



to:  
PY YOONG  
03/01/2014 14:59  
Hide Details  
From: Janice

**立法會CB(2)611/13-14(07)號文件**  
**LC Paper No. CB(2)611/13-14(07)**

History: This message has been forwarded.

Dear Ms Yoong,

Yes, please forward my further submission to the Bills Committee chairperson and all members.

Ms H.F. CHENG

From:

To: [yctam@dab.org.hk](mailto:yctam@dab.org.hk); [complaints@legco.gov.hk](mailto:complaints@legco.gov.hk); [plc@legco.gov.hk](mailto:plc@legco.gov.hk); [ftsang@legco.gov.hk](mailto:ftsang@legco.gov.hk)

Subject: CB(2)268/13-14(03):Review - Village Representative, HYK, District Council , Against human rights

Date: Thu, 2 Jan 2014 12:54:31 +0000

Dear Sir/Madam,

Cheung Chau & Ping Chau kai fong representatives had already exempted from the Society Ordinance, Cap 151. These two islands are NOT within the definition of an Established Village under the Block Crown lease. In accordance with the spirit of the NT Lease (Extension) Ordinance, Cap 150 and the original small house policy in 1972, these 2 islands residents are NOT the 'Indigenous villagers' of an 'Established Village'. There is no need to change kai fong representatives to be village representatives because these will lead to ruin of the rule of laws, especially in term of village typed development under the original small house policy.

2. The proposed bill allows Kai fong representatives become the village representative which qualify them being members of Rural Committee under Heung Yee Kuk. There would be an extra memberships of ex-officio councilor within the District council. Kai fong representatives should only be continuously be an exempted localized association, for which the HAD remained the administrative and executive body to govern. Whereas the KF associations can remain only a consultative body, which Cannot interfere the just and impartiality role of the government in making decision of public interest - village house development. Illegal sale and purchase of the indigenous rights to build small house, which was clearly described in the Public Audit Commission Report Chapter 39-08, year 2002, is a true picture of how those 'Indigenous' politicians have ruined the original legitimate small house policy into an illegal trade of small house development without taking any rectification.

3. The public officers (Home Affairs Department) have not considered the "Public interest", especially justice of peace no matter is official or non official ( Hong Kong ordinance Chapter 510). It is obvious that amendment of Chapter 576 village representatives to be Rural Ordinance, will further alter the status of indigenous village and established village under Block Crown Lease and Cap 150 (where the small house policy, section 8 and 9, were legally repealed and have NO illegitimacy since 30-6-1997). Before the illegitimacy of the original small house policy of 1972 is re-installed by the legislature, village type development under the Block Crown Lease is the only legal basis to follow.

4. Established villages are those which were demarcated on the very first District Demarcation survey sheet (about year 1905), were collaborating with the Block Crown Lease. The new Invention of 'Recognised Villages' by the Lands Department after 1997 was without any legal basis. These recognised villages were suddenly popped up for the sake of more small house development, were solely made beneficial to the illegal trade of small house development, whereas once again, those creation of recognised villages are contrary to public interest. More doubtful identity of indigenous were created, readily to sell their rights to build. NT lands, which fall out of the boundary of 'Established Villages', were dubiously and/or unlawfully made to be part of 'Recognised Villages' (for which the Chinese custom of conveyancing to the male descendants had NOT followed). All these small house built or about to build on these Recognised Villages were contrary to the original small house policy and the provisions and covenants of the Block Crown Lease. Both the administration and the legislation failed to spot out, but on the contrary, they encouraged such illegality to grow fast.

5. Illegal trade of indigenous rights to build on lands of recognised villages have been ongoing and extending to outlying islands or remote places, including Hoi Hai, Pak Lap, Chor Law Pun ,Tai Tan and etc., whereas those places or villages, under small house policy, were NOT qualified for small house development. Without the legal basis as the lessee of a block crown lease, the residents of these recognised villages are NOT qualified for an indigenous right to build.

6. In NT, all Heung Yee Kuk, district council , village representatives and public officers ( Home affairs department, Land department, Building department, planning department, Fire services department, Police Force, Transport, highway, Environment & Protection department, Drainage Services Department etc) did not carry out their duties and without any consideration of public interest.

7. I strongly object the amendment of village representative( hong kong ordinance chapter 576 ) to be rural ordinance, it will waste public expense but without any efficient public interest. Except, the expenditure of public budget, all the above concerned public officers did not carry out their duties. In New territories, all the village-typed villages are lack of safety, hygiene, convenience & welfare contrary to hong kong ordinance( chapter 131 & 123). Especially, contrary to Chapter 123F & 123G, no emergency vehicular access and village access planned. Everywhere, illegal reclamation of natural stream/river , occupation of government land, illegal authorized building works on leased land and unleased land. No authority handle malfeasance of office, police Force, Independent Police Complaint Council, Security Bureau ( Police Force & Fire Service department) & malpractice ( ombudsman).

8. For more details please refer to chinese version attached and email & document to Legco complaint section :CP/C 830/2011, 696/2012, 600/2013

H.F.CHENG