

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

**List of follow-up actions arising from the discussion
at the meeting on 13 January 2014**

1. There were concerns that the "block vote" system had resulted in domination by some groups of candidates in past Kaifong Representative ("KFR") elections and independent candidates might have a lower chance of winning a KFR seat. The Administration was requested to provide information on the last KFR elections for Cheung Chau and Peng Chau in respect of (i) the total number of votes cast by electors; and (ii) the number of votes received by each independent candidate (including elected and losing candidates).
2. In the light of some deputations' concern about domination by some groups of candidates in KFR elections and for the sake of enhancing the representativeness of the elected persons, there was a view that the Administration should consider adopting other election systems (e.g. "the proportional representation system"), instead of the "block vote" system, for returning the KFR seats of Cheung Chau Rural Committee ("RC") and Peng Chau RC. The Administration was requested to provide a written response to this view.
3. Regarding the three and six years' residence requirement respectively as one of the eligibility criteria for a person to be registered as an elector or to be nominated as a candidate at an election for a Market Town under clauses 8 and 9 of the Bill, members were concerned about how the eligibility of the electors/candidates would be verified after KFR elections were brought under statutory control and which department was responsible for the verification of the eligibility and registration particulars of the electors/candidates and enforcement of the eligibility criteria. The Administration was requested to provide a written explanation on these issues.
4. The Bills Committee requested the Administration to consider the following observations/comments raised by the Legal Adviser to the Bills Committee on drafting issues regarding certain provisions -
 - (a) in the proposed new section 15(3A) of the Village Representative Election Ordinance (Cap. 576) (to be added by clause 8(1)), the expression "is not, because of..., entitled" is rendered in the Chinese text as "不得因...而令...有權". However, in the existing section 15(3), the expression "is not, by virtue of ..., entitled" is

rendered as "無權憑藉...而有權". Please consider reviewing the use of different renditions in the Chinese text to ensure consistency within the same section;

- (b) in the proposed new sections 11(1)(c), 14A, 15(2A), 17(2) and 18(4A) of the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K) (i.e. clauses 22(3), 23, 24(1), 26(2) and 27(1) respectively), "must" is rendered in the Chinese text as simply "須" whereas the existing sections 11(1)(a) and (b), 13, 14, 15, 16(3) and (4), and 18(1) to (5) all refer to "必須". If "須" is preferred to "必須", please consider taking the opportunity to also amend sections 11(1)(a) and (b), 13, 14, 15, 16(3) and (4), and 18(1) to (5);
- (c) in the proposed section 18(4A)(a)(ii) to be added by clause 27(1), "despite" is rendered in the Chinese text as "即使", whereas the existing section 18(4)(a)(ii) uses "縱使". Please consider reviewing the use of different Chinese renditions to ensure consistency within the same section;
- (d) regarding clause 37(3) which seeks to add, among others, a new definition of "computer" to section 2(1) of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L), it appears from the Chinese text that the phrase "designed and programmed to count the votes cast at an election" is intended to qualify both the "device" and the "computer software" referred to in the proposed definition. If that is the case, please consider amending "that is" to "that are";
- (e) under clause 47(3), the proposed new section 45(4)(d) of Cap. 541 sub. leg. L uses the gender-neutral expression "the person" ("該人") in lieu of "he" ("他") which continues to be used in the existing section 45(4)(a) to (c). Please consider whether the references to "he" ("他") in section 45(4)(a) to (c) should be consequentially amended to achieve consistency within the section; and
- (f) it is noted that some items in Schedules 1 to 5 to the Bill merely identify the sections (but not the specific subsections within those sections) or the subsections (but not the specific paragraphs or subparagraphs within those subsections) where minor textual amendments are to be made. See, for example, item 12(c) of Part 3 of Schedule 2 to the Bill (page C1822). This seems to deviate from

the previous drafting practice which would identify precisely the paragraph or subparagraph within a section or subsection where a consequential or related amendment is to be made. Please consider the Bills Committee's view that the previous drafting practice can achieve better clarity and also advise whether such a new drafting practice will be adopted in other bills.