

Information note For LegCo Panel on Home Affairs

REVIEW OF RURAL ELECTIONS

This note informs Members of the progress of the review of rural elections initiated by the Administration.

Background

2. In support of the Government's policy of encouraging fair and open elections, the Heung Yee Kuk promulgated a set of guidelines, or "Model Rules", for the conduct of Village Representative (VR) elections in August 1994. These guidelines provide for, among other things, one-person-one-vote, equal voting rights for men and women and fixed four-year terms for the elected representatives.
3. VR elections have been conducted by the villagers themselves in accordance with the Model Rules and the established rural traditions. There are no legislative provisions or mandatory rules governing the conduct of these elections. To facilitate the organisation of VR elections, District Officers (DOs) provide administrative support to villagers by assisting with the preparation of the voter register, with posting notices advertising the election and with counting the votes cast. DOs will also exercise the authority under section 3(3) of the Heung Yee Kuk Ordinance (Chapter 1097) of approving a person as VR. However, if that person has been elected by a procedure in which women have not been able to participate on equal terms with men, the DOs will, in accordance with section 35(5) of the Sex Discrimination Ordinance (Chapter 480), not exercise such authority.
4. To further ensure that rural elections are conducted in a fair, open and clean manner and to enhance transparency of such elections, the Home Affairs Bureau has set up a Working Group on Rural Elections (the Working Group) in early April this year to review the arrangements and procedures for rural elections. The Working Group will formulate proposals to further improve the framework of the rural elections. Its membership comprises representatives of the Home Affairs Bureau, Home Affairs Department, Department of Justice, Independent Commission Against Corruption and the Constitutional Affairs Bureau. A copy of the terms of reference and the membership of the Working Group is attached at Annex for reference.

Present position

5. The Working Group has started to review the arrangements and procedures of VR elections and has been discussing relevant issues such as whether there would be a need to use legislation to regulate the conduct of VR elections to ensure that such elections will be held in a fair and open manner. So far the Working Group has convened two meetings. It has also conducted a site visit to examine the election practices adopted by indigenous and non-indigenous villages. The Working Group has also written to the Heung Yee Kuk and all the Rural Committees to solicit their views on how to further improve rural elections.

Way Forward

6. The Working Group is expected to come up with its recommendations within six months to facilitate a decision on the way forward for rural elections. In the meantime, the

Working Group will consult parties concerned, including the Heung Yee Kuk and the relevant Legislative Council panel(s), in formulating the proposals as appropriate.

Home Affairs Bureau

May 1999

WORKING GROUP ON RURAL ELECTIONS

Terms of Reference

- (a) Having regard to the functions and roles of Village Representatives, Rural Committees and Heung Yee Kuk, to review the arrangements and procedures of elections to their offices/bodies.
- (b) To assess the adequacy of these arrangements and procedures in ensuring compliance with the Basic Law and fair and open elections in the rural sector, including the effectiveness of the monitoring mechanism and safeguards against corruption and other illegal practices.
- (c) To formulate proposals for improvement and to conduct consultation with the relevant parties, including Heung Yee Kuk, on these proposals.
- (d) To submit final recommendations, with implementation strategy, to SHA.

Membership

DSHA(2) (Chairman)

representatives from CAB

representatives from D of J

representatives from HAB

representatives from HAD

representatives from ICAC