

立法會
Legislative Council

LC Paper No. CB(2)2129/02-03

(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 Monday, 5 May 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon WONG Yung-kan
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
- Members Absent** : Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo
- 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

Ms Phyllis KO
Deputy Principal Government Counsel
Department of Justice

Mr Sunny CHAN
Senior Government Counsel
Department of Justice

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

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

Action

I. Confirmation of minutes
[LC Paper No. CB(2)1935/02-03]

The minutes of the meeting held on 16 April 2003 were confirmed.

II. Meeting with the Administration

2. The Subcommittee deliberated the response from the Administration on the issues raised by members at the last meeting on 16 April 2003, on the Maximum Amount of Election Expense (Village Representative Election) Regulation and the Electoral Procedure (Village Representative Election) Regulation (index of proceedings attached at **Annex**).

Maximum Amount of Election Expense (Village Representative Election) Regulation

[L.N. 81 of 2003 and LC Paper No. CB(2)1922/02-03(01)]

3. Members noted from the Administration's response to the issues raised by members at the last meeting [LC Paper No. CB(2)1922/02-03(01)] that the

Action

Administration had reservations to revise the proposed maximum amount of election expenses. They agreed that the Chairman should move an amendment to section 2 of the Regulation to the effect that the maximum amount of election expenses that could be incurred by or on behalf of a candidate at an election would be increased 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. ALA4 undertook to draft the resolution.

ALA4

Electoral Procedure (Village Representative Election) Regulation

[L.N. 82 of 2003, and LC Paper Nos. CB(2)1751/02-03(01) to (03) and CB(2)1922/02-03(01)]

Inclusion of the photographs of all candidates in the ballot papers

4. Members noted the Administration's response to the proposal and did not have strong views on not including the photographs of candidates in the ballot papers in the 2003 VR elections. The Chairman considered it important that the photographs of all the candidates for the Village Representative (VR) elections should be included in the ballot papers for the 2003 elections so as to facilitate voting by electors. He said that he might consider moving an amendment, after consulting Heung Yee Kuk, to revise the ballot papers in Forms 1, 2(a), 2(b) and 3 in Schedule 1 to the Regulation accordingly.

Designation of polling stations

5. Members considered that a separate polling station should be designated for each Village for the 2003 VR elections. They requested the Administration to consider amending section 28 of the Regulation to the effect that a separate polling station in the Village should be designated for conducting the poll for each Village for the 2003 VR elections. The Administration undertook to provide a written response to members' request.

Adm

Counting of the votes

6. Members pointed out that in the past VR elections, counting of the votes had been conducted in the polling stations immediately after the close of the poll and requested the Administration to make the same arrangement for the 2003 VR elections. They noted with regret from the Administration that due to resource and manpower constraint, the proposed arrangement could not be made and hence this practice would not be adopted in the 2003 VR elections.

Action

III. Any other business

Free transportation to the polling stations for electors

- Adm 7. The Administration undertook to seek clarification from the Independent Commission Against Corruption and Electoral Affairs Commission whether it would be a corrupt or illegal conduct for a candidate for VR election to offer free transportation to electors from their village(s) to the polling station(s) in vehicles with electioneering materials of that candidate.

Legislative timetable

8. Members noted that the Chairman had moved a motion at the Council meeting on 30 April 2003 to extend the scrutiny period of the two Regulations to 21 May 2003 and that the deadline for giving notice of amendments was 14 May 2003. They agreed that the Subcommittee should report to the House Committee on 9 May 2003 and requested the Administration to provide a written response to the issues raised at paragraphs 5 and 7 above before 9 May 2003.

9. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
20 May 2003

Annex

Proceedings of the meeting of the Subcommittee on subsidiary legislation relating to Village Representative elections on Monday, 5 May 2003 at 10:45 am in Conference Room A of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
0000 - 0153	Chairman	Confirmation of minutes	
0154 - 1026	Admin Chairman	Response of the Administration to the issues raised by members at the last meeting	
1027 - 1310	Chairman Mr IP Kwok-him Dr TANG Siu-tong ALA4	<u>Maximum Amount of Election Expenses (Village Representative Election) Regulation</u> Proposal to raise the maximum amount of election expense stipulated in section 2	
1311 - 2037	Chairman Mr IP Kwok-him Admin Dr TANG Siu-tong	<u>Electoral Procedure (Village Representative Election) Regulation</u> Inclusion of photographs of candidates for Village Representative (VR) elections in the ballot papers Offer of free transportation to electors from their village(s) to the polling station(s) by a candidate for VR election in vehicles with electioneering materials of that candidate	
2038 - 2332	Chairman Mr WONG Yung-kan	Inclusion of photographs of candidates for VR elections in the ballot papers Offer of free transportation to electors from their village(s) to the polling station(s) by a candidate for VR election in vehicles with electioneering materials of that candidate Area of the no canvassing zone and no staying zone outside a polling station	

2333 - 2524	Chairman Admin	Area of the no canvassing zone and no staying zone outside a polling station	
2525 - 2930	Chairman Mr WONG Yung-kan Mr IP Kwok-him	Inclusion of photographs of candidates for VR elections in the ballot papers	
2931 - 3513	Dr TANG Siu-tong Mr IP Kwok-him Chairman Admin Mr WONG Yung-kan Mr Tommy CHEUNG	Inclusion of photographs of candidates for VR elections in the ballot papers Offer of free transportation to electors from their village(s) to the polling station(s) by a candidate for VR election in vehicles with electioneering materials of that candidate Area of the no canvassing zone and no staying zone outside a polling station	
3514 - 5218	Chairman Admin ALA4 Mr IP Kwok-him Dr TANG Siu-tong Mr WONG Yung-kan	Offer of free transportation to electors from their village(s) to the polling station(s) by a candidate for VR election in vehicles with electioneering materials of that candidate	Admin (see para. 7 of minutes of meeting)
5219 - 5321	Chairman Admin	Area of the no canvassing zone and no staying zone outside a polling station	
5322 - 5523	Chairman Dr TANG Siu-tong Mr IP Kwok-him Admin	Advice from the Independent Commission Against Corruption 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	
5524 - 5554	Chairman Admin	Removal of the cap of the chop bearing “✓” for marking the ballot paper before it was issued to the electors	
5555 - 014342	Chairman Admin Dr TANG Siu-tong Mr IP Kwok-him Mr WONG Yung-kan ALA4	Designation of polling stations	Admin (see para. 5 of minutes of meeting)

014343 - 015335	Chairman Admin Dr TANG Siu-tong Mr IP Kwok-him ALA4	Counting of the votes in the polling stations	
015336 - 015434	Chairman	Summing up of the deliberation of the Subcommittee	
015435 - 015548	Chairman ALA4	Proposed amendment to section 2 of the Maximum Amount of Election Expenses (Village Representative Election) Regulation	ALA4 (see para. 3 of minutes of meeting)
015549 - 015700	Chairman ALA4 Admin	Proposed amendment to section 28 of the Electoral Procedure (Village Representative Election) Regulation	
015701 - 015911	Chairman ALA4	Legislative timetable	

Council Business Division 2
Legislative Council Secretariat
20 May 2003