

Summary of Written Representations

Representation Received Before Commencement of Public Consultation on 5 July 2007

<i>Item no.</i>	<i>Representation</i>	<i>EAC's Views</i>
1	<p>One representation proposes to:</p> <p>(a) maintain the existing boundaries of 5 geographical constituencies (“GCs”) so as to preserve community ties and avoid confusion;</p> <p>(b) maintain the existing number of seats for Hong Kong Island (“HKI”) (6 seats), Kowloon region (9 seats in total) and the New Territories region (15 seats in total) as the population changes should not be great; and</p> <p>(c) maintain the existing number of seats for Kowloon West (“KW”) (4 seats) and Kowloon East (“KE”) (5 seats). To bring the population of these 2 GCs closer to the population requirement, the EAC may consider moving some District Council Constituency Areas (“DCCAs”) from Kowloon City District in KW to KE because:</p> <p>(i) reducing the number of seats for a particular GC means reduction in the degree of its representation in the LegCo, and residents would have less chance to seek help from LegCo Members;</p>	<p><u>For (a):</u> The supporting views are noted.</p> <p><u>For (b):</u> The suggestion is accepted. In the EAC’s provisional recommendations, the number of seats for HKI, Kowloon region and the New Territories region remains unchanged.</p> <p><u>For (c):</u> The suggestion is not accepted because:</p> <p>(i) factors with political implications will not be taken into consideration;</p> <p>(ii) although under the status quo, the deviations from the resulting numbers for KW and KE are still within the $\pm 15\%$ statutory limit (+10.75% and -12.37% respectively), they are not as close to the resulting numbers as compared with those under the provisional recommendations (-11.40% and +9.54%). <i>The proposal to maintain the status quo may contravene the statutory criterion in s 20(1)(a) of the EACO which stipulates that the population in a GC should be as near as is practicable to the resulting number;</i></p> <p>(iii) for reason of fairness and consistency,</p>

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	<p>(ii) if the status quo is maintained, the projected population of KW and KE will still fall within $\pm 15\%$ of the relevant resulting number under the statutory criteria; and</p> <p>(iii) it is estimated that there will be an increase in population in KE in the coming five years.</p>	<p>the EAC considers it essential to adhere to the population forecast projected as at 30 June 2008 for this demarcation exercise. In line with established practice, it is considered not appropriate to take future population trend into consideration; and</p> <p>(iv) splitting the existing districts along the DCCA boundaries is considered to be undesirable having regard to the statutory requirement to preserve community identities and local ties in the districts. It will also cause confusion to electors concerned.</p>

Representations Received During Consultation Period

<i>Item no.</i>	<i>Representation</i>	<i>EAC's Views</i>
2	<p>202 representations propose to:</p> <p>(a) maintain the existing boundaries of the 5 GCs so as to preserve community ties and avoid confusion; and</p> <p>(b) maintain the existing number of seats for KW (4 seats) and KE (5 seats), because:</p> <p>(i) the difference in the forecast population between the 2 GCs is small;</p> <p>(ii) reducing the number of seats for a particular GC means reduction in the degree of its representation in the LegCo, and residents can only seek help from fewer LegCo Members who are familiar with their needs. These will hamper social stability in the community and adversely affect voter turnout rate;</p> <p>(iii) if the status quo is maintained, the projected population of KW and KE will still fall within $\pm 15\%$ of the relevant resulting number under the statutory criteria;</p> <p>(iv) the workload of KE LegCo Members will become heavier, and with no increase</p>	<p><u>For (a):</u> The supporting views are noted.</p> <p><u>For (b):</u> The suggestion of maintaining the existing number of seats for KW and KE is not accepted because:</p> <p>(i) although the projected population difference between the 2 GCs is small, it will be unfair to KW if it is allocated fewer seats than KE despite a larger population;</p> <p>(ii) factors with political implications (such as the delineation's effect on incumbent and prospective LegCo Members and political parties) will not be taken into consideration;</p> <p>(iii) the EAC's provisional recommendations do not propose any change in the existing GC boundaries, hence the community integrity of the 5 GCs will not be affected. The EAC's provisional recommendations have given due regard to the preservation of community identity and local ties;</p> <p>(iv) there is no strong reason in support of the argument that community ties will be hampered in the KE GC with the reduction of one seat in the LegCo;</p> <p>(v) although under the status quo, the deviations from the resulting numbers for KW and KE are still within the $\pm 15\%$</p>

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	<p>in honorarium, their service for residents will be adversely affected;</p> <p>(v) the provision of an extra seat for KW may attract candidates who seldom serve the GC previously to contest in the area (i.e. 空降). With limited prior communication with electors, their quality of services will not be good. Being unfamiliar with such candidates, electors may refuse to vote or cast their votes in ignorance, which will be harmful to the electoral development of Hong Kong;</p> <p>(vi) the EAC's provisional recommendations are unfair to prospective candidates who have been working for residents concerned all along;</p> <p>(vii) although the number of seats for KW is increased for the 2008 LegCo Election, it may be reduced in the next term, and residents will need to adapt to frequent changes of LegCo Members in their GCs;</p> <p>(viii) it is anticipated that there will be an increase in population in KE in the coming five years;</p> <p>(ix) not only the population in KW GC increases, but also that in the New Territories West</p>	<p>statutory limit (+10.75% and -12.37% respectively), they are not as close to the resulting numbers as compared with those under the provisional recommendations (-11.40% and +9.54%). <i>The proposal to maintain the status quo may contravene the statutory criterion in s 20(1)(a) of the EACO which stipulates that the population in a GC should be as near as is practicable to the resulting number;</i></p> <p>(vi) for reason of fairness and consistency, the EAC considers it essential to adhere to the population forecast projected as at 30 June 2008 for this demarcation exercise. In line with established practice, it is considered not appropriate to take future population trend into consideration;</p> <p>(vii) although the population in NTW also increases, it has already been allocated the maximum number of 8 seats under the law and cannot be allocated one more seat, while this does not apply to KW GC; and</p> <p>(viii) there are views supporting the provisional recommendations.</p> <p><u>For (c):</u> The population forecasts used by the EAC were provided by the AHSG, which was set up solely for the demarcation exercise. It has conducted comprehensive researches before compiling the relevant data by a systematic methodology. It has also taken into account the latest results of the 2006 population by-census. The EAC therefore holds that the official data provided by the AHSG should remain as the sole and</p>

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	<p>(“NTW”) GC;</p> <p>(x) little information on the future development of Kowloon is available; and</p> <p>(xi) the EAC should maintain the status quo until the constitutional reform is in place.</p> <p>(broadly similar to item 18)</p> <p>(c) one of the representations queries the validity of the population forecasts for KW and KE GCs.</p> <p>(d) one of the representations considers that the one-month consultation period is too short.</p> <p>(e) one representation is the same as item 11, but adds that the boundaries and seats of all GCs should remain unchanged because the population difference of KE and KW GCs is relatively small, and they are within the $\pm 15\%$ permissible limit.</p>	<p>authoritative basis for the demarcation work.</p> <p><u>For (d):</u> It has been the EAC's established practice to conduct one-month consultation on its demarcation proposals. This is in line with the minimum requirement as set out in the law.</p> <p><u>For (e):</u> See also item 11.</p>
3	<p>(a) One representation proposes to give 4 seats to KW GC and 5 seats to KE GC by transferring Kowloon City and To Kwa Wan from KW to KE.</p> <p>(b) One representation proposes to move some small DCCAs in KW to KE so as to maintain the existing number of seats for these two GCs, so that the population of</p>	<p>The representations are not accepted because:</p> <p>(i) under (a), by transferring the whole Kowloon City District (population: 362,200) from KW to KE, KE will have a revised population of 1,380,900 and will be entitled to 6 seats, but KW will have a revised population of 667,800 and will only be entitled to 3 seats. This will contravene the statutory requirement that</p>

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	<p>the 2 GCs can be closer to the resulting numbers, residents can be served by the same LegCo Members and electors will not be confused.</p>	<p>each constituency should have 4 to 8 seats (section 19(2) of Legislative Council Ordinance) and thus cannot be accepted; and</p> <p>(ii) although representation (a) has not specified the boundary of “To Kwa Wan” area and representation (b) has not specified the name of DCCAs to be transferred, the area concerned falls within the boundary of Kai Tak DCCA in Kowloon City District. The Kai Tak DCCA has a population of 17,000 and is adjacent to Kwun Tong District. By transferring it from KW to KE, the revised population of the two GCs (1,013,000 and 1,035,700 respectively) will entitle them to have 4 and 5 seats respectively, resulting in population deviations of +8.92% for KW and –10.91% for KE (rather than –11.40% and +9.54% as in the provisional recommendations). The marginal improvement in the range of deviation does not justify redrawing the boundaries and the suggestion of splitting a District will not be conducive to preserving community integrity and will be against the EAC’s working principles.</p> <p>(please also see item 2)</p>
4	<p>One representation:</p> <p>(a) objects to the reduction of 1 seat in KE GC because:</p> <p>(i) there is only marginal difference in population</p>	<p>The representation is not accepted because:</p> <p><u>For (a):</u></p> <p>(i) although the projected population difference between KW and KE is</p>

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	<p>between KE and KW GCs (11,300); and</p> <p>(ii) it would affect those who have served the KE GC for a long time and intended to take part in the election.</p> <p>It suggests moving Sai Kung District from New Territories East (“NTE”) to KE in order to maintain 5 seats in KE.</p> <p>(b) suggests moving some districts from NTW to KW; and</p> <p>(c) suggests moving Islands District from NTW to HKI.</p>	<p>relatively small, it will be unfair to KW if it is allocated fewer seats than KE;</p> <p>(ii) factors with political implications will not be taken into consideration; and</p> <p>(iii) the option of allowing KE to take in Sai Kung District from NTE has been considered (see option 13 in Appendix III). However, the suggestion is considered undesirable because the revised deviation (+9.15% and –11.40%) is just more or less the same as that of the provisional recommendations (+9.54% and –11.40%), and the marginal improvement does not justify redrawing the GC boundaries.</p> <p><u>For (b) and (c):</u> The suggestion is not accepted because it would result in the combination of a district to a GC with distinctly different local characteristics and community ties.</p> <p>According to the EAC’s working principle, Hong Kong Island, Kowloon and the New Territories are to be treated separately, as these areas have been regarded as distinct from one another.</p> <p>(Same as (a) under item 24)</p>
5	<p>One representation supports the provisional recommendations because:</p> <p>(a) it adheres to the legal requirements;</p> <p>(b) the EAC does not take political factors into consideration, and thus</p>	<p>The supporting view is noted.</p>

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	<p>can make a fair proposal; and (c) electors are not required to adapt to new changes, thus minimizing the impact on them.</p>	
6	<p>One representation supports the EAC's provisional recommendations on the delineation of 5 GCs and the number of seats for HKI GC.</p>	<p>The supporting view is noted.</p>
7	<p>One representation supports the EAC's provisional recommendations on the delineation of 5 GCs and the number of seats for HKI, NTE and NTW GCs. The representation also comments that changing the existing GC boundaries may affect the voter turnout rate.</p>	<p>The supporting view is noted.</p>
8	<p>One representation: (a) supports the provisional recommendations (including boundary, name and number of seats for each GC); and (b) proposes to reduce the permissible percentage of deviation from $\pm 15\%$ to $\pm 10\%$ (which is more internationally recognized) in future.</p>	<p><u>For (a):</u> The supporting view is noted. <u>For (b):</u> The suggestion involves amendment to the EACO, which is beyond the EAC's jurisdiction.</p>
9	<p>Two representations support the EAC's provisional recommendations on the number of seats for KE and KW GCs.</p>	<p>Supporting views are noted.</p>

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10	<p>One representation:</p> <p>(a) supports giving 5 seats to KW GC as more LegCo Members are required to handle the various problems in KW;</p> <p>(b) objects to the reduction in the number of seats in KE GC; and</p> <p>(c) proposes to:</p> <p>(i) increase the total number of GC seats;</p> <p>(ii) carry out constitutional reforms with initiative;</p> <p>(iii) amend the district boundaries between Sham Shui Po and Kwai Tsing Districts and hence the GC boundaries between KW and NTW; and</p> <p>(iv) set up an integrated office of LegCo Members in each district to serve residents who require assistance.</p> <p>(same as item 20)</p>	<p><u>For (a):</u> The supporting view is noted.</p> <p><u>For (b):</u> The suggestion is not accepted because the total number of seats will then become 31, which exceeds the statutory limit of 30.</p> <p><u>For (c):</u> The subjects raised are outside the EAC's jurisdiction.</p>
11	<p>One representation supports maintaining Islands District in NTW GC as in the provisional recommendations. It objects to some suggestions to put Islands District in HKI GC because:</p> <p>(i) Islands District is a part of the New Territories; and</p> <p>(ii) it has close ties with the New Territories in terms of residents'</p>	<p>The supporting view is noted.</p>

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	<p>living habits and traditional cultures.</p>	
<p>12</p>	<p>One representation:</p> <p>(a) proposes that the existing statutory criteria regarding the total number of GCs and the number of seats to be allocated for each GC should be reviewed according to changes in population and the community development, regardless of the progress in constitutional development;</p> <p>(b) opines that the number of seats allocated to NTW, KW and KE GCs is not desirable in view of the former's large population and the small difference in population between the latter 2 GCs; and</p> <p>(c) suggests to streamline the procedure of seeking relief for any inadvertent omission or mistakes in the election expenses returns submitted by the candidates.</p>	<p><u>For (a):</u> The suggestion involves amendment to the Legislative Council Ordinance, which is beyond the EAC's jurisdiction.</p> <p><u>For (b):</u> See items 2, 4, 15, 24-26.</p> <p><u>For (c):</u> The suggestion involves amendment to the Elections (Corrupt and Illegal Conduct) Ordinance, which is beyond the EAC's jurisdiction.</p>
<p>13</p>	<p>One representation:</p> <p>(a) proposes to adopt the "first past the post" method for LegCo elections and elect all LegCo Members from universal suffrage;</p> <p>(b) comments that sufficient time should be given to LegCo Members to discuss the Bills submitted by the government; and</p>	<p>The subjects raised are outside the EAC's jurisdiction.</p>

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	(c) objects that no public consultation was conducted regarding the "Interception of Communications and Surveillance Ordinance".	
14	<p>One representation supports the provisional recommendations. It also considers that:</p> <p>(a) in future, if the total number of seats for GCs is increased, the number of seats allocated to NTW GC should be increased in view of its rising population; and</p> <p>(b) the functional constituencies should be cancelled and their seats should be allocated to the GCs in the year 2012 according to the population ratio.</p>	<p>The supporting view is noted.</p> <p><u>For (a):</u> The number of seats allocated to each GC in future will base on the future population projection.</p> <p><u>For (b):</u> The subject falls outside the EAC's jurisdiction.</p>
15	<p>One representation proposes to:</p> <p>(a) divide NTW into 2 GCs and allocate 5 and 4 seats for them respectively, while KW and KE will each have 4 seats and HKI will have 6 seats; or</p> <p>(b) divide the New Territories into 3 GCs, and allocate 5, 5 and 6 seats to them respectively, while KW and KE will each have 4 seats and HKI will have 6 seats.</p> <p>The arguments are:</p>	<p>The representation is not accepted because the proposal will produce 6 GCs, thereby contravening the statutory requirement to delineate 5 GCs as stipulated in the LCO.</p>

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	<p>(i) the difference in population and seats among the GCs is great and this is unfair to LegCo Members;</p> <p>(ii) NTW has an increasing population, but is only allocated the same number of seats as in the previous election;</p> <p>(iii) the geographical area of NTW is very extensive; and</p> <p>(iv) it is difficult for the government to coordinate with 8 LegCo Members on matters about NTW.</p>	
16	<p>One representation:</p> <p>(a) supports the EAC's provisional recommendations to keep the boundaries unchanged and allocate 4 and 5 seats to KE and KW GCs respectively, because the provisional recommendations complies with the legal requirements and the number of seats allocated to each GC is based on their population projection.</p> <p>(b) suggests that the EAC may disclose more details on the population forecasts to the public; and</p> <p>(c) the EAC may consider distributing reference materials such as statutory requirements and working principles during the public forum, and to ensure that the participants of the public</p>	<p><u>For (a):</u> The supporting view is noted.</p> <p><u>For (b) to (c):</u> The comments are noted for future review. The statutory requirements and working principles have in fact been included in the consultation materials which can be downloaded from the EAC's website and inspected at the Registration and Electoral Office, all District Offices, post offices, public housing estate offices and public libraries.</p>

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	forum should focus their discussion on the demarcation exercise only.	
17	One representation thought that 6 additional seats were transferred from the Election Committee to the GCs for the 2008 LegCo Election, and suggests the following two options regarding allocation of these seats: (a) allocate to each GC an additional seat; or (b) allocate the additional seats on the basis of the number of registered electors of a GC.	The suggestion is not accepted because there is no additional GC seat for the 2008 LegCo Election.

**Summary of Oral Representations
made at the Public Forum on 26 July 2007**

<i>Item no.</i>	<i>Representation</i>	<i>EAC's Views</i>
18	<p>Ten representations:</p> <p>(a) propose to maintain the existing boundaries of the 5 GCs so as to preserve community ties and avoid confusion; and</p> <p>(b) propose to maintain the existing number of seats for KW (4 seats) and KE (5 seats), because:</p> <p>(i) the difference in the forecast population between the 2 GCs is small;</p> <p>(ii) reducing the number of seats for a particular GC means reduction in the degree of its representation in the LegCo and residents can only seek help from fewer LegCo Members who are familiar with their needs, which will hamper social stability in the community;</p> <p>(iii) if the status quo is maintained, the projected population of KW and KE will still fall within $\pm 15\%$ of the relevant resulting number under the statutory criteria; and</p> <p>(iv) it is anticipated that there will be an increase in population in KE in the coming five to ten years.</p>	<p><u>For (a):</u> The supporting views are noted.</p> <p><u>For (b):</u> The suggestion of maintaining the existing number of seats for KW and KE is not accepted because:</p> <p>(i) although the projected population difference between the 2 GCs is small, it will be unfair to KW if it is allocated fewer seats than KE despite a larger population;</p> <p>(ii) factors with political implications (such as the delineation's effect on incumbent and prospective LegCo Members and political parties) will not be taken into consideration;</p> <p>(iii) the EAC's provisional recommendations do not propose any change in the existing GC boundaries, hence the community integrity of the 5 GCs will not be affected. The EAC's provisional recommendations have given due regard to the preservation of community identity and local ties;</p> <p>(iv) there is no strong reason in support of the argument that community ties will be hampered in the KE GC, with the reduction of one seat in the</p>

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	<p>(c) one of the representations opines that if the EAC's provisional recommendations involve a change to the existing allocation of seats, a longer public consultation period should be provided to allow more time for the public to consider the proposal.</p> <p>(broadly similar to item 2)</p>	<p>LegCo;</p> <p>(v) although under the status quo, the deviations from the resulting numbers for KW and KE are still within the $\pm 15\%$ statutory limit (+10.75% and -12.37% respectively), they are not closer to the resulting numbers as compared with those under the provisional recommendations (-11.40% and +9.54%). <i>The proposal to maintain the status quo may contravene the statutory criterion in s 20(1)(a) of the EACO which stipulates that the population in a GC should be as near as is practicable to the resulting number;</i></p> <p>(vi) for reason of fairness and consistency, the EAC considers it essential to adhere to the population forecast projected as at 30 June 2008 for this demarcation exercise. In line with established practice, it is considered not appropriate to take future population trend into consideration; and</p> <p>(vii) there are views supporting the provisional recommendations.</p> <p><u>For (c):</u> It has been the EAC's established practice to conduct one-month consultation on its demarcation proposals. This is in line with the minimum requirement as set out in the law.</p>

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19	<p>One representation:</p> <p>(a) proposes to keep the boundaries and seats of all GCs unchanged because the deviations are within the permissible limit; and</p> <p>(b) supports not putting Islands District in HKI GC because the residents' living habits and customs are different.</p>	<p><u>For (a):</u> See item 2.</p> <p><u>For (b):</u> The supporting view is noted.</p>
20	<p>One representation:</p> <p>(a) supports giving 5 seats to KW GC as more LegCo Members are required to handle the various problems in KW;</p> <p>(b) objects to the reduction in the number of seats in KE GC; and</p> <p>(c) proposes to:</p> <p>(i) increase the total number of GC seats;</p> <p>(ii) carry out constitutional reforms with initiative;</p> <p>(iii) amend the district boundaries between Sham Shui Po and Kwai Tsing Districts and hence the GC boundaries between KW and NTW; and</p> <p>(iv) set up an integrated office of LegCo Members in each district to serve residents who required assistance.</p> <p>(same as item 10)</p>	<p><u>For (a):</u> The supporting view is noted.</p> <p><u>For (b):</u> The suggestion is not accepted because the total number of seats will then become 31, which exceeds the statutory limit of 30.</p> <p><u>For (c):</u> The subjects are outside the EAC's jurisdiction.</p>

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21	One representation proposes to increase the total number of GC seats.	The subject falls outside the EAC's jurisdiction.
22	One representation proposes to merge the KW GC and the KE GC to form a single GC, so that there is no imbalance and residents in Kowloon can seek help from more LegCo Members.	The representation is not accepted because there will only be 4 GCs in the whole territory, and this would contravene the legal requirement of delineating 5 GCs. (same as item 23(b))

**Views Expressed by Legislative Council Members
at the Constitutional Affairs Panel Meeting on 16 July 2007**

<i>Item no.</i>	<i>Representations</i>	<i>EAC's Views</i>
23	<p>One representation suggests:</p> <p>(a) to re-delineate the boundaries of KE and KW GCs to maintain the existing allocation of seats for these two GCs, in view of the marginal difference in population between these GCs; and</p> <p>(b) to combine KE and KW to form a single GC, taking into account that the whole Hong Kong Island was also treated as a GC.</p>	<p><u>For (a):</u></p> <p>The suggestion is not accepted because if the whole of Kowloon City District (population: 362,200) is transferred from KW to KE, KE will have a revised population of 1,380,900 and will be entitled to 6 seats, but KW will have a revised population of 667,800 and will only be entitled to 3 seats. This will contravene the statutory requirement that each constituency should have 4 to 8 seats (section 19(2) of Legislative Council Ordinance) and thus cannot be accepted. If only part of a district is transferred to KE, it would involve splitting a District, and that will not be conducive to preserving community integrity and will be against the EAC's working principles.</p> <p><u>For (b):</u></p> <p>The suggestion is not accepted because if KE and KW are combined as one GC, there would only be 4 GCs in the whole territory, and this would contravene the legal requirement of delineating 5 GCs.</p>

<i>Item no.</i>	<i>Representations</i>	<i>EAC's Views</i>
24	<p>One representation suggests:</p> <p>(a) to adjust the existing GC boundaries of NTW, so that the excess population could be transferred to other GCs, e.g. the Islands District can be moved from NTW to HKI; and</p> <p>(b) Tseung Kwan O area can be moved from Sai Kung District of NTE to KE.</p>	<p><u>For (a):</u></p> <p>The suggestion is not accepted because it would result in the combination of a District to a GC with distinctly different local characteristics and community ties.</p> <p>According to the EAC's working principle, Hong Kong Island, Kowloon and the New Territories are to be treated separately, as these areas have been regarded as distinct from one another.</p> <p><u>For (b):</u></p> <p>The suggestion is not accepted because it would involve splitting a District, and that will not be conducive to preserving community integrity and will be against the EAC's working principles.</p>
25	<p>One representation is broadly similar to item 24(a), but also points out that EAC has, in the past, considered to put Yuen Long District in two GCs.</p>	<p>The suggestion of splitting Yuen Long District is not accepted because that will not be conducive to preserving community integrity and will be against the EAC's working principles.</p>
26	<p>Four representations suggest to make amendments to the legislation so that NTW would be treated more fairly by having 9 seats. The Government and the EAC should adopt a more flexible approach in the delineation exercise.</p>	<p>The subject falls outside the EAC's jurisdiction.</p>