

立法會
Legislative Council

LC Paper No. CB(2)1935/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/SS/7/02

**Subcommittee on subsidiary legislation relating to
Village Representative elections**

**Minutes of meeting
held on Wednesday, 16 April 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
- Member Absent** : Hon TAM Yiu-chung, GBS, JP
- Public Officers Attending** : Ms Monica CHEN
Assistant Director of Home Affairs (1)
- Mr HA Yung-kuen
Principal Assistant Secretary for Home Affairs (Special Duties)
- Ms Michelle LI
District Officer (Sham Shui Po)
Home Affairs Department

Mr Philip CHAN
District Officer (Sha Tin)
Home Affairs Department

Mr Philip LAM
Principal Liaison Officer (1)2
Home Affairs Department

Ms Phyllis KO
Deputy Principal Government Counsel
Department of Justice

Ms Michelle TSANG
Deputy Principal Government Counsel
Department of Justice

Mr Sunny CHAN
Senior Government Counsel
Department of Justice

Mr Alan CHONG
Government Counsel
Department of Justice

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Stephen LAM Ping-man
Assistant Legal Adviser 4

Miss Lolita SHEK
Senior Assistant Secretary (2)7

I. Confirmation of minutes
[LC Paper No. CB(2)1753/02-03]

The minutes of the meeting held on 19 March 2003 were confirmed.

II. Meeting with the Administration

2. The Subcommittee deliberated matters arising from previous meetings when the Electoral Affairs Commission (Registration of Electors) (Village

Representative Election) Regulation was discussed, the Maximum Amount of Election Expense (Village Representative Election) Regulation and the Electoral Procedure (Village Representative Election) Regulation (index of proceedings attached at **Annex**).

Matters arising from previous meetings

[Paragraph 69 of the minutes of meeting of the House Committee on 21 March 2003 (LC Paper No. CB(2)1585/02-03)]

The need for further groupings for entries in a division in the Indigenous Villages and Composite Indigenous Villages register

3. Members requested that the names of all electors in a same village should be shown in the Indigenous Villages and Composite Indigenous Villages Register in a single division with further grouping, for instance, in accordance with their respective clans, so that Village Representatives (VRs) in the village be elected separately.

Adm

4. The Administration undertook to review the arrangement of entries in the Indigenous Villages and Composite Indigenous Villages register and consider possible amendment to Schedule 2 to the Village Representative Election Ordinance (Cap. 576) after the 2003 VR elections.

Entries relating to spouse of indigenous inhabitants in Indigenous Villages and Composite Indigenous Villages register

5. Members requested that the name of an indigenous inhabitant should be shown in the Indigenous Villages and Composite Indigenous Villages register, together with that of his/her spouse or a surviving spouse who was not an indigenous inhabitant so that it would be easier for villagers to ascertain the status of the spouse/surviving spouse.

Adm

6. The Administration stated that only the name of registered electors would be shown on the register but would consider this after the 2003 VR elections.

Maximum Amount of Election Expense (Village Representative Election) Regulation

[Legislative Council Brief, L.N. 81 of 2003 and LC Paper No. LS85/02-03]

Adm

7. The Administration undertook to follow up the following -

- (a) considering members' request to raise the maximum amount of election expenses that could be incurred by or on behalf of a candidate at an election stipulated in section 2 from \$14,000 to \$18,000 for a Village where there were not more than 1 000

electors for the Village, and from 20,000 to \$28,000 for that where there were over 1 000 electors for the Village;

- (b) bringing to attention of the Independent Commission Against Corruption (ICAC) members' concern on the appropriateness for a potential candidate for the chairmanship of a Rural Committee (RC), who had made an election donation to a candidate for a VR election for a Village under that RC, subsequently decided to run for the chairmanship of the same RC; and
- (c) requesting ICAC to include its advice on paragraph 7(b) above at the briefing session for candidates for VR elections.

8. Members agreed that if the Administration did not accept members' request in paragraph 7(a) above, the Subcommittee would move an amendment to the Regulation to raise the maximum amount of election expenses accordingly.

Electoral Procedure (Village Representative Election) Regulation

[Legislative Council Brief, L.N. 82 of 2003 and LC Paper Nos. LS85/02-03, CB(2)1751/02-03(01) to (03)]

Adm

9. The Administration was requested to provide a written response to the following -

- (a) restricting the no canvassing zone and no staying zone outside a polling station to the minimum required area so as to facilitate access to the polling station by senile and immobile electors;
- (b) revising the ballot papers in Forms 2(a), 2(b) and 3 set out in Schedule 1 to the Regulation to include photographs of the candidates for VR elections;
- (c) ensuring that staff at the polling station would remove the cap of the chop bearing "✓" for marking the ballot paper before issuing it to the electors;
- (d) conduct extensive consultation on the preliminary designation of polling stations as soon as possible; and
- (e) arranging for the counting of the votes to be conducted in the polling stations immediately after the close of the poll.

III. Any other business

Date of next meeting

10. Members agreed that the next meeting of the Subcommittee would be held on Monday, 5 May 2003 at 10:45 am to discuss the response from the Administration to the issues raised in paragraphs 7 and 9 above.

Way forward

11. Members noted that the scrutiny period of the two Regulations would expire at the Council meeting on 30 April 2003. In order to allow adequate time for the Administration to respond to the issues and requests raised by members, members agreed that the Chairman should move a motion on 30 April 2003 to extend the scrutiny period of the Regulations to 21 May 2003.

12. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
2 May 2003

**Proceedings of the meeting of the Subcommittee on subsidiary legislation
relating to Village Representative elections
on Wednesday, 16 April 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
0000 - 0214	Chairman	Confirmation of minutes	
0215 - 2752	Chairman Admin Mr LAU Wong-fat Mr IP Kwok-him Mr WONG Yung-kan Dr TANG Siu-tong	<u>Matters arising from previous meetings</u> Request to show the names of all electors in a same village in the Indigenous Villages and Composite Indigenous Villages register in a single division with further grouping, for instance, in accordance with their respective clans, so that Village Representatives (VRs) in the village could be elected separately	Admin (see para. 4 of minutes of meeting)
2753 - 3510	Chairman Admin Mr IP Kwok-him Mr Albert CHAN Dr TANG Siu-tong	Inclusion of the name of the indigenous spouse of an elector who was not an indigenous inhabitant in the latter's entry in the Indigenous Villages and Composite Indigenous Villages register	Admin (see para. 6 of minutes of meeting)
3511 - 3741	Chairman Admin	<u>Maximum Amount of Election Expenses (Village Representative Election) Regulation</u> Introduction of the Regulation	
3742 - 5050	Dr TANG Siu-tong Admin Chairman ALA4 Mr IP Kwok-him Mr Albert CHAN Mr LAU Wong-fat Mr WONG Yung-kan Mr Tommy CHEUNG	Proposal to raise the maximum amount of election expense stipulated in section 2	

5051 - 5224	Dr TANG Siu-tong Admin Chairman	Suggested maximum amount of election expense Request for advice from the Independent Commission Against Corruption (ICAC) on the appropriateness for a potential candidate for the chairmanship of a Rural Committee (RC), who had made an election donation to a candidate for a VR election for a Village under that RC, subsequently decided to run for the chairmanship of the same RC	
5225 - 5322	Mr LAU Wong-fat Mr Albert CHAN	The maximum amount of election expense proposed by Dr TANG Siu-tong	
5323 - 010256	Chairman Admin Dr TANG Siu-tong Mr IP Kwok-him Mr Albert CHAN Mr WONG Yung-kan	Request for advice from ICAC on the appropriateness for a potential candidate for the chairmanship of a RC, who had made an election donation to a candidate for a VR election for a Village under that RC, subsequently decided to run for the chairmanship of the same RC	Admin (see para. 7(b) and (c) of minutes of meeting)
010257 - 010412	Chairman Admin Mr IP Kwok-him ALA4	Proposed amendment to the maximum amount of election expenses in section 2	
010413 - 010722	ALA4 Chairman Admin Mr IP Kwok-him	Extension of the scrutiny period of the Regulation	Admin (see para. 7(a) of minutes of meeting)
010723 - 011223	Chairman Admin ALA4	<u>Electoral Procedure (Village Representative Election) Regulation</u> Introduction of the Regulation	

011224 - 011723	Chairman Dr TANG Siu-tong Admin	Area of the no canvassing zone and no staying zone outside a polling station Inclusion of photographs of candidates for VR elections in the ballot paper Removal of the cap of the chop bearing “✓” for marking the ballot paper before it was issued to the electors	Admin (see para. 9(c) of minutes of meeting)
011724 - 012426	Mr LAU Wong-fat Admin Chairman	Designation of polling stations	Admin (see para. 9(d) of minutes of meeting)
012427 - 013410	Mr IP Kwok-him Admin Chairman ALA4	Number of Indigenous Inhabitant Representatives to be returned for a Village at the election and the number of votes an elector might cast at that election	
013411 - 014740	Mr WONG Yung-kan Admin Chairman	Colour of the ballot papers Inclusion of photographs of candidates for VR elections in the ballot paper Area of the no canvassing zone and no staying zone outside a polling station Counting of the votes in the polling stations	Admin (see para. 9(a) and (b) of minutes of meeting)
014741 - 015039	Dr TANG Siu-tong Admin	Counting of the votes in the polling stations Designation of polling stations Area of the no canvassing zone and no staying zone outside a polling station Inclusion of photographs of candidates for VR elections in the ballot paper	
015040 - 015809	Chairman Admin Mr IP Kwok-him Dr TANG Siu-tong Mr WONG Yung-kan	Counting of the votes	Admin (see para. 9(e) of minutes of meeting)

015810 - 020245	Chairman Mr IP Kwok-him Admin	Extension of the scrutiny period of the two Regulations Date of next meeting	
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Council Business Division 2
Legislative Council Secretariat
2 May 2003