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Date: Wednesday, January 29, 2014 05:17PM

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

This letter is to respond to the submission to Legco by Home Affairs Department in January 2014.

Attachments:

Opposition to Amendment.doc

Date : 29th Jan 2014

This letter is to respond to the submission to Legco by Home Affairs Department in January 2014.

BACKGROUND :

The amendment aims at changing Cheung Chau legal status from a "Village" to "Market Town".

The implication is to deprive Cheung Chau of indigenous village status even though the entire Cheung Chau island has always been a single "Village" since 1898 according to Hong Kong Government Gazetted Notification number 394 in 1899, one year after British took over New Territories and Outlying Islands.

1898 is also the year recognized by H K Government and Heung Yee Kuk as the year for defining indigenous village, which must have already existed in 1898.

In amending the ordinance, the current Cheung Chau Rural Committee (CCRC) which is comprised of NO indigenous village representative descending from 1898, but all immigrants of recent days, is formalized officially to represent Cheung Chau to deal with local affair and indigenous inhabitants businesses.

As of now the CCRC, though NON indigenous in nature because none of the 39 members is indigenous representative, ironically acts as ultimate authority to determine the identity of indigenous inhabitant on the island.

As a result, indigenous inhabitants are deprived of their right due to inability on the part of CCRC to prove the identity of indigenous villagers and to represent their interest on the island, such as indigenous voting right, burial right, rent and rate concession etc.

So the crux of matter lies in if Cheung Chau was a village in 1898 ?

ADMINISTRATION RESPONSE:

1. Cheung Chau has always been a market town but not a village based on Ching Dynasty record and for its business activities on the island.

THE FACT -

H K Government gazetted Notification number 394 clearly stated Cheung Chau was a VILLAGE in 1898 according to Local Communities Ordinance.

Home Affairs Department (HAD) claimed "Local Communities Ordinance" of 1899 which subdivided districts for N T including Cheung Chau for administrative purpose, was repealed in 1908 and therefore termination of the "Village" status for Cheung Chau all together.

In reality, nothing of the sort is close to facts.

Hong Kong University Historical Law review clearly stated Local Communities Ordinance is NOT for formalizing official status for Cheung Chau, but merely used to legalize subdivision of N T into districts and appointment of district representatives.

Exhibits in Heritage Museum at Shatin also prove the then H K Government of 1907 set up but never changed the administrative boundary for New Territories and Outlying Islands before Second World War, which artificially divides the Territories into Northern and Southern Districts, comprising of only 2 districts .

Subsequent Government Gazette number 337 in 1908 also specifically stated the newly proposed "Cheung Chau Cemetery was to be built half a mile to the South West of Cheung Chau VILLAGE on the island"

Further proof was also found in vast quantity from Government Records.

Gazette AR1910 - Report for Southern District of 1910 by Assistant District Officer, Mr G N Orme, stated "the demand for

land has long exceeded the supply on Cheung Chau, and there is not a vacant house in the VILLAGE “.

“the VILLAGERS collected among themselves sufficient to buy a steam launch for ferry service to Hong Kong”

Gazette AR1913, Report for Southern District of 1913 by Assistant District Officer, Mr. S B B McElderry, stated on reporting on Cheung Chau “a new survey of the VILLAGE undertaken in 1912 is almost complete”

Gazette AR1915, Report for Southern District of 1915 by Assistant District Officer, Mr. Dyer Ball, stated on reporting on Cheung Chau “The new Chinese hospital was opened in May. Chinese medical treatment and medicine are supplied free to the VILLAGERS”

Gazette AR1918, Report for Southern District of 1918 by Assistant District Officer, Mr. E W Hamilton, stated on reporting on Cheung Chau “ On January 10th, a large fire occurred in the VILLAGE, destroying 17 shops and houses.

“The foreshore has now been reclaimed on the scene of the fire and 10 improved shops have been erected fronting on a 20 foot main street. It is hoped in time to extend this street for the whole length of the VILLAGE”

“European visitors increase and this undoubtedly tends to bring more money to the VILLAGE”

Gazette AR1932, Report for Southern District of 1932 by District Officer South, Mr. B C K Hawkins, stated “ Cheung Chau continues to hold its place as the most progressive and thriving VILLAGE in the southern district “

On fallen through reclamation project, he reported “development in Cheung Chau is hampered at every turn by lack of space and there is urgent need of more ground to enable the VILLAGE to expand”

Gazette AR1936, Report for Southern District of 1936 by District Officer South, Mr. G S Kennedy Skipton reported “Cheung Chau was seriously damaged by a great fire which broke out at about

mid-night on the 18th Sept, 1936 and involved 23 buildings in the centre of the VILLAGE”

Gazette AR1939, Report for Southern District of 1939 by District Officer South, Mr. H Cruttwell stated on reporting on Cheung Chau “In the VILLAGE, the Fong Pin Sho was renovated with the help of a grant from the Secretary for Chinese Affairs and was re-opened early in the year”

It is inconceivable the entire Government historical records between 1898 and 1942 is wiped out by HAD report.

In summary, Cheung Chau was an indigenous village already in existence in 1898 and there were indigenous villagers on the island in 1898.

2.

HAD claims Cheung Chau was not on the List of Established Villages in the New Territories compiled by the Government and Heung Yee Kuk after years of deliberation, it was clearly shown that Cheung Chau is a “Market Town” instead of a “Village”

THE FACT -

The list, as stated by Legco, is for Government Rent concession only for indigenous inhabitants. In fact, there are indigenous inhabitants on Cheung Chau already enjoying this privilege

It shows the Administration in other way admitting the existence of indigenous inhabitants on Cheung Chau which was an indigenous village in 1898.

The reason it is not on the List of Established Villages simply as Government Rent matter under the Block Crown Lease in Cheung Chau was administered by Wong Wai Tsak Tong at the time of list compilation. It was not handled directly by Government.

Very misleading statement !

3.

HAD claims the Block Lease of land in the New Territories normally contains the names of villages alongside the name of landowners. The Block Lease of Cheung Chau does not contain any village names

THE FACT

When the entire Cheung Chau was a single village back then in 1898. There is NOT a need to contain name of village as the Block Lease was called "Cheung Chau Block Crown Lease"

Misconception !

4.

HAD claims Cheung Chau is not included in the List of Recognised Villages under the New Territories Small House Policy

THE FACT –

The N T small house policy is to issue grant to indigenous inhabitant to build village house.

As listed out by Lands Department, the major Eligibility Criteria for the applicant to apply is that he must be indigenous villager.

Since Cheung Chau is not on N. T. Established Villages list for Government Rent reason, it is therefore not included as Recognised Village in the N.T. Small House Policy list.

However, Lands Department also requires that the land to be built on must be zoned "Village".

Most of the built up area on Cheung Chau are zoned "Village", implying the village nature of the community on the island.

Contradictory logics !

Election

HAD claimed “Kai Fong Representatives (KFRs), as Village Representatives (VRs), are also members of Rural Committee, serve to reflect the views of Cheung Chau residents on local affairs”

As repeatedly said, Cheug Chau Rural Committee (CCRC) comprises of NO representative from indigenous inhabitant whose interest have been denied and ignored over the years, including indigenous inhabitant voting right, burial right, Government Rent concession etc.

Ironically CCRC is the ultimate authority to determine the identity of Cheung Chau indigenous inhabitant.

THE FACT

Indigenous inhabitants on Cheung Chau have been running their own election process for leader for their respective clans for many years before Village Representative Ordinance coming into effect.

According to New Territories Ordinance of 1910, all Tongs with land holding in New Territories must register their Manager or Representative with relevant District Officer. Cheung Chau indigenous inhabitants have been running their own election ever since 1910 accordingly in order for the appointment of Manager or Representative.

As illustrated by Gazette AR1921, Report for New Territories South of 1921 by District Officer South, Mr. E W Hamilton, stated specially when reporting on Cheung Chau, “I regret to say was that the death of Mr. Wong Tseuk-Ting, the head of Wong Wai Tsak Tong, to my predecessor and myself he always gave the most loyal support as a Kai Fong, and I personally owe much to his courtesy and his capability”

“He devotes much attention to education, and a new Chinese free school was open during the year by the Hon Mr. Liu Chu-Pak”

In conclusion, CCRC has proven in the last 3 village elections to have failed to represent the interest of indigenous villager, whose identity and interest the administration has been conveniently ignoring throughout a long period of time.

We hereby demand the recognition of Cheung Chau as a “Village” instead of “Market Town”, and there shall be Representative of Indigenous Villager.

For all those who come across this opposition to amendment, I would like to share with them the following modified from Edmund Burke of 1729-1797 :

“The Triumph of injustice is for good men to do nothing”

Josh Wong

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Coalition of Indigenous Inhabitants of Cheung Chau