

7 November 2002

TO : Chairman and Members of the Bills Committee

You are earnestly requested to give due consideration of my comments as follows:

Sections 5(3) and 6(4)(a)

The Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) should have the same and identical function insofar as the domain of the village community they serve is concerned. RR and IIR, either jointly or separately, shall have the obligation to reflect views on the affairs of the Village on behalf of the indigenous inhabitants AND the residents of the Village. IIR would never refuse to assist a resident of his Village in reflecting his views to the appropriate authorities. For the same reason, I would not expect RR refusing to help reflect the views of an indigenous inhabitant whose principal residential address is not in the Village. It would thus be grossly wrong to curtail or limit the righteous function of a Village Representative in the name of IIR by confining him to reflecting the views of his fellow indigenous inhabitants only as given in Section 6(4)(a) of the Bill.

I therefore suggest that both Sections 5(3) and 6(4)(a) be re-drafted to the effect that the function of IIR equates that of RR, i.e., both shall have the same duty to reflect views on the affairs of the Village on behalf of the residents as well as the indigenous inhabitants of the Village.

It is acceptable that IIR shall have the additional function as provided in Section 6(4)(b) because he has intimate knowledge about the history and the affairs of the indigenous village community. But if RR is also an indigenous inhabitant of the Village, he should at the same time be allowed to perform the same additional function as IIR does.

Section 23

It is entirely impossible to understand the rationale behind the stipulation that a prescribed public officer is disqualified from being nominated as a candidate and from being elected as a Village Representative. Unlike District Council Members, a Village Representative does not have a place nor does he have a role to play in the constitutional framework of the HKSAR. He is not entitled to any form of remuneration for service rendered. A Village Representative deals strictly with local and/or ancestral affairs of his own village community. Any villager desiring to put forward his views to Government can always side-step the Village Representative by approaching the district council member of his constituency direct. A Village Representative does not enjoy any special privilege nor does he have a higher social status at all.

I do not see any conflict of interest if a prescribed public officer becomes a Village Representative of his Village. What is more, a fellow villager should not be barred from serving his local village community as a Village Representative just because he is a prescribed public officer by profession. Mechanism is already in place to require a civil servant, for instance, to obtain the prior consent of the Head of the Government Department under which he works before he is permitted to undertake the unpaid work as a Village Representative. The Departmental Head can always refuse to give consent if he sees that the unpaid work as a Village Representative may adversely affect the work performance of the officer concerned.

Given that the Chairman of a Rural Committee will automatically become an appointed member of a District Council, I agree that if a Village Representative is a civil servant, he should not run for the chairmanship of the Rural Committee of his District because Government already forbids a civil servant to become a District Council Member or a Legislative Council Member.

I strongly suspect the stipulation to disallow a prescribed public officer to become a Village Representative is the sad and unfortunate result of an indiscriminate 'copy and paste' adaptation of the existing legislation on District Councils.

I am a Registered Professional Surveyor (Quantity Surveying) and a civil servant too. I have been serving my village dutifully as the village representative since 1993. I do not contemplate serving another term of office but am sad to see that some other young and capable fellow villagers who are employed by Government will no longer be able to serve the indigenous village community to which they belong.

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