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(Attn : Mr Stephen Fisher
Deputy Secretary for Home Affairs)

Dear Mr Fisher,

Village Representative Election Bill

Thank you for your replies of 22 October and 6 November 2002 to our letters. We have some follow-up questions for your further clarification.

General observation

In relation to the lawful traditional rights and interests of indigenous inhabitants of the New Territories, you have listed out four main rights and interests. Would you confirm whether this list is exhaustive or there are other minor rights and interests?

Clause 5(3)

Would it be considered to be "reflecting views" on the affairs of the Village or "dealing with" the affairs relating to the lawful traditional rights and interests of indigenous inhabitants when a Resident Representative expresses views on behalf of the residents of the Village on the affairs relating to the lawful traditional rights and interests of indigenous inhabitants in public forum?

You have made clear your reason for putting in "traditional way of life" in clause 6(4)(b). But my question is whether it is necessary to put "the traditional way of life" along side "lawful traditional rights and interests of indigenous inhabitants" in clause 5(3) so as to make it an item which a Resident Representative is not allowed to deal with.

Clauses 14(f) and 16(e)

We have noted your reason for adopting the formulation in the provisions. In achieving consistency, would you undertake to make amendments to similar provisions in other electoral legislation in due course?

Clause 62(3)

It is appreciated that the electoral arrangement in clause 61(1) is made to comply with clause 62(3). Are other electoral arrangements, if any and the conduct of an election to elect an office holder of a Rural Committee statutory or administrative? If they are administrative, how would you ensure that they have complied with clause 62(3)?

Your early reply, in both languages, is very much appreciated.

Yours sincerely,

(Stephen Lam)
Assistant Legal Adviser

Encl

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