

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1024/02-03  
(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, 30 December 2002 at 2:30 pm  
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)
- Ms Monica CHEN  
Assistant Director of Home Affairs (1)

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

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

**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)]

The Committee deliberated and completed clause-by-clause examination of clauses 10 to 62 of the Bill (index of proceedings attached at **Annex**).

Adm 2. Members requested the Administration to -

Clauses 9, 15 and 22

- (a) explain the interpretation of the term "resident" of an Existing Village under relevant provisions;
- (b) review the definition of "resident" of an Existing Village taking into consideration the concept of "ordinarily residence" which was adopted in determining the eligibility of electors and candidates for Legislative Council (LegCo) and District Council (DC) elections;

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Clause 10

- (c) explain how the effective date of a notice of resignation given by a Village Representative (VR) was determined if the notice was faxed or emailed to the Director of Home Affairs;

Clause 13(3)(b)

- (d) consider whether the Chinese translation could be improved;

Clause 21

- (e) consider extending the length of the period preceding the end of the current term of office of the VR concerned within which a village by-election to fill the vacancy in that VR office was not to be held in the comprehensive review of the VR election system to be conducted after the 2003 elections, and review similar requirement for LegCo and DC by-elections;
- (f) provide information on the number of VRs who had died during their term of office;

Clause 40

- (g) provide the estimated number of eligible electors in the largest and smallest Existing Villages;
- (h) consider reducing the number of electors required for lodging an election petition; and

Clause 58

- (i) advise whether a person who was disqualified from acting as a Member of LegCo or DC, but was acting, or claimed to be entitled to act as such would be, similar to a person falsely represented himself as a registered social worker, liable to be guilty of a criminal offence.

ALA4

3. The Chairman requested Assistant Legal Adviser 4 (ALA4) to advise on paragraph 2(d) and (i) as well.

4. Mr Albert CHAN informed members that he would move Committee Stage amendments (CSAs) to delete clauses 15(4)(b) and 22(1)(b). He added that he would also consider moving CSAs to delete clause 24, and to amend clause 40 if

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the Administration refused to accept members' suggestion in respect of paragraph 2(h) above.

**II. Any other business**

Draft Committee Stage amendments to be proposed by the Bills Committee  
[LC Paper No. CB(2)776/02-03(02)]

5. Mr Andrew WONG expressed reservations about the draft CSAs prepared by ALA4 in accordance with the members' decision made at the meeting on 4 December 2002 to the effect that a prescribed public officer would be allowed to run for or to hold office as a VR to be proposed by the Bills Committee. He pointed out that direct conflicts of interest might arise if a VR or a member of Heung Yee Kuk or Rural Committee (RC), or a person who had held these offices, could serve as a member of the Electoral Affairs Commission (EAC). For the same reason, he also considered that an EAC member should not be allowed to run for or to hold office as a VR. Mr WONG requested that his views be recorded.

6. After discussion, members agreed that the Chairman on behalf of the Bills Committee when the Bill resumed its Second Reading debate would move the draft CSAs to delete clause 9(1)(a)(ii) and clause 23(1)(a)(ii), and to delete the definition of "prescribed public officer" in clause 2 of the Bill. Members also agreed that the Chairman would on behalf of the Bills Committee move consequential amendments to delete the proposed definition of "Rural Committee" in section 3(e), and sections 4 and 10 from Schedule 4 to the Bill to the effect that

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- (a) a member of Heung Yee Kuk, a member of a RC or a VR, or a person who had been a member Heung Yee Kuk, a member of a RC or a VR within the four years immediately before the date of appointment, would not be ineligible for appointment as a member of EAC or to hold office as such; and
- (b) a member of the EAC during his term of office would not be disqualified, or a person who had ceased to hold office as a member of the EAC would not be disqualified during the period of 4 years beginning on the date he ceased to hold office, from being a member of Heung Yee Kuk, a member of a RC or a VR.

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Date of next meeting

7. Members agreed that the next meeting of the Bills Committee would be held on Monday, 6 January 2003 at 10:45 am to continue clause-by-clause examination of the Bill.

8. There being no other business, the meeting ended at 6:35 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, 30 December 2002 at 2:30 pm  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000-005540	Chairman ALA Mr Andrew WONG Admin Mr TAM Yiu-chung Mr Andrew CHENG Dr TANG Siu-tong Mr Albert CHAN	Clause-by-clause examination of the Bill  3 <sup>rd</sup> draft of the Committee Stage amendments prepared by ALA	
005541-011714	Chairman Mr Andrew CHENG Admin Mr Albert CHAN ALA Mr Andrew WONG Mr TAM Yiu-chung	Clause 10  Determination of the effective date of a notice of resignation given by a Village Representative (VR)	<b>Admin</b> <b>(see para. 2(c) of the minutes of meeting)</b>
011715-012856	Chairman Mr Andrew WONG Admin ALA Dr TANG Siu-tong	Clauses 9, 11 and 12  Procedure for establishing that a VR was disqualified from holding office	
012857-014830	Chairman Dr TANG Siu-tong Admin Mr Andrew WONG Mr LAU Wong-fat Mr Andrew CHENG	Definition of "resident" of an Existing Village	<b>Admin</b> <b>(see para. 2(a) of the minutes of meeting)</b>

014831-015450	Chairman Mr Andrew WONG Admin Mr Albert CHAN	Clause 13  Chinese translation of the clause	<b>Admin</b> <b>(see para. 2(d) of</b> <b>the minutes of</b> <b>meeting)</b> <b>ALA</b> <b>(see para. 3 of</b> <b>the minutes of</b> <b>meeting)</b>
015451-015507	Chairman Admin	Clause 14	
015508-020428	Chairman Admin Mr Andrew WONG Mr Albert CHAN Mr TAM Yiu-chung	Clause 15  Eligibility of electors for VR elections	
020429-020533	Chairman Admin	Clause 16	
020534-023443	Chairman Admin Mr Albert CHAN Mr Andrew WONG	Clause 17  Procedure for the Electoral Registration Officer to determine whether there were reasonable grounds for striking out the name of a person from the provisional or final register of electors  Definition of “resident” of an Existing Village	<b>Admin</b> <b>(see para. 2(b) of</b> <b>the minutes of</b> <b>meeting)</b>
023444-023459	Chairman Admin	Clause 18	
023500-023548	Chairman Admin Mr Albert CHAN	Clause 19	
023549-023657	Chairman Admin Mr Albert CHAN	Clause 20	
023658-024028	Chairman Admin Mr Andrew WONG Mr Albert CHAN	Clause 21  Village by-election to be held to fill vacancy in VR office	<b>Admin</b> <b>(see para. 2(e)</b> <b>and (f) of the</b> <b>minutes of</b> <b>meeting)</b>

024029-024140	Chairman Admin Mr Albert CHAN	Clause 22	
024141-024228	Chairman Admin	Clause 23	
024229-024725	Chairman Admin Mr Albert CHAN Mr Andrew WONG	Clause 24	
024726-025955	Chairman Admin Mr Andrew WONG Mr Albert CHAN Mr TAM Yiu-chung Dr TANG Siu-tong Mr Tommy CHEUNG	Clauses 25 and 26  Number and qualifications of subscribers to a nomination form	
025956-030005	Chairman Admin	Clause 27	
030006-030025	Chairman Admin	Clause 28	
030026-030816	Chairman Mr Andrew WONG Admin Dr TANG Siu-tong Mr LAU Wong-fat	Clause 29  The appropriateness of conducting by-elections after insufficient number of candidates for VR election was nominated for a Village	
030817-030831	Chairman Admin	Clause 30	
030832-031345	Chairman Admin Mr Albert CHAN Mr Andrew WONG Mr LAU Wong-fat	Clause 31	
031346-031921	Chairman Admin Dr TANG Siu-tong Mr Andrew WONG	Clauses 32 to 35	
031922-031924	Chairman Admin	Clause 36	



031925-032009	Chairman Admin	Clauses 37 and 38	
032010-032703	Chairman Admin ALA Dr TANG Siu-tong Mr TAM Yiu-chung Mr Andrew WONG	Clause 39  Grounds on which election petitions could be made	
032704-033323	Chairman Mr Albert CHAN Admin Mr Andrew WONG	Clauses 40 and 41  Number of electors required for lodging an election petition	<b>Admin (see para. 2(g) and (h) of the minutes of meeting)</b>
033324-033743	Chairman Mr Albert CHAN Admin Mr Andrew WONG	Clauses 42 and 43	
033744-034259	Chairman Mr Albert CHAN Admin Mr TAM Yiu-chung	Clause 44 to 50  The amount of security to be given for costs that might be payable by election petitioners	
034300-034349	Chairman Admin	Clauses 51 to 57	
034350-035528	Chairman Admin Mr Albert CHAN Dr TANG Siu-tong Mr Andrew WONG	Clauses 58 and 59  Proceedings against persons on grounds of disqualification	<b>Admin (see para. 2(i) of the minutes of meeting) ALA (see para. 3 of the minutes of meeting)</b>
035529-040108	Chairman Admin Dr TANG Siu-tong Mr WONG Yung-kan	Clauses 60 to 62  Membership of Rural Committees	
040109-040342	Chairman Mr Albert CHAN	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