

本署檔號：OUR REF: SF4 to HAB/CR/1/20/154
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3 January 2003

Miss Flora Tai
Clerk to Bills Committee
Bills Committee on Village Representative
Election Bill
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear Miss Tai,

Bills Committee on Village Representative Election Bill

I attach a revised draft of the Committee Stage amendments to be moved by the Secretary for Home Affairs for Members' reference.

The changes in this draft are as follows :

(a) Clause 1

The commencement clause is amended. The Bill, except section 19 of Schedule 4, will come into operation on its gazettal.

(b) Clause 21

Some minor revisions have been made to the new clause 21(1A) to make clear that the failure of election referred to is the total failure, not partial failure, of the election.

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(c) Clause 40

Clause 40(a) provides that an election petition questioning an election may be lodged by 10 or more electors entitled to vote at the election. The phrase "10 or more electors" has now been changed to "5 or more electors".

(d) Schedule 4

The new Committee Stage amendments to Schedule 4 regarding exclusion from the application of sections 5 and 6 of the Electronic Transactions Ordinance (Cap 553) are modelled on the existing arrangements for the Legislative Council Ordinance (Cap 542) and the District Councils Ordinance (Cap 547).

(e) Clause 36(1) and section 17 of Schedule 4

The new Committee Stage amendments are technical revisions to bring the provisions in line with other electoral legislation.

Yours sincerely,

(Stephen Fisher)
for Secretary for Home Affairs

c.c.	DHA	(Attn.: Miss Monica Chen)	w/e
	D of J	(Attn.: Mr. Lawrence Peng Mr. Alan Chong)	w/o

VILLAGE REPRESENTATIVE ELECTION BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

Clause

Amendment Proposed

- 1 By deleting subclause (2) and substituting -
- “(2) Subject to subsection (3), this Ordinance shall come into operation on the day on which it is published in the Gazette.
- (3) Section 19 of Schedule 4 shall come into operation on 1 October 2003.”.
- 2(1) (a) In the definition of “first final register” -
- (i) by deleting “the final” and substituting “the first final”;
- (ii) by deleting “under this Ordinance before the first village ordinary election for the Village” and substituting “after the commencement of section 17(1)(b)”.
- (b) In the definition of “first provisional register” -

- (i) by deleting "the provisional" and substituting "the first provisional";
 - (ii) by deleting "under this Ordinance before the first village ordinary election for the Village" and substituting "after the commencement of section 17(1)(a)".
- (c) By adding -
- "surviving spouse" (), in relation to an indigenous inhabitant, means a person who survives the indigenous inhabitant as his spouse at the time of his death and has not since his death entered into -
- (a) a marriage celebrated or contracted in accordance with the provisions of the Marriage Ordinance (Cap. 181); or
 - (b) a marriage celebrated or contracted outside Hong Kong in accordance with the law in force at the time and in the place

where the marriage was
performed,
with another person;".

7(1) (a) By deleting "9 months beginning on 1 July" and
substituting "6 months beginning on 1 October".

15 (a) In subclause (4) (b), by deleting "applying to
be registered" and substituting "the date of
application for registration".

(b) In subclause (4) (c), by deleting "at the time
of applying to be registered" and
substituting -

" , or will be an adult on or before -

(i) in the case of registration
in the first provisional, or
final, register for the
Village, 3 June 2003;

(ii) in any other case, 20 October
next following the person's
application for
registration".

(c) In subclause (5) (a), by adding "or surviving
spouse" after "spouse".

(d) In subclause (5) (b), by deleting "at the time of applying to be registered" and substituting -

", or will be an adult on or before -

(i) in the case of registration in the first provisional, or final, register for the Village, 3 June 2003;

(ii) in any other case, 20 October next following the person's application for registration".

(e) In subclause (5) (d) (i), by deleting "inform" and substituting "informs".

(f) In subclause (5) (d) (ii), by deleting "provide" and substituting "provides".

16(c) By adding "有關" before "選舉".

17 (a) In subclause (1) (a), by deleting "72 days before the village ordinary election date for the Village" and substituting "22 April 2003 and not later than 10 September in each subsequent year".

(b) In subclause (1) (b), by deleting "the Village not later than 30 days before the village

ordinary election date for the Village" and substituting "a Village not later than 3 June 2003 and not later than 20 October each subsequent year".

(c) In subclause (2), by adding "or other personal particulars" after "address".

(d) In subclause (8)(a), by deleting "; or" and substituting a full stop.

(e) By deleting subclause (8)(b).

20 (a) In subclause (3)(a) and (b), by deleting "or dates".

(b) In subclause (5) -

(i) by deleting "or dates";

(ii) by deleting "or are".

21 (a) In subclause (1) -

(i) by deleting "The" and substituting "Subject to subsections (1A) and (2), the";

(ii) in paragraph (a), by deleting "處" and substituting "署".

(b) By adding -

"(1A) The Electoral Affairs Commission is not required, on the

making of a declaration that an election for a Village has failed as provided in section 29(2) (a), to arrange for a village by-election for the Village to be held if the election declared to have failed is a village by-election that was held on the making of another declaration that an election for the Village has failed as provided in section 29(2) (a)."

30(1) By deleting "or after".

31 (a) In subclause (1) (c), by adding "本條例及" after "按照".

(b) In subclause (8) (b) (ii), by deleting "在該選舉中就該村選出的候選人人數少於該選舉須選出的該村" and substituting "在該村的選舉中所選出的候選人人數少於該村的選舉須選出".

36(1) By deleting ", by notice published in the Gazette, declare" and substituting "publish in the Gazette a notice declaring".

40(a) By deleting "10" and substituting "5".

51(2) By deleting "賦予或委" and substituting "委予或賦".

62 (a) In subclause (1), by deleting "3 months" and substituting "6 months".

(b) In subclause (2), by deleting "9 months that commences on 1 July" and substituting "6 months that commences on 1 October".

63(1) By deleting "3 months" and substituting "6 months".

Schedules 1, 2 and 3 By deleting "July" wherever it appears and substituting "October".

Schedule 4 (a) By adding -

**"Electronic Transactions
(Exclusion) Order**

**10A. Provisions excluded from
application of section 5
of Ordinance**

Schedule 1 to the Electronic
Transactions (Exclusion) Order (Cap. 553
sub. leg.) is amended by adding -

"68. Village Sections
Representative 8(1),

Election Ordinance 10(1), 24
(of 2003) and 26(2)".

**10B. Provisions excluded from
application of section 6
of Ordinance**

Schedule 2 is amended by adding -

"24. Village Sections
Representative 8(2), 10(2),
Election Ordinance 24 and
(of 2003) 26(2)".

- (b) In section 14(a) and (b), by adding "or (j)" after "4(i)".
- (c) In section 15(a), by deleting "or (i)" and substituting ", (i) or (j)".
- (d) In section 17, by deleting "published" and substituting "notified".
- (e) In section 20 -
 - (i) in the proposed section 5(2)(a), by deleting "3 months" and substituting "6 months";
 - (ii) in the proposed section 5(2)(b), by deleting "9 months that commences on 1 September" and substituting "6 months that commences on 1 December".