

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, **30 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 4 nor greater than 8** [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) 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 2 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 [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 Commission also adopted the following working principles for the current demarcation exercise -

- (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 will be adopted as far as possible;
- (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 Elections since 1998.

Section 3 : Name and Code of Constituencies

2.7 In determining the name and code reference for the GCs, the Commission considers that the name of GCs should comprise two easily distinguished components – the name of the area in which the GC is situated and a directional reference similar to those employed for the existing GCs (Hong Kong Island, Kowloon West, Kowloon East, the New Territories West and the New Territories East). 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 Commission 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 Elections since 1998.

Section 4 : Changes to Boundaries between Districts

2.8 During the last demarcation exercise of the GC boundaries for the 2004 LegCo Election, the EAC found that a recently built private residential development named Nob Hill had straddled the boundaries between Sham Shui Po and Kwai Tsing Districts (and also the boundaries of Kowloon West and the New Territories West GCs). This affected the Commission’s demarcation work. The EAC is pleased to note that the Administration has, taking into account the Commission’s recommendation

and views of local residents and relevant parties concerned, realigned the boundaries of Sham Shui Po District and Kwai Tsing District to put the entire Nob Hill within Sham Shui Po District. The amendment was stipulated in the District Councils Ordinance (Amendment of Schedule 1) Order 2006, which was endorsed by the LegCo on 21 June 2006.

Section 5 : Population Forecasts

2.9 Section 20(6) of the EACO provides that the Commission 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 Commission shall estimate the population of Hong Kong or the GC having regard to the available information which is the best possible in the circumstances.

2.10 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 Commission 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”), Census and Statistics Department, Home Affairs Department (“HAD”), Housing Department, Lands

Department (“LandsD”), Rating and Valuation Department and the Registration and Electoral Office (“REO”). To make the best estimation as close to the election date as practicable, the AHSG has used the statistics of the 2006 population by-census recently released by the Census and Statistics Department as the basis for projection in this demarcation exercise. The AHSG has produced a report with population forecast as at **30 June 2008**.

2.11 The report prepared by the AHSG, which provides forecasts of population of Hong Kong down to DCCA level, estimates that the total population of the territory will be 6,975,100 as at 30 June 2008. The population figures in the report were adopted by the Commission 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. $6,975,100 \div 30$) is **232,503** for the purpose of this demarcation exercise.

Section 6 : The Process of Delineation

2.12 Upon receipt of the forecast population figures from the AHSG in May 2007, the REO started to draw up preliminary proposed delineations of GCs, by grouping DCCAs, being the building blocks of GCs, in an appropriate manner to form each of the required 5 GCs. The REO then presented the preliminary proposals to the Commission for consideration.

2.13 The Commission considers that the best way to start is to adopt the boundaries of the existing GCs to see if the results satisfy the statutory criteria and the working principles stated in paragraphs 2.1 – 2.5 above. This approach has the benefit of maintaining the existing boundaries to which electors have long grown accustomed since 1998. Electors will not have to adjust themselves to a new GC.

2.14 The forecast population provided in the AHSG's report for the 5 existing GCs are as follows –

<u>Existing GC and Code</u>	<u>Forecast Population</u>
Hong Kong Island ¹ (LC 1)	1,267,900
Kowloon West ² (LC 2)	1,030,000
Kowloon East ³ (LC 3)	1,018,700
New Territories West ⁴ (LC 4)	2,030,300
New Territories East ⁵ (LC 5)	1,628,200
Total:	6,975,100

¹ The GC of Hong Kong Island comprises the Districts of Central & Western, Wan Chai, Eastern and Southern.

² The GC of Kowloon West comprises the Districts of Yau Tsim Mong, Sham Shui Po and Kowloon City.

³ The GC of Kowloon East comprises the Districts of Wong Tai Sin and Kwun Tong.

⁴ The GC of the New Territories West comprises the Districts of Tsuen Wan, Tuen Mun, Yuen Long, Kwai Tsing and Islands.

⁵ The GC of the New Territories East comprises the Districts of North, Tai Po, Sha Tin and Sai Kung.

2.15 The number of seats to be allocated to each GC is derived by dividing the above forecast population with the population quota, i.e. 232,503 (paragraph 2.11 refers), and the details are as follows –

<u>GC</u>	<u>Number of Seats</u>
Hong Kong Island (LC 1)	5.453
Kowloon West (LC 2)	4.430
Kowloon East (LC 3)	4.381
New Territories West (LC 4)	8.732
New Territories East (LC 5)	7.003
Total: 28 (excluding decimal places)	

2.16 Excluding the decimal places in the number of seats for each GC, the 5 GCs take up a total of 28 seats. The 2 remaining seats are then allocated to the 2 GCs with the largest remainders, in order to meet the statutory requirement of ensuring that the extent of each proposed GC is such that the population in that constituency is **as near as practicable** to the resulting number as set out in paragraph 2.2(a) above. However, the New Territories West (LC 4), which has the largest remainder, has already been allocated with 8 seats, i.e. the maximum number of seats for a GC under the law (this was also the situation for the New Territories West in 2004). Therefore, the 2 remaining seats have to be allocated to the 2 GCs with the second and third largest remainders, which are Hong Kong Island (LC 1) and Kowloon West (LC 2). The resulting distribution is as follows –

<u>GC</u>	<u>Proposed Number of Seats</u>	<u>Deviation from the resulting number</u>
Hong Kong Island (LC 1)	6	-9.11%
Kowloon West (LC 2)	5	-11.40%
Kowloon East (LC 3)	4	+9.54%
New Territories West (LC 4)	8	+9.15%
New Territories East (LC 5)	7	+0.04%
Total:	30	

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

2.17 The Commission finds that by adopting the boundaries of the existing GCs as the boundaries for the 2008 GCs, all the statutory criteria and the working principles in paragraphs 2.1 - 2.5 above are fulfilled. Compared with the number of seats allocated to each GC for the 2004 LegCo Election, Kowloon West will have one additional seat, while Kowloon East will have one fewer seat. The number of seats allocated to the other GCs will remain the same.

2.18 The Commission also suggests retaining the existing names and codes for the 5 GCs, since no change in their boundaries is proposed⁶.

⁶ Except the minor rectification of district boundary between Sham Shui Po and Kwai Tsing Districts, and hence the boundary between Kowloon West and the New Territories West GCs, referred to in paragraph 2.8 above.

Section 7 : Other Options

Delineation of GC boundaries by Districts

2.19 Apart from the proposed delineation above, the Commission has explored other possible options for delineation but considered them not viable or desirable.

2.20 For example, the Commission considered the option of reallocating Kwai Tsing District from the New Territories West (LC 4) to Kowloon West (LC 2). Under this option, the New Territories West (LC 4) (with a population of 1,505,900; deviation -7.47%) and Kowloon West (LC 2) (with a population of 1,554,400; deviation -4.49%) will each be allocated seven seats, Hong Kong Island (LC 1) will have five seats and the number of seats in other GCs will be the same as in the provisional recommendations. This option will yield a range of deviation of (+9.54% to -7.47%), which is slightly smaller than that of the proposed delineations (i.e. +9.54% to -11.40%). It will also bring about a more even population distribution among the GCs. However, despite the geographical proximity, Kwai Tsing District and other Districts in Kowloon West belong to different communities. The Commission considers it undesirable for a GC to comprise Districts of both the New Territories and Kowloon, and it contradicts the working principle at paragraph 2.5(c) above. In addition, the improvement in deviation figures is too small to justify redrawing the

boundaries and thus requiring electors to adjust themselves to the new delineations.

2.21 The Commission also considered the option of moving Sai Kung District from the New Territories East (LC 5) to Kowloon East (LC 3). Under this option, Kowloon East (LC 3) (with a population of 1,434,800; deviation +2.85%) and the New Territories East (LC 5) (with a population of 1,212,100; deviation +4.27%) will have six and five seats respectively, and the number of seats in other GCs will be the same as in the provisional recommendations. This option will yield a range of deviation of +9.15% to -11.40%, which is about the same as that of the provisional recommendations. Such a marginal improvement in deviation figures does not justify redrawing the boundaries. Under this option, Sai Kung District of the New Territories will be allocated to the GC of Kowloon East, which is also not desirable.

2.22 The Commission also explored a number of other alternative delineations along the district boundaries, but all of them were either not viable (see **Appendix II**), as they did not comply with the relevant statutory requirements, or not desirable (see **Appendix III**), as they did not give due regard to community integrity or existing GC boundaries, did not improve upon the deviation figures, or otherwise did not comply with EAC's working principles as set out in paragraph 2.5.

Delineation of GC boundaries by DCCAs

2.23 Although the Commission may come up with numerous 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 requirement to preserve community identities and local ties in the Districts.

Section 8 : The Provisional Recommendations

2.24 Having explored the alternatives and consulted District Officers of the HAD, the Commission considers that the proposal suggested in paragraph 2.16 above is the best option, and that the same names and codes of the existing GCs should be adopted, as they have been well received and accepted by the community. Details of the 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 Commission for public consultation.