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Panel on Home Affairs

**Background brief prepared by Legislative Council Secretariat
for the meeting on 11 December 2009**

Provision of an allowance for village representatives

Purpose

The Administration will brief the Panel on the proposed allowance for village representatives (VRs) at its meeting in December 2009. This paper outlines the role of VRs and summarizes past discussions on the provision of an allowance for VRs by Members of the Legislative Council (LegCo).

Background

2. The Village Representative Election Ordinance (VREO) (Cap. 576) was enacted in February 2003 to bring the conduct of village representative (VR) election under statutory control. Under the VREO, VR elections are held for indigenous villages (which include Indigenous Villages and Composite Indigenous Villages) already in existence in 1898, and existing village settlements (Existing Villages) already included in the village representation system in the New Territories in 1999, when the last round of VR election before the enactment of the VREO was held.

3. There are two types of VRs, namely, Indigenous Inhabitant Representatives (IIRs) for Indigenous Villages or Composite Indigenous Villages, and Resident Representatives (RRs) for Existing Villages. The then number of IIRs (i.e. in 1999), ranging from one to five, for an Indigenous Village or a Composite Indigenous Village would be retained, while there would be one RR for each Existing Village.

4. The functions of an IIR are to reflect views on the affairs of the village on behalf of the indigenous inhabitants of the village, and to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of those indigenous inhabitants. The function of an RR for an Existing Village is to reflect the views on the affairs of the village on behalf of the residents of the village. An RR shall not deal with any affair relating to the lawful traditional rights and interests of indigenous inhabitants. In accordance with section 61 of the VREO, a VR will automatically become a member of the Rural Committee in the area at which his village is situated.

5. Since the commencement of VREO, two village ordinary elections were held in 2003 and 2007 respectively. In the 2007-2008 Policy Agenda, the Administration undertook to reviewing and improving the arrangements for rural elections, in the light of the experience gained in the first two rounds of election, and working on the way forward for the next round of village ordinary election in 2011. The Administration had undertaken, among others, to consider the Heung Yee Kuk (HYK)'s proposal to provide an allowance for VRs.

Views of LegCo Members

6. Issues relating to the provision of an allowance for VRs were raised by members during the scrutiny of legislative proposals to regulate and improve the arrangements for VR elections, viz. the Village Representative Election Bill in 2003 and the Village Representative Election Legislation (Miscellaneous Amendments) Bill in 2009. Some members opined that like their counterparts in LegCo and District Councils (DCs), VRs were also returned through a statutory public election system pursuant to the enactment of the VREO. Moreover, VRs were performing duties of similar nature to those of LegCo Members and DC members. For example, in reflecting local views and conveying government policies to the local community. These members considered that as far as fairness was concerned, VRs should be provided with an honorarium/allowance, as in the cases of LegCo Members and DC members.

7. At the Panel meetings on 11 and 15 October 2007, during which issues relating to rural affairs as mentioned in the Administration's 2007-2008 Policy Agenda were discussed, some members (who were also members of HYK) expressed support for the Administration's initiative to consider HYK's proposal for an allowance to VRs. These members pointed out that HYK had made the proposal in view of the many duties and responsibilities of public nature required to be performed by VRs. They considered that the proposal served to give recognition to the VRs' work. Other members, however, held the view that in formulating the proposal, the Administration should explain the considerations and criteria for determining the grant of allowance to VRs, and why other types of public offices, such as Justice of Peace, who were also required to perform various duties and responsibilities of public nature, were not given an allowance.

8. At the meeting between LegCo Members and HYK Councillors on 8 January 2009, HYK Councillors reiterated that VRs returned under the law had a legal status comparable to that of LegCo Members and DC members, and hence should be provided with an appropriate amount of allowance in recognition of their efforts and contribution.

9. In response to members' views and concerns, the Administration agreed to study the proposal in detail and consult LegCo and HYK as and when appropriate.

Latest development

10. The Administration will revert to the Panel on the proposal to provide an allowance for VRs at its meeting on 11 December 2009.

Relevant papers

11. A list of relevant papers with their hyperlinks at the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
7 December 2009

Panel on Home Affairs

Relevant documents on provision of
an allowance for village representatives

Committee	Date of meeting	Minutes/Paper	LC Paper No.
Council meeting	12.2.2003	Report of the Bills Committee on Village Representative Election Bill	LC Paper No. CB(2)1123/02-03 http://www.legco.gov.hk/yr02-03/english/bc/bc51/reports/bc510212cb2-1123-e.pdf
Panel on Home Affairs	11.10.2007	Minutes of meeting	LC Paper No. CB(2)246/07-08 http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha071011.pdf
	15.10.2007	Administration's paper on Policy Initiatives of the Home Affairs Bureau	LC Paper No. CB(2)59/07-08(01) http://www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha1015cb2-59-1-e.pdf
		Minutes of meeting	LC Paper No. CB(2)851/07-08 http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha071015.pdf
		2007-2008 Policy Agenda	http://www.legco.gov.hk/yr07-08/english/panels/0708agenda_e.pdf (page 63)
Council meeting	21.10.2009	Report of the Bills Committee on Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009	LC Paper No. CB(2)20/09-10 http://www.legco.gov.hk/yr08-09/english/bc/bc54/reports/bc541023cb2-20-e.pdf