

**立法會**  
**Legislative Council**

LC Paper No. CB(2)569/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/1/13

**Bills Committee on  
Rural Representative Election Legislation (Amendment) Bill 2013**

**Minutes of the 1<sup>st</sup> meeting  
held on Tuesday, 3 December 2013, at 5:00 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon YIU-Si-wing  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP

**Members absent** : Hon Emily LAU Wai-hing, JP  
Hon Cyd HO Sau-lan  
Hon WONG Yuk-man  
Hon LEUNG Che-cheung, BBS, MH, JP

**Public Officers attending** : Item II  
  
Mr Patrick LI Pak-chuen, JP  
Deputy Director of Home Affairs (1)  
  
Ms Leona LAW Ka-wing, JP  
Assistant Director of Home Affairs (1)  
  
Mr MA Kit-chi  
Principal Liaison Officer (1) 2  
Home Affairs Department

Mr Gilbert MO Sik-keung  
Deputy Law Draftsman (Bilingual Drafting and  
Administration)  
Department of Justice

Miss Emma WONG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Miss Josephine SO  
Senior Council Secretary (2) 6

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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Action

**I. Election of Chairman**

Dr LAU Wong-fat, the member who had the highest precedence in the Council among members of the Bills Committee present, presided over the election of the Chairman.

2. Dr LAU Wong-fat invited nominations for the chairmanship of the Bills Committee. Mr IP Kwok-him was nominated by Mr CHAN Han-pan and the nomination was seconded by Miss Alice MAK. Mr IP accepted the nomination. As there was no other nomination, Dr LAU declared Mr IP Kwok-him elected as the Chairman of the Bills Committee.

**II. Meeting with the Administration**

(HAD HQ CR/11/15/8(C), LC Paper Nos. CB(3)151/13-14, LS12/13-14 and CB(2)404/13-14(02) to (04))

3. The Bills Committee deliberated (index of proceedings attached at Annex).

Action

Follow-up actions arising from the discussion

Admin

4. Mr Albert HO pointed out that when enacting the Village Representative Election Ordinance (Cap. 576) ("VREO") in 2003, there were complaints from some residents in Cheung Chau about the non-applicability of VREO to Cheung Chau even though there were villages on the island. He therefore questioned the reasons and considerations for bringing Kaifong Representative ("KFR") elections under statutory control from the ordinary election in 2015 onwards by modelling on the regulatory framework for the elections of Resident Representatives for Existing Villages under VREO. The Administration was requested to provide a written response to the views expressed by Mr HO.

Admin

5. Mr Albert HO and Dr Kenneth CHAN were concerned about the adoption of the "block vote" system for KFR elections for Cheung Chau and Peng Chau where each elector might vote for a number of candidates not exceeding the number of KFRs to be returned at the election concerned (i.e. a maximum of 39 for Cheung Chau and 17 for Peng Chau). Mr HO queried the appropriateness of the existing voting arrangement for the election of 39 KFRs on the basis of one single constituency and considered that improvement should be made to the voting system. He suggested that consideration should be given to dividing Cheung Chau and Peng Chau into several constituencies, so as to avoid domination by one single group and to ensure fairness in the election of KFRs. At the request of Mr HO, the Administration agreed to consult again Cheung Chau Rural Committee ("RC") and Peng Chau RC on the aforesaid suggestion.

6. The Bills Committee requested the Administration to provide information on -

- (a) the background to the enactment of VREO in 2003 to bring the election of Village Representatives ("VRs") under statutory control, as well as the considerations and reasons at that time for not including Cheung Chau and Peng Chau in the Schedules to VREO so that VR elections could be conducted on these two islands;
- (b) whether the Administration had reviewed the "block vote" system for KFR election and whether the Administration had received any objection against introducing changes to the current voting method for KFR elections;

Action

- (c) in respect of the maximum amount of election expenses that could be incurred by each candidate in KFR elections, (i) the rationale and basis for setting the limit at \$38,000 where there were over 5 000 electors; and (ii) whether reference had been made to the election expenses in the past KFR elections and if yes, whether the proposed limit represented an improvement; and
- (d) the elector turnout rate of past KFR elections for Cheung Chau and Peng Chau.

Admin

7. As regards the maximum amount of election expenses that could be incurred by each candidate in a KFR election, the Bills Committee raised concern about the possible unfairness arising from the pooling of resources and the conduct of joint electioneering activities by candidates who had group affiliations. The Administration was requested to explain in detail the arrangements on calculation of election expenses in KFR elections, in particular any requirement regarding the sharing of election expenses arising from the conduct of joint electioneering activities.

### **III. Any other business**

#### Invitation for public views

8. The Bills Committee agreed to receive public views on the Rural Representative Election Legislation (Amendment) Bill 2013 at the next meeting of the Bills Committee scheduled for Monday, 6 January 2014. In line with the usual practice, a general notice would be posted on the Legislative Council website to invite views from the public. Invitation letters would be issued to the 18 District Councils, Heung Yee Kuk, Cheung Chau RC and Peng Chau RC for the same purpose.

*(Post-meeting note: With the concurrence of the Chairman, the next meeting of the Bills Committee was fixed to be held on 6 January 2014 from 10:00 am to 12:00 noon to meet with deputations and the Administration. Members were informed of the above meeting arrangements vide LC Paper No. CB(2)444/13-14 dated 5 December 2013.)*

9. There being no other business, the meeting ended at 5:57 pm.

**Proceedings of the meeting of the  
Bills Committee on Rural Representative Election Legislation (Amendment) Bill 2013  
on Tuesday, 3 December 2013, at 5:00 pm  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000210 - 000358	Dr LAU Wong-fat Mr CHAN Han-pan Mr IP Kwok-him Miss Alice MAK	Election of Chairman	
000359 - 000542	Chairman	Chairman's opening remarks	
000543 - 001015	Chairman Admin	Briefing by the Administration on the Rural Representative Election Legislation (Amendment) Bill 2013 ("the Bill") - the Legislative Council Brief (HAD HQ CR/11/15/8(C)).	
001016 - 001432	Chairman Mr Albert HO	Object of the Bill  Members' agreement on the need to invite public views on the Bill and the date for the meeting to receive views from deputations.	
001433 - 002709	Chairman Mr Albert HO Admin	Mr Albert HO's query about the reasons and considerations for extending the existing legislative framework concerning Village Representative ("VR") election (particularly Resident Representative ("RR") election) to Kaifong Representative ("KFR") election to be held in and after 2015. His concern about the adoption of the "block vote" system for KFR elections where each elector might vote for a number of candidates not exceeding the number of KFRs to be returned at the election concerned (i.e. a maximum of 39 for Cheung Chau and 17 for Peng Chau) and suggestion for dividing Cheung Chau and Peng Chau into several constituencies to avoid domination by one single group and to ensure fairness in the election of KFRs.  The Administration's explanation on the background of the representation system in villages of the New Territories ("NT") and the two market towns of Cheung Chau and Peng Chau, and the operational difficulties and inadequacies encountered while KFR elections were not statute-based and were conducted administratively.	<b>Admin to provide a response (para. 4 and 5 of the minutes refer)</b>

Time marker	Speaker	Subject(s)	Action Required
		<p>The Administration's elaboration on the objective and merits of the Bill to regulate KFR elections for Cheung Chau and Peng Chau by statute. The proposal to bring KFR elections under statutory control sought to improve the electoral arrangements for such elections.</p> <p>On Mr HO's suggestion, the Administration's advice that it was the Government's intention to respect the traditions of Cheung Chau Rural Committee ("RC") and Peng Chau RC. No change would be proposed to the existing "block vote" system for KFR elections.</p> <p>As regards Mr Ho's query about the non-applicability of the existing Village Representative Election Ordinance (Cap.576) ("VREO") to Cheung Chau and Peng Chau, the Administration's explanation that under VREO, VR elections were held for Indigenous Villages and Composite Indigenous Villages already in existence in 1898, and existing village settlements (i.e. Existing Villages) which were already included in the village representation system in NT in 1999 when the last round of VR elections was held before the enactment of VREO. Cheung Chau and Peng Chau were market towns in 1898 and had never had any VRs or village representation system. The so-called "villages" in Cheung Chau did not meet the statutory definitions of "Existing Village", "Indigenous Village" or "Composite Indigenous Village" under VREO.</p>	
002710 - 003410	Chairman Dr Kenneth CHAN Admin	<p>Dr Kenneth CHAN's request for the Administration's provision of detailed information on -</p> <p>(a) the background to the enactment of VREO in 2003 to bring the elections of VRs under statutory control, as well as the considerations and reasons at that time for not including Cheung Chau and Peng Chau in the Schedules to VREO so that VR elections could be conducted on these two islands;</p> <p>(b) whether the Administration had reviewed the "block vote" system for KFR elections, and if yes, whether the Administration had received any objections against introducing changes to the current voting method for KFR elections;</p>	<b>Admin to provide information (para. 6 of the minutes refers)</b>

Time marker	Speaker	Subject(s)	Action Required
		<p>(c) in respect of the maximum amount of election expenses that could be incurred by each candidate in KFR elections, (i) the rationale and basis for setting the limit at \$38,000 where there were over 5 000 electors; and (ii) whether reference had been made to the election expenses in the past KFR elections and if yes, whether the proposed limit represented an improvement; and</p> <p>(d) the elector turnout rate of past KFR elections for Cheung Chau and Peng Chau.</p> <p>The Administration's responses that -</p> <p>(a) it had reviewed and consulted Cheung Chau RC and Peng Chau RC on the "block vote" system for KFR elections. It was the wish of the two RCs to maintain the long adopted voting method;</p> <p>(b) candidates in past KFR elections conducted administratively were not required to inform the Administration of their election expenses incurred, as there was no limit on the amount. In setting the proposed maximum amount of election expenses to be incurred by each candidate in statutory KFR elections, reference had been made to election expenses incurred in the last VR election where the largest amount of election expense incurred by a candidate in the largest village with 2 000 electors was around \$3.5 per elector. Also, due regard was given to the numbers of KFR electors on Cheung Chau and Peng Chau at present which were around 8 600 and 3 100 respectively;</p> <p>(c) the main object of the 2003 legislative exercise was to provide for the elections of RRs for Existing Villages and Indigenous Inhabitant Representatives ("IIRs") for Indigenous Villages and Composite Indigenous Villages. In view of the similarities between KFRs and RRs in their roles and functions and having gained experience from the three rounds of VR elections since 2003, the Administration considered it an appropriate time to extend the legislative framework concerning VR election to KFR election; and</p> <p>(d) the elector turnout rates of the last KFR</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>ordinary election held in 2010 for Cheung Chau and Peng Chau were 29.2% and 56.9% respectively, and the elector turnout rate for the latter election was comparable to that of other statutory elections. The Administration would step up publicity and public education to encourage wider participation in KFR elections in future.</p>	
003411 - 003550	Chairman Mr YIU Si-wing Admin	<p>On Mr YIU Si-wing's enquiry about the village representation system on Lamma Island, the Administration's response that the existing statute-based VR election under VREO applied to Lamma Island.</p>	
003551 - 004445	Chairman Mr Albert HO Admin	<p>The Administration's responses to Mr Albert HO's enquiries about whether the elections of VRs covered all residents of market towns in NT after the enactment of VREO; the existing village representation system under VREO covering IIRs and RRs, the definitions of "Villages" in NT and "Market Towns" on Cheung Chau and Peng Chau; the adoption of a progressive approach in the regulation of VR and KFR elections; whether residents on Cheung Chau and Peng Chau enjoyed the traditional rights and interests of building small houses and hillside burials.</p> <p>Mr HO's reiteration of his concern about the continued adoption of the "block vote" system for future KFR elections for Cheung Chau and Peng Chau and his strong request that improvement should be made to the voting system and consideration should be given to dividing Cheung Chau and Peng Chau into several constituencies for the elections of KFRs.</p> <p>The Administration's advice that it was the wish of Cheung Chau RC and Peng Chau RC to maintain the long adopted voting method. At the request of Mr HO, the Administration agreed to consult again the two RCs on the matter.</p>	<p><b>Admin to consider and provide a response (para. 5 and 6(b) of the minutes refer)</b></p>
004446 - 005013	Chairman Dr Kenneth CHAN Admin	<p>Dr Kenneth CHAN's expression of concerns about the maximum amount of election expenses that could be incurred by each candidate in a KFR election and whether the "block vote" system could achieve fairness in election.</p>	<p><b>Admin to provide a response (para. 5, 6(b) and 6(c) of the minutes refer)</b></p>



Time marker	Speaker	Subject(s)	Action Required
		Discussion on the possible unfairness arising from the pooling of resources and the conduct of joint electioneering activities by candidates who had group affiliations and any requirement regarding the sharing of the election expenses by candidates if and when joint electioneering activities had been conducted.	<b>Admin to provide a response/ information (para. 7 of the minutes refers)</b>
005014 - 005323	Chairman Mr YIU Si-wing Admin	Mr YIU Si-wing's expression of support for the Bill, and request for detailed information on any requirement for candidates to share the election expenses arising from the conduct of joint electioneering activities.	<b>Admin to explain and provide information (para. 7 of the minutes refers)</b>
005324 - 005620	Chairman Admin	On the Chairman's concern about the introduction of computerized vote counting, the Administration's advice that the current proposal was to provide an alternative to manual counting in future Rural Representative elections.	
005621 - 005850	Chairman	The Chairman's closing remarks.  Date of the next meeting to receive public views on the Bill and to meet with the Administration.	