

立法會
Legislative Council

LC Paper No. CB(2)1026/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/BC/1/02

**Bills Committee on
Village Representative Election Bill**

**Minutes of meeting
held on Monday, 6 January 2003 at 10:45 pm
in Conference Room A of the Legislative Council Building**

**Members
Present**

: Hon IP Kwok-him, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

**Member
Absent**

: Hon CHAN Kwok-keung

**Public Officers
Attending**

: Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

Mr Y C CHAN
Principal Assistant Secretary for Home Affairs (Special Duties)

Ms Monica CHEN
Assistant Director of Home Affairs (1)

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Mr Philip LAM Min-kei
Principal Liaison Officer (1)2
Home Affairs Department

Mr Lawrence S Y PENG
Acting Senior Assistant Law Draftsman
Department of Justice

Mr Alan CHONG
Government Counsel
Department of Justice

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Lolita SHEK
Senior Assistant Secretary (2)7

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I. Clause-by-clause examination of the Bill

[LC Paper Nos. CB(3)16/02-03, CB(2)115/02-03(02), CB(2)553/02-03(01), CB(2)679/02-03(01), CB(2)811/02-03(01) and CB(2)813/02-03(01)]

The Committee deliberated the Administration's response to issues raised by members during the clause-by-clause examination of the Bill at the last meeting on 30 December 2002 [LC Paper No. CB(2)811/02-03(01)] and completed the clause-by-clause examination of the Bill (index of proceedings attached at **Annex**).

2. Members noted the 2nd draft of the Committee Stage amendments (CSAs) to be proposed by the Administration as at 3 January 2003 [LC Paper No. CB(2)813/02-03(01)]. The Administration had agreed to reduce the number of electors required for lodging an election petition by amending clause 40 of the Bill.

3. Members also noted that the Administration had undertaken to examine, in the review of rural elections to be conducted after the 2003 VR elections, the issue of extending the period proceeding the end of the current term of office of the Village Representative (VR) concerned for which no village by-election to fill a

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vacancy would need to be held. Members agreed that the Chairman would include the Administration's undertaking and request the Administration to review similar requirement for the Legislative and District Council by-elections in his speech to be made during the resumption of Second Reading debate on the Bill. Members also requested that the Administration should re-consider in the future review whether clause 10(2) as presently worded and similar provisions in the Legislative Council Ordinance and District Councils Ordinance had adequately reflected the policy intention of requiring the receipt of the original of the signed notice of resignation.

II. Any other business

CSAs to be moved by individual members

4. Mr Albert CHAN advised the Bills Committee that he would move CSAs to amend clause 6(4) in respect of the functions of an Indigenous Inhabitant Representative, and delete clauses 15(4)(b) and 22(1)(b) in respect of the residency-in-village requirement for an elector and a candidate for a Resident Representative election. Mr Andrew CHENG said that since Hon Albert CHAN would move CSAs to delete clauses 15(4)(b) and 22(1)(b) from the Bill, he would not move any amendment.

Legislative timetable

5. Members agreed that that the Bills Committee would make a report to the House Committee on 24 January 2003 recommending that the Second Reading debate of the Bill be resumed at the Council Meeting on 12 February 2003. The Chairman reminded the meeting that the deadlines for giving notice of resumption of Second Reading debate and CSAs were 24 and 30 January 2003 respectively.

6. Dr TANG Siu-tong said that he was opposed to the Bill and requested that his view be recorded.

7. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
24 January 2003

Annex

Proceedings of the meeting of the Bills Committee on Village Representative Election Bill on Monday, 6 January 2003 at 10:45 am in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
0000-2816	Chairman Admin Mr Albert CHAN ALA Dr David CHU Dr TANG Siu-tong Mr Andrew WONG	Admin's response to the issues and concerns raised by members at the meeting on 30 December 2002 <u>Annex A</u> Interpretation of the term "resident" of an Existing Village	
2817-3254	Chairman Admin ALA Mr Andrew WONG Mr WONG Yung-kan Mr Andrew CHENG	<u>Annex B</u> Defining the term "resident" of an Existing Village as a person who ordinarily resided in the Village	
3255-3807	Chairman Admin ALA Mr Andrew CHENG	<u>Annex C</u> Effective date of a notice of resignation given by a Village Representative	
3808-4149	Chairman Admin Mr TAM Yiu-chung	Annexes D to H	
4150-4310	Chairman Dr TANG Siu-tong Admin	<u>Annex I</u> The offence committed by a person who had acted or claimed to be entitled to act as a member of a District Council or Legislative Council while disqualified from acting as such	
4311-4545	Chairman Admin Mr Andrew WONG	Clause-by-clause examination of the Bill Clause 63	

4546-010755	Chairman Admin Mr Andrew WONG Mr Albert CHAN Mr LAU Wong-fat Mr WONG Sing-chi ALA	<u>Clause 64</u> Verification of the status of electors for Indigenous Villages and Composite Indigenous Villages	
010756-011040	Chairman Dr TANG Siu-tong Admin Mr Andrew CHENG Mr Andrew WONG	Clauses 65 to 68	
011041-011509	Chairman Admin Mr Albert CHAN	<u>Schedule 1</u> Accessibility of boundary maps of villages	
011510-011930	Chairman Mr Albert CHAN Admin Mr Andrew WONG	Schedule 2	
011931-011958	Chairman	Schedule 3	
011959-013359	Chairman Admin	Schedule 4	
013400-013658	Chairman Mr Andrew WONG Mr Andrew CHENG Mr Albert CHAN Dr TANG Siu-tong	Committee Stage amendments to be moved by individual members	
013659 - 013846	Chairman	Deadlines for giving notices of resumption of Second Reading debate and CSAs	

**Note : The audio records of the above proceedings are kept at the LegCo
Library**

Council Business Division 2
Legislative Council Secretariat
24 January 2003