

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1023/02-03  
(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 Friday, 20 December 2002 at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members Present** : Hon IP Kwok-him, JP (Chairman)  
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

**Members Absent** : Dr Hon David CHU Yu-lin, JP  
Hon CHAN Kwok-keung  
Hon WONG Sing-chi

**Public Officers Attending** : Mr Stephen FISHER  
Deputy Secretary for Home Affairs (2)  
  
Mr Y C CHAN  
Principal Assistant Secretary for Home Affairs (Special  
Duties)

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Ms Monica CHEN  
Assistant Director of Home Affairs (1)

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. Confirmation of minutes**  
[LC Paper Nos. CB(2)690/02-03 and CB(2)723/02-03]

The minutes of the meetings held on 22 November 2002 and 4 December 2002 were confirmed.

**II. 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)  
and CB(2)679/02-03(01)]

2. The Committee deliberated and completed clause-by-clause examination of clauses 1 to 9 of the Bill (index of proceedings attached at **Annex**).

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Part 1 of the Bill (Preliminary)

Clause 3

3. Members noted that the Administration had already prepared the maps of the Existing Villages listed in Schedule 1 and had arranged to post up the maps in the District Offices in the New Territories, offices of the Rural Committees (RCs), village offices and the notice boards in the villages concerned in July and August 2002 to invite comments from residents concerned. Mr Albert CHAN expressed dissatisfaction with the arrangement. He pointed out that since residents living in remote "peripheral areas" who would most likely be affected might not be able to see the maps or aware of their availability, they might not have the opportunity to comment on the boundaries of the Villages. Mr CHAN reiterated that it was unfair if these residents who had all along been living in the village and had participated in previous Village Representative (VR) elections could not participate in the next round of VR elections. He considered that the Administration should inform the residents concerned in writing of the availability of the maps so as to allow them the opportunity to comment on the maps. Mr CHAN requested that his views be recorded.

Part 2 of the Bill (Office of VR)

Clause 6

4. Mr Albert CHAN considered that to avoid conflicts arising from the overlap in the functions of the two types of VRs, the function of the Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village stipulated in clause 6(4)(a) of the Bill should be amended to the effect that he would be responsible for reflecting views on behalf of the indigenous inhabitants of the Village on affairs related to their lawful traditional rights and interests and their traditional way of life. He said that he would propose a Committee Stage amendment (CSA) to the Bill to such an effect if the Administration refused to accept his suggestion.

Clause 9

5. Members noted the response from the Administration dated 12 December 2002 [LC Paper No. CB(2)679/02-03(04)] to the suggestions raised by members at the meeting on 4 December 2002 that it remained of the view that civil servants should not be allowed to run for or hold office as VR.

6. Members agreed that the Bills Committee would move a CSA to delete clause 9(1)(a)(ii) and other relevant proposed provisions from the Bill so that a

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prescribed public officer would be allowed to run for or to hold office as VR. Members noted that a public officer would be disqualified from holding office as an ex officio member of the District Council concerned under section 19(1)(a)(ii) of the District Council Ordinance (Cap. 547). They agreed that a VR who was a prescribed public officer should be allowed to become a RC chairman, if elected. Assistant Legal Adviser was requested to prepare the CSA for members' consideration at the next meeting.

ALA

### **III. Any other business**

7. Members agreed that the next meeting of the Bills Committee should be held on Monday, 30 December 2002 at 2:30 pm to continue clause by clause examination of the Bill and to study the CSAs to be proposed.

8. There being no other business, the meeting ended at 10:35 am.

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 Friday, 20 December 2002 at 8:30 am in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000-0234	Chairman	Confirmation of minutes	
0235-0551	Chairman Admin Mr TAM Yiu-chung	Admin's response to the issues and concerns raised by members at the meeting on 4 December 2002	
0552-1027	Chairman Admin Mr Andrew CHENG	Clause-by-clause examination of the Bill  Clause 1  Commencement of the Bill	
1028-1443	Chairman Admin Mr Andrew CHENG	Clause 2  Interpretation of Composite Indigenous Village	
1444-2029	Chairman Dr TANG Siu-tong Admin Mr Andrew CHENG	Interpretation of principal residential address	
2030-2543	Chairman Mr Andrew CHENG Admin	Interpretation of Existing Village and Indigenous Village	
2544-2743	Chairman Admin Mr Andrew CHENG	Interpretation of village ordinary election	
2744-3151	Chairman Dr TANG Siu-tong Admin	Interpretation of prescribed public officer	
3152-3301	Chairman Admin ALA	Committee Stage amendment proposed by the Admin to add surviving spouse to clause 2(1)	
3302-3532	Mr Andrew CHENG Admin	Purpose of publishing the provisional register	

3533-010049	Chairman Admin Mr Albert CHAN Dr TANG Siu-tong Mr Andrew CHENG Mr LAU Wong-fat	Clause 3  Map of Existing Village	
010050-013632	Chairman Mr Andrew CHENG Admin Mr Albert CHAN Mr LAU Wong-fat Mr Andrew WONG Mr WONG Yung-kan ALA	Clauses 4 to 6  Functions of Resident Representative and Indigenous Inhabitant Representative	
013633-013815	Chairman Admin	Clauses 7 and 8	
013816-015935	Chairman Admin Mr Albert CHAN Dr TANG Siu-tong Mr LAU Wong-fat Mr TAM Yiu-chung Mr Andrew WONG ALA	Clause 9  Eligibility of public officer to run for and hold Village Representative office	<b>ALA</b> <b>(see para. 6 of</b> <b>the minutes of</b> <b>meeting)</b>
015936-020226	Chairman Mr Andrew CHENG Mr Albert CHAN Mr WONG Yung-kan Admin	Date of next meeting	

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

Council Business Division 2  
Legislative Council Secretariat  
24 January 2003