

## **CHAPTER 4**

### **CONSIDERATION OF REPRESENTATIONS**

#### **Section 1 : Deliberations and Observations**

4.1 As soon as the public consultation period ended, the EAC went through each of the written and oral representations (including the views expressed by LegCo Members at the meeting of the LegCo Panel on Constitutional Affairs held on 15 June 2015) to consider whether they should be accepted.

4.2 As with past delineation exercises, the EAC examined each of the representations received in detail. In the course of deliberation, the EAC adopted broadly the same approaches as with previous delineation exercises. Regarding the views expressed in the representations, the EAC continued to adopt the statutory requirements, relevant criteria and working principles to examine the grounds put forward in the representations in a prudent manner.

4.3 The EAC has received both supporting and opposing representations on its provisional recommendations. For views opposing the provisional recommendations, the EAC noted that they were mainly related to the following issues. In this regard, the EAC would like to set out its factors of consideration so that the public can fully understand the

EAC's recommendations:

**(a) *Requests for Re-delineation of Boundaries***

4.4 The principle of “equal representation” (i.e. equal number of people should have equal number of representatives) is an important consideration in the delineation of GC boundaries. Therefore, according to the statutory criteria under the EACO for making recommendations on the delineation of GC boundaries for a LegCo general election, the projected population in each GC should be as near as practicable to the resulting number. However, given the unique situation of Hong Kong being a small and compact place with a dense population, which is distributed vertically, the EACO, at the same time, allows the population of a GC to deviate from its resulting number by not more than  $\pm 15\%$  and requires that the EAC shall have regard to the criteria of community identities, the preservation of localities and the physical features of the relevant area in the course of delineation of the GC boundaries. Besides, the EACO also requires the EAC to have regard to the existing GC boundaries in making recommendations in relation to a general election. Therefore, this is reasonable and practical to formulate proposals on the basis of the existing GC boundaries.

4.5 During the consultation period, the EAC received a number of representations relating to the delineation of NTW. These representations pointed out that after dividing the projected population of NTW by the

population quota, its entitled number of seats reached 9.97. However, due to the limit stipulated in the LCO that the maximum number of seats to be returned for each GC is 9, only 9 seats could be allocated to NTW. As a result, the percentage deviation from the resulting number of the NTW has reached +10.82% and for this reason the representors consider that the GC has insufficient seats of representation. Some representations considered that the population of NTW would be on an increasing trend in future and estimated that its percentage deviation of population would be getting larger. Many representations proposed re-delineation of the boundaries of NTW and other GCs so as to achieve a more even population distribution among the GCs.

4.6 The EAC understands the concern raised by the public regarding NTW. In the past delineation exercises, the EAC also received similar representations. In view of this, the EAC had reviewed the situation of NTW afresh before reaching the provisional recommendations and had considered four possible options of transferring a single District adjacent to NTE from NTW to NTE (as set out below). However, these four options were either not viable or not desirable.

- (i) By transferring the Islands District to NTE – under this option, the new NTE would cover an extremely large area and the Islands District would be far away from the other Districts in NTE. Moreover, currently, the northern part of Lantau Island falls within the Tsuen Wan District while

the rest of it belongs to the Islands District. This option would split Lantau Island into two parts and, therefore, would adversely affect the long-established community identities of the area. Although the percentages of deviation of the 5 GCs would be improved (-9.63% to +3.01%) compared with those in the provisional recommendations (-9.63% to +10.82%), this option was considered not desirable in view of the aforementioned factors of consideration;

- (ii) By transferring the Tsuen Wan District to NTE – this option would similarly split Lantau Island into two parts and, therefore, would adversely affect the long-established community identities of the area. Besides, the shape of the new GC would be undesirable and there was no significant improvement on the deviation range (-9.63% to +10.00%) among the 5 GCs. Therefore, this option was also considered not desirable;
- (iii) By transferring the Kwai Tsing District to NTE – this option was not viable because it would increase the population of the NTE significantly but only 9 seats could be allocated to the GCs in accordance with the statutory requirement. Under such circumstances, the percentage of deviation would be +20.64% for NTE, which exceeded

the statutory permissible upper limit;

- (iv) By transferring the Yuen Long District to NTE – this option was not viable because it would increase the population of the NTE significantly but only 9 seats could be allocated to the GC in accordance with the statutory requirement. Under such circumstances, the percentage of deviation would be +26.89% for NTE, which exceeded the statutory permissible upper limit.

4.7 Given the consideration that there has not been a major shift in the territorial population ratio across the 5 GCs since the last LegCo general election, the EAC recommended to keep the existing boundaries of the 5 GCs intact in its provisional recommendations. The percentage deviation of the projected population from the resulting number of the 5 individual GCs was within the 15% permissible range stipulated under section 20(1)(b) of the EACO. As for NTW, its percentage of deviation from the resulting number was similar to that of the last LegCo general election.

4.8 Moreover, some representations put forward grounds of continuing urbanisation and gradual development of community infrastructure and transportation in the New Territories in support of their proposals to re-delineate the existing GC boundaries to form GCs comprising some areas of the New Territories and the Hong Kong Island or Kowloon.

4.9 The EAC agrees that the gradual development of the community infrastructure and transportation network might better connect the related districts in the long run. However, these developments will not necessarily change the long-established community identities and local ties of the relevant areas. When considering these representations, there is a need for the EAC to have a fair and objective assessment on whether there are incontrovertible grounds in support of re-delineating the existing boundaries given that the percentages of deviation from the resulting number of the existing 5 GCs are all within the statutory permissible range. The existing boundaries of the 5 GCs have come into existence since 1998 and the community identities and local ties within each of the GCs have been long established. Any suggestion to re-delineate the GC boundaries would unavoidably risk upsetting the long-established community identities and local ties and would not bring about substantial improvement in the delineation exercise. In fact, these proposals are not incontrovertible and there is no wide consensus in the society. The EAC notes that many of the representations received during the consultation period are in support of maintaining the existing boundaries of the 5 GCs intact.

4.10 After prudent consideration, the EAC is of the view that in order to preserve the long-established community identities and local ties in the existing GCs and avoid causing unnecessary confusion to electors, the delineation exercise should be based on the boundaries of the existing GCs. Given that the percentages of deviation from the resulting number of the existing GCs all fall within the statutory permissible range, and in the

absence of any obvious change in community identities and local ties justifying alteration of the boundaries, it is considered that re-delineating the GC boundaries simply to reduce the population difference among the GCs would not be appropriate and should not be recommended.

***(b) Number of Geographical Constituencies***

4.11 The LCO stipulates that there are to be 5 GCs for the purpose of returning Members at elections for those constituencies. Some representations proposed increasing the number of GCs to 6 and re-delineating the New Territories into 3 GCs on grounds of the growing population of NTE and NTW. There were also representations suggesting merging the existing 5 GCs into 1 GC.

4.12 In making the recommendations on the delineation of GC boundaries, the EAC is required to adhere to the statutory requirement in the LCO, which stipulates that there are to be 5 GCs. As the aforesaid proposals involve amendment to the LCO, the EAC has referred these views to the CMAB for reference.

***(c) Number of Seats***

4.13 As the percentage of deviation from the resulting number of NTW has reached +10.82%, some representations proposed amending the maximum number of Members to be returned for each GC so that more

seats could be allocated to NTW. Some representations proposed that the total number of seats of both GCs and functional constituencies should each be increased to 40. As explained above, the EAC should adhere to the statutory requirements stipulated in the LCO in drawing up the provisional recommendations. At present, the law requires that 35 Members are to be returned for all GCs and the number of Members to be returned for each GC is to be a number, not less than 5 nor greater 9. The EAC has referred these views to the CMAB for reference.

4.14 Moreover, some representations proposed that the number of seats of each GC should be the same. Given that the population is unevenly distributed among the existing 5 GCs, there would be substantial changes to the boundaries of the existing GCs if on one hand, an even distribution of the 35 seats among GCs is to be achieved and on the other hand, the existing statutory criteria concerning the percentage of deviation from the resulting number of each GC have to be complied with. Besides, the existing GC boundaries have been adopted since the first term of LegCo in 1998, members of the public are generally well accustomed to them in elections. Any suggestions to re-delineate their boundaries would definitely risk upsetting the long-established identities and community ties within each of the GCs and cause unnecessary confusion to electors in the coming election.

4.15 The existing legislation does not require that the seats should be equally allocated among the GCs. The EAC has allocated the seats



among the proposed GCs having regard to their projected population in accordance with the established calculation procedures with a view to ensuring that the population in each proposed GC is as near as practicable to the resulting number as required under section 20(1)(a) of the EACO.

## **Section 2 : The Recommendations**

4.16 At its meeting on 30 July 2015, the EAC, having considered the representations received, drew up its final recommendations. Its views on the representations are recorded in the last column of **Appendix III**.

4.17 As explained in Section 5 of Chapter 2 above, the EAC's provisional recommendations have fulfilled all the statutory requirements, relevant criteria and established working principles. The EAC has taken into account all the public representations (including supporting and opposing views as well as the specific proposals given in the representations) received during the consultation period. After weighing and balancing all relevant considerations, the EAC considers that the present recommendation to maintain the existing boundaries of the 5 GCs represents the most appropriate and practicable way forward.

4.18 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 recommended GC,

their names and reference code numbers, the component DCCAs and their projected population details as well as the maps showing the boundaries and names of the recommended GCs are contained in **Volume 2** of this report.