

CHAPTER 4

CONSIDERATION OF REPRESENTATIONS

Section 1 : Deliberations and Observations

4.1 After the public consultation period has ended, the EAC has looked into each of the written and oral representations (including the views expressed by LegCo Members at the meeting of the Panel on Constitutional Affairs held on 20 May 2019) to consider whether they should be accepted.

4.2 As with past delineation exercises, when deliberating on the representations received, the EAC has adopted the same set of statutory provisions and criteria as well as working principles adopted in drawing up the provisional recommendations (see Chapter 2) to examine the grounds put forward in the representations in a prudent manner.

4.3 In drawing up the provisional recommendations and deliberating on the representations, the EAC has adopted basically the same approach as in previous delineation exercises. Regarding the views expressed in the representations, the EAC has noted the following matters, and set out its observations, so that the public may fully understand the factors that have been taken into consideration by the EAC.

(a) Number of GCs

4.4 The “principle of equal representation” is an important consideration in the delineation of GC boundaries. The underlying concept is that similar numbers of people should have equal numbers of representatives. In this regard, the EACO has set out the statutory criteria (see paragraph 2.2 above) for delineating GC boundaries and the EAC shall ensure that the population in each proposed GC is as near its resulting number as practicable. However, owing to the situation of population distribution in Hong Kong, it is not practicable for the population of each GC to strictly adhere to its resulting number. Hence, the statutory criteria also allow the population of a GC to exceed or fall short of its resulting number by not more than 15%, i.e. the statutory permissible range of deviation.

4.5 During the present consultation period, the EAC has received quite a number of representations proposing an increase in the number of GCs. The majority of the representations pointed out that NTW GC has a relatively large projected population, and when dividing the projected population of that GC by the population quota in accordance with the EAC’s established method for the allocation of seats, the result is that its entitled number of seats should be 10. However, as the statutory upper limit of seats for each GC is capped at 9 under the LCO, only 9 seats could be allocated to NTW GC. As a result, its percentage deviation of the population from the resulting number reached +11.90%. The representations pointed out that under such circumstance, NTW GC could not be allocated with the number

of seats it should have, and therefore it was proposed that one more GC should be added in the New Territories so as to achieve a more even distribution of population among the GCs in the New Territories, and to resolve the problem of allocation of seats in NTW GC in the event that the statutory upper limit be exceeded because of its large population. These proposals made in the representations included combining the Tuen Mun and Yuen Long Districts of NTW GC and the North and Tai Po Districts of NTE GC into a new GC named “New Territories North”, or making the Islands District an additional individual GC, etc.

4.6 In delineating the LegCo GC boundaries, the EAC must strictly adhere to the requirements prescribed in the LCO, whereby section 18 stipulates that there are 5 LegCo GCs at present. This requirement is a statutory pre-condition for the EAC, as to which the EAC has no authority to make any variation. Therefore, under the circumstance that there is no increase in the number of GCs under the law, the EAC cannot add new GCs to the New Territories, which will make the total number of GCs in Hong Kong exceed the statutory number of 5. As the representations regarding the number of GCs involve amendment to the LCO, which does not fall under the purview of the EAC, the EAC has referred the relevant views to the CMAB for consideration.

4.7 The EAC also noted the point in the representations that the number of seats of NTW GC should have been 10 but only 9 seats could be allocated to it due to the statutory upper limit of seats. However, as a matter

of fact, in strictly adhering to the statutory requirement on the number of Members to be returned for each GC (i.e. a number not less than 5 nor greater than 9), after applying the calculation method mentioned in paragraph 2.13 above, the percentage deviation of the population from the resulting number for NTW GC under the provisional recommendations was still within the statutory permissible range. The existing boundary of NTW GC therefore has complied with the statutory requirements (including the 15% statutory permissible range of deviation), and adjustment will not be necessary.

4.8 Notwithstanding the above, the EAC understands that the public has all along been concerned with the growing projected population in NTW GC. As such, the EAC did re-examine the situation of NTW GC before reaching the present provisional recommendations, and to see if one of the administrative districts in NTW GC could be transferred to another GC contiguous to the administrative district concerned so as to reduce the projected population of NTW GC. There were 7 options as listed below. However, they were either considered not feasible under the law or not recommended by the EAC. Details are as follows:

2 options infeasible under the law

Option	Administrative district involved in the adjustment	Reasons for being infeasible
1	Transferring the Kwai Tsing District from NTW GC to NTE GC	<ul style="list-style-type: none">• Under this option, the percentage deviation of NTE GC (+20.12%) will exceed the statutory permissible upper limit.

Option	Administrative district involved in the adjustment	Reasons for being infeasible
2	Transferring the Yuen Long District from NTW GC to NTE GC	<ul style="list-style-type: none"> Under this option, the percentage deviation of NTE GC (+27.36%) will exceed the statutory permissible upper limit.

5 options possible under the law but not recommended by the EAC

Option	Administrative district involved in the adjustment	If the option is adopted, the GCs having the highest/lowest percentage deviation of population		Reasons for not being recommended by the EAC
		Lowest	Highest	
1	Transferring the Islands District from NTW GC to NTE GC	-6.98% (KW)	+3.80% (KE)	<ul style="list-style-type: none"> The existing NTE GC has a very wide expanse. After the adjustment under Option 1, the newly delineated area of the GC will be further enlarged; and Lantau Island spans over two administrative districts, namely Tsuen Wan and Islands. The north-eastern part of Lantau Island (e.g. Sunny Bay, etc.) belongs to the Tsuen Wan District while the rest (e.g. Tung Chung, Mui Wo, etc.) belongs to the Islands District. Currently, both the Tsuen

Option	Administrative district involved in the adjustment	If the option is adopted, the GCs having the highest/lowest percentage deviation of population		Reasons for not being recommended by the EAC
		Lowest	Highest	
				<p>Wan and Islands Districts are within NTW GC. Therefore, Option 1 will split Lantau Island into two different GCs, i.e. the area other than the north-eastern part of Lantau Island will be transferred to NTE GC while the north-eastern part will remain in NTW GC.</p>
2	Transferring the Tsuen Wan District from NTW GC to NTE GC	-6.98% (KW)	+10.18% (NTE)	<ul style="list-style-type: none"> • The Tsuen Wan District covers the north-eastern part of Lantau Island (e.g. Sunny Bay, etc.), and both the Tsuen Wan and Islands Districts are currently within NTW GC. • By transferring the Tsuen Wan District to NTE GC, Option 2 will split Lantau Island into two different GCs, i.e. the north-eastern part of Lantau Island (the Tsuen Wan District) will be transferred to NTE GC while the rest (the Islands District) will remain in NTW GC.

Option	Administrative district involved in the adjustment	If the option is adopted, the GCs having the highest/lowest percentage deviation of population		Reasons for not being recommended by the EAC
		Lowest	Highest	
3	Transferring the Kwai Tsing District from NTW GC to KW GC	-4.86% (HKI)	+5.62% (NTE)	<ul style="list-style-type: none"> • Based on the existing boundaries of the 5 GCs, the percentage deviations of the projected population from the resulting number for the 5 GCs are all within the statutory permissible range; and • Transferring an administrative district from the New Territories to Kowloon does not accord with the working principle for delineation (i.e. HKI, Kowloon and the New Territories are to be treated separately as far as possible having regard to the statutory criteria).

Option	Administrative district involved in the adjustment	If the option is adopted, the GCs having the highest/lowest percentage deviation of population		Reasons for not being recommended by the EAC
		Lowest	Highest	
4	Transferring the Kwai Tsing District from NTW GC to HKI GC	-6.98% (KW)	+5.62% (NTE)	<ul style="list-style-type: none"> • Based on the existing boundaries of the 5 GCs, the percentage deviations of the projected population from the resulting number for the 5 GCs are all within the statutory permissible range; • Transferring an administrative district from the New Territories to HKI does not accord with the working principle for delineation (i.e. HKI, Kowloon and the New Territories are to be treated separately as far as possible having regard to the statutory criteria); and • Traditionally, HKI is self-contained.
5	Transferring the Islands District from NTW GC to HKI GC	-6.98% (KW)	+5.62% (NTE)	<ul style="list-style-type: none"> • Lantau Island spans over two administrative districts, namely Tsuen Wan and Islands. Similar to the reasons for not adopting Options 1 and 2, Option 5 will split Lantau Island into two different GCs, i.e. the area

Option	Administrative district involved in the adjustment	If the option is adopted, the GCs having the highest/lowest percentage deviation of population		Reasons for not being recommended by the EAC
		Lowest	Highest	
				<p>other than the north-eastern part of Lantau Island will be transferred to HKI GC while the north-eastern part will remain in NTW GC;</p> <ul style="list-style-type: none"> • Based on the existing boundaries of the 5 GCs, the percentage deviations of the projected population from the resulting number for the 5 GCs are all within the statutory permissible range; • Transferring an administrative district from the New Territories to HKI does not accord with the working principle for delineation (i.e. HKI, Kowloon and the New Territories are to be treated separately as far as possible having regard to the statutory criteria); and • Traditionally, HKI is self-contained.

4.9 To sum up, although the options above permissible under the law may yield a smaller percentage deviation of the projected population from the resulting number for individual GCs than that of the provisional recommendations [-6.98% (lowest) to +11.90% (highest)], these options will either split Lantau Island into different GCs or involve the transfer of an administrative district in the New Territories to HKI or KW GC, deviating from the EAC's working principle of treating HKI, Kowloon and the New Territories separately as far as possible having regard to the statutory criteria under the EACO. Furthermore, as mentioned in paragraph 2.15 above, all along, the EAC will not on its own initiative adjust the boundaries of those GCs or DC constituencies which do fall within the statutory permissible range. According to the experience in past delineation exercises, especially the delineation of constituencies for the 2019 DC Ordinary Election, the public has prevalently advocated maintenance of the status quo of DC constituency boundaries as far as possible. As the boundaries of the existing 5 GCs have been adopted since the first LegCo general election in 1998, the EAC considers that adjusting the existing boundaries simply for the sake of reducing the percentage deviations of the population among the 5 GCs where the population do fall within the statutory permissible range does not accord with the EAC's working principle, and would alter the accustomed GC boundaries for members of the public.

(b) Number of Seats

4.10 In view of the projected population growth in NTW GC, apart from the above representations asking for an increase in the number of GCs, there were also representations seeking to have more seats allocated to NTW GC by revising the maximum number of Members to be returned for each GC to 10. As explained above, the EAC must strictly adhere to the requirements prescribed under the LCO in drawing up the delineation proposals. At present, section 19 of the LCO stipulates that the number of Members to be returned for each GC is to be a number not less than 5 nor greater than 9. As the representations regarding the number of seats involve amendment to the LCO, which does not fall under the purview of the EAC, the relevant views have been referred to the CMAB for consideration.

(c) Working Principles

4.11 Besides, there were representations questioning the EAC's working principle of treating HKI, Kowloon and the New Territories separately. Amongst them, there was a comment that the principle is not in line with the changing needs of the community because the boundaries of many areas are not as clear cut as in the past due to rapid urban development in Hong Kong.

4.12 As a matter of fact, prior to the commencement of the present delineation exercise, the EAC did review the working principles to be adopted

in the delineation exercise, including the one mentioned in the above representations. While the EAC agrees that on-going development in community infrastructure and transport network may increase connections of HKI, Kowloon and the New Territories, in particular their bordering areas, the EAC also notes that the boundaries and names of the existing GCs were drawn up according to this working principle in the first LegCo general election in 1998 and have been used since then. Members of the public are already used to the conventional division of HKI, Kowloon and the New Territories as three distinct components. In this connection, the EAC considers that HKI, Kowloon and the New Territories should be treated separately as far as possible having regard to the statutory criteria under the EACO (in particular the percentage deviations of the projected population from the resulting number of the GCs are all within the 15% statutory permissible range). After cautious assessment of the above considerations, when drawing up the provisional recommendations, the EAC has accordingly revised the working principle concerned from the original working principle of “HKI, Kowloon and the New Territories are to be treated separately, as these areas are traditionally regarded as distinct from one another” to read as “HKI, Kowloon and the New Territories are to be treated separately as far as possible having regard to the statutory criteria under the EACO”.

(d) Others

4.13 The EAC has also received other views apart from the major representations above. Some of the representations proposed to split one or

more administrative districts and transfer certain areas to contiguous GCs, such as transferring islands other than Lantau Island of the Islands District from NTW GC to HKI GC, or transferring the area of Tseung Kwan O of the Sai Kung District from NTE GC to KE GC, etc. Furthermore, there were also representations involving the adjustment of the boundaries of administrative districts, increase in the number of LegCo functional constituency seats, and amendment to the calculation method of the proportional representation system, etc.

4.14 In respect of the above proposals of adjusting the GC boundaries, for the delineation of GC boundaries for the 2020 LegCo General Election, the percentage deviations of the projected population from the resulting number of the existing 5 GCs are all within the 15% permissible range stipulated under section 20(1)(b) of the EACO as calculated with the latest projected population figures. Adjustment to their existing boundaries will not be necessary in principle. Furthermore, according to the established working principles, the EAC should avoid the splitting of DC constituencies in an administrative district when drawing up the boundaries of the GCs in order to maintain their local integrity. As for the other proposals which involve the adjustment of the boundaries of administrative districts and amendment to the existing electoral system, since they are related to the primary legislation, which do not fall under the purview of the EAC, the EAC has referred the relevant views to the Government for consideration.

(e) Conclusion

4.15 In conclusion, the EAC must strictly adhere to the requirements prescribed in the LCO on the number of GCs and seats, and has no authority to make any variation. As for the proposals of adjusting the existing GC boundaries, the EAC would like to reiterate that, with the projected populations of the existing 5 GCs all fall within the statutory permissible range, adjustment to their boundaries is not necessary in principle. To avoid altering unnecessarily the GC boundaries accustomed to by members of the public, the EAC does not recommend changing the existing boundaries unless the projected populations of the GCs no longer meet the statutory criteria or there are overwhelming reasons to support the re-delineation of GCs.

Section 2 : The Recommendations

4.16 Having considered the representations received, the EAC examined and made its final recommendations at its meeting held on 25 July 2019. The EAC's views on the representations are set out in the last column of **Appendix III**.

4.17 As explained in Section 5 of Chapter 2 above, the EAC's provisional recommendations has satisfied all the statutory provisions and criteria as well as established working principles. All public representations received during the consultation period (including supporting and opposing views as well as specific proposals given in the representations) have been

taken into account by the EAC. After weighing and balancing all relevant considerations, the EAC has decided to adopt its provisional recommendations as the final recommendations (i.e. adopting the boundaries, names and codes of the existing 5 GCs, and the allocation of seats resulted from the calculation using the latest projected population figures).

4.18 The final recommendations in respect of the 5 GCs, including the number of seats, names, codes, component DCCAs and projected population details for each recommended GC, and the maps showing the boundaries and names of the recommended GCs are contained in **Volume 2** of this report.