provisional recommendations, the number of seats allocated to each GC in accordance with the aforesaid method is as follows:

<b>Proposed Name and Code of GC</b>	<b>Population</b>	<b>Seats allocated in Step-One</b>	<b>Seats allocated in Step-Two</b>	<b>Proposed Number of Seats</b>
Hong Kong Island (LC 1)	1,295,800	6	1	7
Kowloon West (LC 2)	1,081,700	5	0	5
Kowloon East (LC 3)	1,062,800	5	0	5
New Territories West (LC 4)	2,045,500	9	0	9
New Territories East (LC 5)	1,694,900	8	1	9
<b>Total:</b>	<b>7,180,700</b>	<b>33</b>	<b>2</b>	<b>35</b>

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



2.15 The recommendations of the EAC fulfill all the statutory criteria and the working principles set out in paragraphs 2.1 to 2.5 above. They have the additional benefit of maintaining the existing boundaries to which electors have been accustomed since 1998 and electors will not have to adjust themselves to a new GC. The EAC also recommends that the existing names and codes for the 5 GCs be retained as there is no proposed change to the GC boundaries.

## **Section 6 : Other Options**

### **Delineation of GC boundaries by Districts**

2.16 The EAC has explored 16 other possible options for delineation by moving a contiguous district from one GC to another, as set out in **Appendices II and III**. Having examined these 16 options using the same method of calculation described in paragraph 2.13 above, the EAC finds them either not viable or not desirable.

2.17 Amongst the options, the EAC has considered the option of transferring Islands District from NTW to HKI (Option 16 in **Appendix III**). Under this option, the newly formed NTW and HKI will have a population of 1,887,800 and 1,453,500 respectively. NTW will be allocated nine seats (with a deviation percentage of +2.24%) and HKI will be allocated seven seats (with a deviation percentage of +1.21%). KW and KE will each obtain five seats and NTE will have nine seats. Under this option, the

number of seats allocated to the 5 GCs will be the same as that of the provisional recommendations but it will yield a smaller range of deviation (+5.45% to -8.21%) than the EAC's provisional recommendations (+10.78 to -9.77%).

2.18 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 (see paragraphs 2.3(a) and 2.3(b) above). Despite the improvement in the range of deviation, the EAC considers the aforesaid option undesirable having regard to the need to preserve community identities. Firstly, Islands District and the existing districts in HKI belong to different communities. 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. This option, if adopted, will have the undesirable effect of marrying a district into a GC with distinctly different local characteristics and community identities. Secondly, the northern part of Lantau Island currently falls within Tsuen Wan District while the rest of it belongs to Islands 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. Besides, this option could not comply with the working principle that Hong Kong Island, Kowloon and the New Territories are to be treated separately (see paragraph 2.5(c) above).

2.19 The EAC has also considered the option of transferring Kwai Tsing District from NTW to KW (Option 10 in **Appendix III**). Under this option, NTW (with a population of 1,536,100; and deviation of -6.41%) and KW (with a population of 1,591,100; and deviation of -3.06%) will each be allocated eight seats. HKI, KE and NTE will have six, five and eight seats respectively. This option will yield a smaller range of deviation (+5.27% to -6.41%) than the EAC's provisional recommendations (+10.78 to -9.77%). However, despite geographical proximity, Kwai Tsing District and the districts in KW belong to communities of different social characteristics. The EAC considers it undesirable for a GC to comprise districts from the New Territories and Kowloon, and this also contradicts the working principle set out in paragraph 2.5(c) above.

2.20 As regards the other 14 options, they are either not viable (see **Appendix II**), as they do not comply with the relevant statutory requirements, or not desirable (see **Appendix III**), as they do not give due regard to community integrity and/or do not comply with the EAC's working principles.

### **Delineation of GC boundaries by DCCAs**

2.21 Although the EAC may theoretically come up with numerous other 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 statutory requirements to preserve community identities and local ties

and pay regard to physical features within the districts (see paragraphs 2.3(a) and 2.3(b) above). Furthermore, such an approach will not be in conformity with the statutory requirement of having regard to the existing boundaries of districts (see paragraph 2.3(c) above).

### **Section 7 : The Provisional Recommendations**

2.22 Having weighed the various options mentioned in paragraphs 2.16 to 2.20 above and consulted District Officers of the Home Affairs Department (“HAD”) insofar as local knowledge is required, the EAC considers that the provisional recommendations (i.e. retaining the existing boundaries and names of the 5 GCs and allocating the 35 seats among the 5 GCs as set out under paragraph 2.14 above) are the best option. Details of EAC’s provisional recommendations, including the population and component DCCAs of each GC are set out in **Appendix IV**. These provisional recommendations were then put forth by the EAC for public consultation.