

**Bills Committee on Village Representative Election Legislation
(Miscellaneous Amendments) Bill 2009**

Committee Stage Amendments

Introduction

At the meeting of the Bills Committee on Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009 (“the Bill”) on 10 July 2009, Members agreed to the Administration’s proposal to move two Committee Stage Amendments (“CSAs”). This paper seeks Members’ endorsement of the CSAs at Annex.

Details of the CSAs

Commencement date

2. Members agreed that the Administration should move a CSA to clause 2 of the Bill so that the Amendment Ordinance would come into operation on 9 November 2009 instead of 16 November 2009. The advancement of the commencement date is to tie in with the legislative timetable for the introduction of other proposed amendments to section 89 of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) by another amendment regulation¹, to make the necessary changes to the electoral procedure for village representative election following the passage of the Voting by Imprisoned Persons Bill by the Legislative Council on 24 June 2009. The advancement will also give the Administration more time to prepare for the next village ordinary election in 2011.

Amendments to the Village Representative Election (Registration of Electors) (Appeals) Regulation

3. Members also agreed that the Administration should move a CSA to clause 16 of the Bill to amend section 2(5) of the Village Representative Election (Registration of Electors) (Appeals) Regulation (“the Appeals Regulations”) (Cap. 576 sub. leg. A) to specify that a notice of claim or notice of objection referred to in section 2(5) is a notice lodged under Part 5 of the Electoral Affairs Commission (Registration of

¹ Electoral Procedure (Village Representative Election) (Amendment) Regulation 2009 (L.N. 134 of 2009)

Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K), in which the full procedures for lodging such notices are set out. The purpose of the proposed change is to spell out the process more clearly to avoid misunderstanding in interpreting section 2(5) of the Appeals Regulation.

Advice Sought

4. Members are invited to endorse the CSAs at **Annex**.

Home Affairs Department
August 2009

VILLAGE REPRESENTATIVE ELECTION LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2009

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting "16 November 2009" and substituting "9 November 2009".
16	(a) By deleting subclause (3) and substituting - "(3) Section 2(5) is amended by repealing everything before paragraph (a) and substituting - "(5) If a notice of claim or a notice of objection is lodged under Part 5 of the EAC Regulation in respect of a provisional register on or before 9 September of the year for which the relevant register is being compiled, the hearing date in respect of that notice -". (b) By adding -

"(5) Section 2(5)(b) is amended, in the English text, by repealing "the notice is received" and substituting "a copy of the notice is received by the Revising Officer".".