

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

Introduction

As requested by the Bills Committee on Rural Representative Election Legislation (Amendment) Bill 2013 (the Bills Committee) in its letter dated 14 February 2014, the Administration provides consolidated response to the written submissions received after the Bills Committee meeting on 6 January 2014 as follows.

Legislative Intent

2. After thorough review, the Home Affairs Department (HAD) and the Heung Yee Kuk (HYK) reached a consensus in 2012 to regulate the long established Kaifong Representative (KFR) elections on Cheung Chau and Peng Chau by statute through the Rural Representative Election Legislation (Amendment) Bill 2013 (the Bill). The legislative intent is to bring the KFR elections under statutory regulation while respecting and retaining as far as possible the existing electoral arrangements that the residents are familiar with, including the eligibility requirements for electors, number of seats and voting system, etc.

3. The amendment to the Village Representative Election Ordinance (VREO) will introduce a new term “Rural Area”, which will cover both “Villages” (i.e. Existing Villages, Indigenous Villages and Composite Indigenous Villages) and “Market Town”. The terms “Village Representatives” (VRs), “Indigenous Inhabitant Representatives” (IIRs) and “Resident Representatives” (RRs) will be retained in the VREO. The number of Indigenous Villages and Existing Villages, the number of IIR seats and RR seats as well as the election system, etc stipulated in the existing VREO will remain unchanged. The KFRs returned by statutory elections in future will not be categorised as a type of VRs.

Consultation

4. After reaching a consensus on the legislative proposal with the HYK, we have consulted the Islands District Council, Electoral Affairs Commission and Legislative Council Panel on Home Affairs (the HA Panel) on the proposal and have had their support. We have also consulted Cheung Chau Rural Committee (RC) and Peng Chau RC on the legislative proposal and the details of the electoral arrangements and have secured their support.

5. As for the view that Cheung Chau RC has not consulted residents and local groups on the regulation of the KFR elections by statute, the Islands District Office has followed up the matter with Cheung Chau RC. Cheung Chau RC replied that it had discussed the legislative proposal at its Executive Committee meetings and general meeting held last year. It pointed out that there were currently 27 RCs under the HYK, among which 25 were largely made up of VRs¹ and their elections were being regulated by the existing VREO. Since the Chairmen and Vice-chairmen of Cheung Chau RC and Peng Chau RC, same as other RC Chairmen and Vice-chairmen, were members of the HYK, it was reasonable that the elections of KFRs were to be regulated by statute in the same manner. Moreover, the proposed amendments to the VREO to include the KFR elections would help strengthen the monitoring of the elections. Considering that the proposal would not bring about any change to the existing electoral arrangements, Cheung Chau RC had not proceeded to consult the residents. Details of the reply from Cheung Chau RC are at [Annex](#).

Cheung Chau and the Village Representative Election Ordinance

6. As stated at the meeting of the Bills Committee, the position of the Government is that, according to the legislative intent of the VERO, only indigenous villages (including “Indigenous Villages” and “Composite Indigenous Villages”) already in existence in 1898 in the New Territories where VR system had already been in place in 1999 (the year when the last round of VR election was held before the enactment of the VERO) are included as Indigenous Villages under the VREO. Cheung Chau is not an Indigenous Village under the VREO and does not have a VR election system.

¹ Cheung Chau RC and Peng Chau RC are largely made up of KFRs.

7. In fact, we have made reference to the following records, which indicate that:

- (1) on the List of Established Villages in the New Territories jointly compiled by the Government and the HYK in 1991 after years of deliberation, it is clearly shown that Cheung Chau is a “Market Town” and not a “Village”;
- (2) the Block Lease of land in the New Territories normally contains the names of villages alongside the names of landowners. However, the Block Lease of Cheung Chau does not contain any village names;
- (3) Cheung Chau is not included in the List of Recognized Villages under the New Territories Small House Policy; and
- (4) the existing Constitution of Cheung Chau RC provides that the RC is made up of 39 KFRs, and there is no evidence showing that any VR election exclusively for indigenous inhabitants has been held in Cheung Chau.

8. Apart from the Bills Committee, the HA Panel and the Bills Committee on Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009 have also had thorough discussions on this issue and we have given written responses² which stated the same position of the Government as set out in paragraphs 6 and 7 above.

Kaifong Representative Election System

9. Subsequent to the meetings held on 3 December 2013 and 13 January 2014, we have provided responses³ giving detailed explanation on our position on the KFR election system and the justifications.

² Please refer to LC Paper Nos. CB(2)580/08-09(01), CB(2)1506/08-09(02), CB(2)2156/08-09(01) (paragraphs 13 to 20), CB(2)20/09-10 (paragraphs 32 to 41), CB(2)575/13-14(01) (paragraphs 2 to 7) and CB(2)653/13-14(01) (paragraph 3).

³ Please refer to LC Paper No. CB(2)575/13-14(01) (paragraphs 8 to 13) and LC Paper No. CB(2)811/13-14(02) (paragraphs 4 to 6).

10. In sum, the HYK, Cheung Chau RC and Peng Chau RC all support retaining the election system which has been in use for years. Moreover, given the relatively large number of KFRs in the KFR elections, the elected persons under the election system proposed by the Government may obtain a higher number of votes, thus enhancing their legitimacy and representativeness. Hence, we consider it appropriate to retain the existing election system.

Other Rural Committee Elections

11. The Government has been working with the HYK over the years to review the arrangements of the RC elections. At present, those RC elections which have yet to be regulated by statute shall be held in accordance with the constitutions of the respective RCs. The constitutions must conform to the Model Rules for Rural Committee Elections issued by the HAD, with the latter enhanced in 2012. The Government will maintain close liaison with the HYK and RCs to explore ways to further refine the RC elections in a gradual and orderly manner, having regard to the history and traditions of the rural community.

Home Affairs Department
February 2014

長洲鄉事委員會

附件
Annex

CHEUNG CHAU RURAL COMMITTEE

主席 Chairman	翁志明 Yung Chi Ming
副主席 Vice Chairman	張明輝 Cheung Ming Fai
副主席 Vice Chairman	李永生 Li Wing Sang
總務主任 General Affairs	黃輝民 Wong Fai Man
財務主任 Treasurer	何炳釗 Ho Ping Chiu
地方建設主任 Development	羅鎮良 Lo Chun Leung
教育主任 Education	李桂珍 Lee Kwai Chun
康樂主任 Recreation	廖馬帶 Liu Ma Tai
福利主任 Welfare	范妙琼 Fan Miu King
醫療主任 Medical	李清 Li Ching
衛生主任 Health	溫基 Wan Kee
工商主任 Industry & Commerce	馬炳根 Ma Bing Kan
漁業主任 Agriculture & Fisheries	陳十五 Chan Shup Ng
公安主任 Public Security	葉少康 Yip Sui Hong
公關主任 Public Relations	孔憲禮 Hung Hin Lai
交通運輸主任 Traffic & Transport	黃紫蓮 Wong Chi Lin
審計主任 Audit	盧雲佳 Lo Wan Kai

離島民政事務專員
李炳威太平紳士

貴處於1月8日的來信，現回覆如下。

本會曾就立法規管街坊代表選舉事宜，於去年2月、6月及12月舉行的執行委員會和會員大會討論及通過。事實上，本會每次會議均按組織章程和會議程序召開、討論及通過會務。以該3次會議出席率為例，執委會出席率達百分之九十四，會員大會也超過百分之七十的出席率。會議的有效及合法性無庸置疑。執委會已於1月16日會議上一致通過12月份的會議記錄。執委會認為投訴人要求宣布執委會於12月舉行的會議無效是毫無理據。

查本會由長洲全部合資格的街坊選民以一人一票方式，經長洲街坊代表選舉產生，義務為長洲街坊服務，我們均具有廣泛的公信力及代表性。本會自1961年成立以來，一直秉承本會宗旨、議席及投票方法，為街坊服務，促進政府與居民之聯繫及了解，半個世紀以來從無間斷。反觀，本會會員在出席本年一月在立法會舉行的聽證會時，發現有部份人士的指稱並不屬實：街坊代表選舉於1999年由終身制改為四年一任後，那些自稱是“原居民”人士由該年開始已再沒有報名或派代表參與街坊代表選舉，為本會或長洲街坊服務！再者，長洲的街坊代表選舉是開放予所有合資格的選民參選，不論是街坊或“原居民”，獲選與否，只在乎候選人是否真心為長洲服務，因為已登記的長洲街坊是理性的選民，他們對事不對人。

現時，鄉議局有27個鄉事委員會，其中25個鄉事委員會的村代表選舉均已受現行《村代表選舉條例》規管，長洲及坪洲鄉事會與其他鄉議局成員接受同樣規管是理所當然，而建議修訂的《村代表選舉條例》至包括街坊代表選舉實有助加強對選舉的監察。本會會員是由選民以一人一票選出，本會會員是代表及反映居民意見。此外，鑑於是次法例的建議修訂，並沒有對現行選舉方法有任何改動，本會認為無需進一步徵詢居民意見。

總括而言，長洲歷史及長洲鄉事委員會的選舉事宜等，已由本會會員出席立法會聽證會時，向各立法會議員清楚講出及交待。

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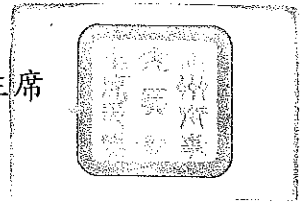
長洲鄉事委員會

CHEUNG CHAU RURAL COMMITTEE

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本會衷心期望《2013年鄉郊代表選舉法例(修訂)條例草案》能盡快通過，讓新一屆的長洲街坊代表選舉順利舉行。

長洲鄉事委員會翁志明主席



2014年1月29日

副本呈：
民政事務總署署長陳甘美華女士