

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2794/02-03

(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 Tuesday, 24 June 2003 at 8:30 am  
in Conference Room B 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 TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Albert CHAN Wai-yip
- Members Absent** : Hon Andrew CHENG Kar-foo  
Hon Tommy CHEUNG Yu-yan, JP  
Hon IP Kwok-him, 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)
- Mr Jacky LUM  
District Officer (Tuen Mun)  
Home Affairs Department
- Mr Vidy CHEUNG  
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

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Action

**I. Meeting with the Administration**

[L.N. 151 of 2003, LC Paper Nos. CB(2)2487/02-03(01), CB(2)2569/02-03(02), and CB(2)2601/02-03(01)]

The Subcommittee deliberated and completed scrutiny of the Village Representative (Election Petition) Rules (Annex of proceedings attached at **Annex**).

2. Members considered the submission from Heung Yee Kuk (HYK) and were in general supportive of the latter's suggestion that the Director of Home Affairs (DHA) shall, after receiving a copy of an election petition against a Village Representative (VR) election, display it in a conspicuous place in the Rural Committee (RC), in addition to displaying it at the respective District Office as required under section 5(4) of the Rules.

Adm

3. On the display of copies of election petitions under the Village Representative (Election Petition) Rules, the Administration undertook –

- (a) to move a motion at the Council meeting on 9 July 2003 to amend section 5(4) of the Rules to the effect that DHA shall also display the copy of the election petition against a VR election received in a conspicuous space on or near the outer door of the office of RC concerned; and
- (b) to make necessary administrative arrangements for the display of the copy of election petition received at the village office or in appropriate places (such as notice boards) in the village concerned.

Action

4. Members suggested that HYK should advise RCs of the statutory requirement as proposed in paragraph 3(a) above.

Adm

5. The Administration had agreed to include the following in the comprehensive review to be conducted after the 2003 VR elections –

- (a) to take into consideration the number of registered voters in individual Villages in the 2003 VR elections and review the minimum number of electors for lodging an election petition under section 40 of the Village Representative Election Ordinance (Cap. 576);
- (b) to review the maximum amount of security to be given by a petitioner under section 44 of the Village Representative Election Ordinance; and
- (c) to review the appropriate level of judicial/quasi-judicial bodies with which the jurisdiction in respect of an election petition against a VR election should be vested.

Adm

6. The Administration also undertook to refer the following issues to the Constitutional Affairs Bureau and the Judiciary for consideration –

- (a) the right to legal representation of a petitioner and a respondent should be deleted from the District Councils (Election Petition) Rules (Cap. 547 sub. leg.C) so that the drafting of the Rules would be consistent with that of the Village Representative (Election Petition) Rules; and
- (b) whether arrangements should be specified that, for all statutory elections, the parties concerned in a claim or an objection case with respect to an individual's eligibility to be registered as an elector should be notified of the review to be conducted by the Revising Officer on the ruling of the specific case.

## **II. Any other business**

### Legislative timetable

7. The Subcommittee agreed that the Chairman would make a verbal report on the deliberations of the Subcommittee to the House Committee at its meeting on 27 June 2003. The Chairman reminded the Administration and members that the deadline for giving notice of amendment to the Village Representative (Election Petition) Rules was 2 July 2003.

Action

8. There being no other business, the meeting ended at 9:40 am.

Council Business Division 2  
Legislative Council Secretariat  
8 July 2003

**Annex**

**Proceedings of the meeting of the Subcommittee on subsidiary legislation  
relating to Village Representative elections  
on Tuesday, 24 June 2003 at 8:30 am  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000 - 0630	Chairman Admin ALA4	Introduction of the Village Representative (Election Petition) Rules  Comparison between the Rules and the District Councils (Election Petition) Rules	
0631 - 1244	Chairman Dr TANG Siu-tong Admin	Display of the copy of an election petition against a Village Representative (VR) election in the Rural Committees (RCs) concerned  Maximum amount of security to be given by election petitioners  The right to legal representation of a election petitioner and a respondent	
1245 - 1904	Chairman Admin ALA4 Mr LAU Wong-fat	The right to legal representation of a election petitioner and a respondent	<b>Admin</b> <b>(see para. 6(a) of the minutes of meeting)</b>
1905 - 3907	Dr TANG Siu-tong Admin Chairman Mr LAU Wong-fat Mr Albert CHAN ALA4 Mr WONG Yung-kan	Display of copies of election petition in the RCs concerned	<b>Admin</b> <b>(see para. 3(a) and (b) of the minutes of meeting)</b>

3908 - 5525	Mr Albert CHAN ALA4 Chairman Admin Dr TANG Siu-tong Mr LAU Wong-fat	Maximum amount of security to be given by election petitioners under section 44 of the Village Representative Election Ordinance  The need to notify the parties concerned in a claim or objection case with respect to an individual's eligibility to be registered as an elector of the review to be conducted by the Revising Officer on the ruling of the specific case  The appropriate level of judicial/quasi-judicial bodies with which the jurisdiction with regard to the election petitions against a VR election should be vested	<b>Admin</b> <b>(see paras. 5(b), (c) and 6(b) of the minutes of meeting)</b>
5526 - 010035	Mr Albert CHAN Admin Chairman Dr TANG Siu-tong	The minimum number of electors for lodging an election petition under section 40 of the Village Representative Election Ordinance	<b>Admin</b> <b>(see para. 5(a) of the minutes of meeting)</b>
010036 - 010129	Chairman	Legislative timetable	
010130 - 010525	Chairman Mr Albert CHAN Admin	Arrangements for the 2003 VR elections	
010526 - 010614	Chairman	Report to the House Committee	

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