

Comments on the Village Representation Election Bill

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1. Powers of the Indigenous Inhabitant Representative and the Resident Representative remain unclear in Sections 5 and 6 of Part 2. Specifically, a resident representative “shall not deal with any affair relating to the lawful traditional rights and interests of indigenous inhabitants.” The functions of an indigenous inhabitant representative are to “reflect views on the affairs of the village on behalf of the indigenous inhabitants of the village, and to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of those indigenous inhabitants.” We are concerned that the powers of the two representatives have ambiguous areas, thus leading to potential disputes and conflicts.
2. Disqualification of village representative from holding office: We are concerned that in Section 9d (iv) it is unclear what kind of offense prescribed by the Electoral Affairs Commission Regulation and how it will lead to the disqualification of the village representative. The Bill should specify all these offences clearly on paper. Also, what is the specific meaning of “having engaged in illegal conflict” in Section 9d (ii)” and of “an offence against Part II of the Prevention of Bribery Ordinance (iii)””? The content of Part II of the Ordinance should be specified clearly.

In village elections, traditionally there were reciprocal activities (like inviting people to dinners and people support candidates in return) in village elections. Were these formerly conventional activities be regarded as “illegal” under the Bill?

3. Registration of Elector: It is unclear how and what documents elector proves his or her residency in the village [Section 15(4)].
4. Also, The Register of Electors may need to consider an appeal period, which is not specified in Sections 17 and also 19. Without a specified period of appeal, the electoral register would become very controversial in case disputes erupt.

5. Section 38 says elector is not to be required to disclose how vote was cast. It seems this Section implicitly does not allow any exit poll conducted by any academic. Section 38 should clarify whether research on voters' behaviour will be allowed, but voters need not reveal their voting behaviour to researchers.

6. Finally, violence in election is not mentioned in the Bill. As District Council elections and village elections in the past had violent events, there should be stipulation on how to control/penalize violence. Here, the role of the police in cooperation with the EAC may be necessary, but the Bill is unclear in all these aspects, leaving an impression that while the Bill tries to change the political convention of village elections in the past, it remains unclear in some crucial aspects (like violence) that can mar village elections in the future.