

For information

Legislative Council Panel on Home Affairs

Yuen Long Kau Hui

Purpose

At the meeting of the Legislative Council Panel on Home Affairs on 14 November 2008 to discuss the Village Representative Election (Amendment) Bill 2009, Hon Albert CHAN Wai-yip asked why the Administration did not include Yuen Long Kau Hui in the Schedules to the Village Representative Election Ordinance (VREO) to provide for the election of village representatives for it. This paper sets out background information on Yuen Long Kau Hui and explains why Yuen Long Kau Hui has not been included in the Schedules to the VREO.

Background

2. Yuen Long Kau Hui is situated in Yuen Long Town, adjacent to Sai Bin Wai, Shap Pat Heung and Yuen Long West Rail Station. Yuen Long Kau Hui is in DD 115. According to the records of the relevant block lease, there are over 140 registered lots in DD 115, most of which are for commercial use. The registered addresses of the lot owners include villages in Shap Pat Heung, Kam Tin, Ha Tsuen, Ping Shan and Pat Heung in Yuen Long as well as villages in Guangdong, etc, which show that Yuen Long Kau Hui was not a place for dwelling by local villagers at that time. Moreover, according to the Yuen Long Historical Relics and Monuments published by the Yuen Long District Council, Yuen Long Kau Hui used to be a distribution centre for agricultural products for villagers. It was a market place with shops of a wide range of businesses.

3. Yuen Long Kau Hui is included in the "List of Established Villages in the New Territories" compiled in 1991 by Heung Yee Kuk (HYK) and the former Planning, Environment and Lands Branch. According to the Lands Department, the List is compiled mainly to define whether the property or lands owned by villagers in the established villages in the New Territories are eligible for rent concession. It does not mean that all

villages on the List are indigenous villages. In addition, under the New Territories Small House Policy, only those indigenous villagers of the villages on the “New Territories Small House Policy List of Recognised Villages” compiled by the Lands Department are eligible to apply for Small House Grant. As the List does not include Yuen Long Kau Hui, its residents are not eligible to apply for Small House Grant.

4. Residents of Yuen Long Kau Hui claimed that their ancestors had been inhabitants and traders in Yuen Long Kau Hui before 1898, and that there had been a village representative in the area during the Japanese Occupation but no representatives had been elected since the village representative was killed during that period. However, the residents of Yuen Long Kau Hui failed to produce information or documents proving that there had been a village representative.

5. In fact, Yuen Long Kau Hui has not been included in the village representation system all along. Besides, Yuen Long Kau Hui is situated in Yuen Long Town and lies within the Shap Pat Heung area. The Shap Pat Heung Rural Committee has long been assisting in dealing with affairs of the indigenous inhabitants in the area but has never included Yuen Long Kau Hui in the list of villages under its constitution.

Reasons for not including Yuen Long Kau Hui in the Schedules to the VREO

6. Extensive consultation covering the HYK and the rural committees was conducted in formulating the VREO. The policy then was for the VREO to cover those indigenous villages and existing village settlements included in the village representation system in the New Territories then (i.e. in 1999 when the last round of village election before the enactment of the VREO was held) and to retain the number of Indigenous Inhabitant Representatives for Indigenous Villages. The policy and the legislative intent were reflected in the primary legislation passed by the Legislative Council in 2003 and only those villages stated above were listed in the Schedules to the VREO.

7. Since Yuen Long Kau Hui was not a village but a market place and was not included in the village representation system in 1999, it was not included in the Schedules to the VREO in the formulation of the Ordinance.

It was also not included in the delineated area of any existing villages in the election of Resident Representatives for Existing Villages.

8. Besides, the Rural Committee of Shap Pat Heung where Yuen Long Kau Hui is located has not recognised Yuen Long Kau Hui as an indigenous village nor has it given its consent to the inclusion of Yuen Long Kau Hui in the list of villages under its constitution.

Review on Rural Elections

9. After the commencement of the VREO, residents of Yuen Long Kau Hui kept claiming that Yuen Long Kau Hui was an indigenous village and requested repeatedly that it be included in the Schedules to the VREO. The Home Affairs Department (HAD) formed a Rural Elections Review Working Group (the Working Group) in November 2007 to thoroughly review the arrangements for rural elections. Members of the Working Group include representatives of the HAD, Chairman and Vice-chairmen of the HYK, and chairmen of the relevant rural committees. The Working Group has examined the proposal on Yuen Long Kau Hui. Having regard to the policy stated in paragraph 6 above and the legislative intent of the VREO, the Working Group considered that sufficient information and documents must be submitted by the residents to substantiate that Yuen Long Kau Hui had already been included in the village representation system in 1999 and was a village already in existence in 1898. Since Yuen Long Kau Hui could not submit the relevant proof, after deliberation, the Working Group decided not to follow up its proposal in this review and the amendment of the VREO.

Conclusion

10. Since Yuen Long Kau Hui is not a village and was not included in the village representation system in 1999, and the rural committee concerned does not support its addition to the Schedules to the VREO, the Administration does not intend to include Yuen Long Kau Hui in the Schedules to the VREO.

Home Affairs Department
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