

CHAPTER 4

CONSIDERATION OF REPRESENTATIONS

Section 1 : Deliberations on 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 (including the views expressed by LegCo Members at the meeting of the LegCo Panel on Constitutional Affairs held on 18 July 2011) and considered whether they should be accepted.

4.2 The EAC examined each of the representations received in detail and considered the viability of the proposals suggested. General views provided in the representations were also noted. A summary of all written and oral representations and the EAC's views on each representation is at **Appendix V**. In considering the representations, the EAC has noticed the following issues.

(a) Number of Geographical Constituencies

4.3 A number of representations received from the public and some views expressed by LegCo Members at the meeting of the LegCo Panel on Constitutional Affairs (see items 5, 6, 7, 11 and 12 of **Appendix V**) concern the number of GCs to be delineated. They generally considered that both

the populations and the geographical coverage of NTE and NTW are very large when compared with those of the remaining 3 GCs (i.e. KW, KE and HKI), rendering electioneering activities or liaison work difficult in these GCs. They proposed that the GCs in the New Territories should be redrawn by splitting up NTW into 2 GCs or re-delineating the New Territories into 3 GCs so as to reduce the size of the GCs in the New Territories and even out the population in individual GCs. These proposals will lead to delineation of more than 5 GCs. In making the recommendations in respect of the delineation of GC boundaries, the EAC is required to adhere to the statutory criteria stipulated in the LCO. As one of these criteria is that there are to be 5 GCs for the purpose of returning Members (see paragraph 2.1 above), the aforesaid proposal, which would cause the resultant number of GCs to exceed five, cannot be accepted.

(b) Fairness in Representation

4.4 A number of the representations were of the view that NTW should be allocated ten seats according to its population. However, as it would exceed the statutory maximum number of seats of a GC as stipulated in the LCO (i.e. nine seats), only nine seats can be allocated to NTW. As a result, the deviation percentage of NTW reaches +10.78%. They considered this arrangement unfair to the residents in NTW as they were “under-represented” (see items 2, 3, 9 and 11 of **Appendix V**). Two representations further proposed that the maximum number of seats of a GC should be increased from nine to ten (see items 2 and 9 of **Appendix V**).

4.5 The EAC understands the concern raised in these representations and has explored various options of delineating NTW (see paragraphs 2.17 to 2.19 above and **Appendices II and III**). However, the EAC has found these options not viable or not desirable. It should be noted that the deviation from the resulting number of NTW (+10.78%), though comparatively large in magnitude, is within the statutory permissible range of $\pm 15\%$ stipulated in section 20(1)(b) of the EACO. Furthermore, in accordance with section 19(2) of the LCO, 5 to 9 LegCo Members are to be returned for each GC. Hence, it will not be legally in order for the EAC to allocate ten seats to NTW. In undertaking the demarcation exercise, the EAC must work within these statutory confines.

(c) Preservation of Community Identities and Local Ties

4.6 Some other representations suggested that Islands District be moved to HKI in order to reduce the deviation percentages of NTW and HKI (see items 3 and 13 in **Appendix V**). Similarly, some representations suggested transferring the southern part of Lantau Island (without specifying the exact areas involved) and some DCCAs of Islands District including Peng Chau, Cheung Chau and Lamma Island to HKI (see items 4 and 10 of **Appendix V**) because, in terms of accessibility, these places were connected with HKI by ferry.

4.7 As explained in paragraphs 2.17 and 2.18 above, the EAC considers the option of transferring Islands District to HKI undesirable

having regard to the relevant statutory requirements and the established working principles. Moreover, the EAC has received opposite views objecting to the transfer of Islands District from NTW to HKI (see items 2 and 9 of **Appendix V**). The EAC is thus of the view that the suggestion put forward in the aforesaid representations should not be accepted.

Section 2 : The Recommendations

4.8 As explained in Section 5 of Chapter 2 above, the EAC's provisional recommendations have fulfilled all the relevant statutory requirements and established working principles. The EAC has taken into account all the public representations (including supporting and objecting views and counter-proposals offered) received during the consultation period. On balance, the EAC considers that the present recommendation to retain the existing boundaries of the 5 GCs represents the most sensible and practicable way forward.

4.9 The EAC decides that it is not necessary or appropriate to make any alteration to its provisional recommendations, which now remain as its final recommendations. The final recommendations in respect of the 5 GCs, including the number of seats allocated to each GC, their names and reference code numbers, the component DCCAs and their population details as well as the maps showing the boundaries of the recommended GCs are contained in **Volume 2** of this report.