

立法會
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Paper for the House Committee meeting on 14 March 2014

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

Purpose

This paper reports on the deliberations of the Bills Committee on Rural Representative Election Legislation (Amendment) Bill 2013 ("the Bills Committee").

Background

2. The Village Representative Election Ordinance (Cap. 576) ("VREO") was enacted in 2003 to provide for the elections of Resident Representatives ("RRs") for Existing Villages and Indigenous Inhabitant Representatives ("IIRs") for Indigenous Villages or Composite Indigenous Villages¹. RR and IIR are members of their respective Rural Committees ("RCs"). The functions of an IIR are to reflect views on the affairs of an indigenous village on behalf of the indigenous inhabitants of that village, and to deal with all affairs relating to the lawful traditional rights and interests, and the traditional way of life, of those indigenous inhabitants. The function of an RR is to reflect views on the affairs of an Existing Village on behalf of the residents of that village. There is one RR for each Existing Village. An RR is not to deal with any affairs relating to the lawful traditional rights and interests of indigenous inhabitants.

3. According to the Administration, Kaifong Representative ("KFR") seats have existed in the Cheung Chau ("CC") RC and the Peng Chau ("PC") RC since their establishment in 1950/60s. KFRs currently make up all of the 39 seats in CCRC and 17 out of 21 seats in PCRC, with around 8 600 and 3 100 electors respectively. Similar to RRs for Existing Villages, the function of KFRs is to

¹ Composite Indigenous Villages are villages that comprise more than one indigenous village where the indigenous inhabitants jointly elect their IIRs.

reflect the views of CC and PC residents on local affairs. At present, KFR elections are conducted administratively according to the respective RC's constitution once every four years. The elections are supported by the staff of the Islands District Office ("IDO"), with the Islands District Officer ("DO") serving as the Returning Officer ("RO") and being responsible for providing all logistical support and handling election complaints, etc.

4. According to the Legislative Council ("LegCo") Brief, since KFR election is not statute-based, IDO faces a number of operational difficulties. For example, all election complaints and petitions are handled by the Islands DO whose decision is not subject to review by an independent authority. IDO cannot make arrangements for persons in custody to register as electors or for registered electors in custody to cast their votes in the election. IDO also has no statutory power to request other departments (e.g. the Housing Department) to furnish electors' information for the purpose of verifying their eligibility and registration particulars. The Administration has therefore proposed to bring KFR elections under statutory control and the Electoral Affairs Commission ("EAC")'s supervision.

The Bill

5. The Bill, consisting of six parts, seeks to broaden the scope of VREO, the Electoral Affairs Commission Ordinance (Cap. 541), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") and their respective subsidiary legislation so that they would also regulate the elections of KFRs for CC and PC to be held in or after 2015. The proposed regulatory framework for KFR election is modelled on that for the elections of RRs for Existing Villages under VREO which would be renamed as the Rural Representative Election Ordinance. The Bill, if enacted as an Ordinance, would come into operation on the day on which it is published in the Gazette for all purposes relating to the elections of RRs, IIRs and KFRs in 2015. For all other purposes, the enacted Ordinance would come into operation on 1 April 2015.

The Bills Committee

6. At the House Committee meeting on 15 November 2013, Members formed a Bills Committee to study the Bill. The membership list of the Bills Committee is in **Appendix I**.

7. Under the chairmanship of Hon IP Kwok-him, the Bills Committee has held four meetings with the Administration. The Bills Committee also met with

51 deputations and individuals at one of these meetings. A list of the organizations and individuals which/who have submitted views to the Bills Committee is in **Appendix II**.

Deliberations of the Bills Committee

Proposed establishment of the office of KFR for Market Towns

8. Clause 3 of the Bill seeks to broaden the long title of VREO to cover the establishment of the office of KFR for a Market Town (i.e. CC and PC) where KFR elections are to be held. Under clause 6 of the Bill, a new section 6A is proposed to be added to VREO to provide for the establishment of the office of KFR, the number of persons holding that office, the election of a KFR and the function of a KFR.

9. In response to the enquiry of the legal adviser to the Bills Committee, the Administration has advised that the areas of the two proposed Market Towns (i.e. the whole of CC and PC) do not overlap with any Indigenous Village or Composite Indigenous Village under VREO. There is no Indigenous Village or Composite Indigenous Village as defined under VREO for CC and PC. Even if any indigenous inhabitant of an Indigenous Village or a Composite Indigenous Village happens to be residing on CC or PC, the IIR of their respective village, not the KFRs of CC or PC, will be responsible for dealing with the lawful traditional rights and interests of such indigenous inhabitant.

10. The Bills Committee also notes that clause 11 of the Bill seeks to add a new section 25(6A) to VREO which contemplates situations where a person can be an elector for both a Market Town and an Indigenous Village or a Composite Indigenous Village.

New definitions of "Rural Representative" and "Rural Area"

11. Clause 4 of the Bill proposes, among others, adding the definitions of KFR and Market Town, as well as new definitions of "Rural Representative" to cover both a Village Representative ("VR") and a KFR, and "Rural Area" to cover an Existing Village, an Indigenous Village, a Composite Indigenous Village and a Market Town.

12. The Bills Committee notes the Administration's explanation that in view of the similarities between KFRs and RRs for Existing Villages, the proposed regulatory framework is modelled on that for RR elections for Existing Villages under VREO. The terms VRs, IIRs and RRs will be retained in 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.

Request for adding CC to the list of "Indigenous Villages" under VREO

13. Some deputations have claimed that based on certain documents (including, among others, a Gazette Notice published in 1899) on which they sought to rely, CC was a village and had VRs. In their view, CC should be regarded as an "Indigenous Village" under VREO and they should be given the status of "Indigenous Inhabitants" and should be given the right to elect VRs in accordance with VREO.

14. The Bills Committee notes the Administration's response that according to the legislative intent of VREO enacted in 2003, only Indigenous Villages and Composite Indigenous Villages already in existence in 1898 in the New Territories ("NT") where VR system had already been in place in 1999 when the last round of VR elections was held before the enactment of VREO are included as Indigenous Villages under the VREO. However, in the light of the deputations' claim, the Bills Committee has requested the Administration to clarify whether CC and PC were the only two market towns in existence in 1898 with KFR election. The Bills Committee has also asked about the rationale for extending legislative framework concerning VR elections to KFR elections for CC and PC if they were market towns.

15. The Administration has advised that CC and PC were market towns in 1898 and had never had any VR system. The so-called "villages" in CC did not meet the statutory definitions of "Existing Village", "Indigenous Village" or "Composite Indigenous Village" under VREO. According to the Administration, it has made reference to the following records, which indicate that -

- (a) on the List of Established Villages in NT jointly compiled by the Government and the Heung Yee Kuk ("HYK") in 1991, it was clearly shown that both CC and PC are "Market Towns" instead of "Villages";
- (b) the Block Lease of land in NT normally contains the names of villages alongside the names of landowners. However, the Block Lease of CC and PC does not contain any village names;
- (c) CC and PC are not included in the List of Recognized Villages under the NT Small House Policy; and

- (d) the existing Constitution of CCRC provides that the RC is made up of 39 KFRs, and there is no evidence showing that any VR system exclusively for indigenous inhabitants has been held in CC.

16. As regards the Gazette Notice in 1899 relied on by some CC residents as proof that CC was a village and had VRs, the Administration has explained that it was published pursuant to the then Local Communities Ordinance aiming to divide NT into districts and sub-districts to facilitate administration. According to the Administration, that Ordinance and Gazette Notice were not related to the village representation system and the committee members of the sub-district listed therein were not VRs. That Ordinance was repealed in 1910 because it was found to have no practical effect.

17. The Administration has further advised that when proposed amendments to VREO were introduced in 2009, the Panel on Home Affairs² and the Bills Committee on Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009³ ("the 2009 Amendment Bill") had thorough deliberations on why CC had not been included in VREO.

18. According to the report of the Bills Committee on the 2009 Amendment Bill, there were requests from deputations/individuals of CC for including CC in the Schedules to VREO so that the indigenous villagers residing in CC might elect their VRs according to VREO. The Administration has advised the Bills Committee on the 2009 Amendment Bill that CC Market Town was included in the List of Established Villages in NT compiled in 1991 by HYK and the former Planning, Environment and Lands Branch. According to the Lands Department, the List was compiled mainly to define whether the properties or land owned by villagers in the established villages in NT were eligible for rent concession. It did not mean that all villages on the List were indigenous villages. In addition, under the NT Small House Policy, only those indigenous villagers of the villages on the NT Small House Policy List of Recognized Villages compiled by the Lands Department were eligible to apply for Small House Grant. The List did not include CC. Since it had not been proved that there had been indigenous villages on CC and CC had never had any VR or VR system, the Rural Elections Review Working Group⁴ formed by the Home Affairs Department ("HAD") in 2007,

² The Administration has provided a paper entitled "Cheung Chau" to the Panel on Home Affairs for the meeting on 9 January 2009, which contains detailed information relating to a request from a resident of CC for including CC into the Schedules to VREO and conducting VR election in CC (LC Paper No. CB(2)580/08-09(01)).

³ For the Bills Committee's deliberation on the case of CC, please refer to paragraphs 30 to 35 of the Report of the Bills Committee on the 2009 Amendment Bill (LC Paper No. CB(2)2597/08-09). The Administration has provided the Bills Committee with a paper setting out the Administration's grounds for not including CC in the Schedules to VREO (LC Paper No. CB(2)2156/08-09(01)).

⁴ In November 2007, HAD formed the Rural Elections Review Working Group to thoroughly review the arrangements for rural elections. The Working Group comprised representatives of HAD, Chairman and Vice-Chairmen of HYK, and chairmen of RCs.

after deliberation, agreed not to follow up the request in its review and the legislation amendment exercise.

19. The Administration has stressed to the Bills Committee that under the Bill, when the KFR elections are brought under statutory regulation, CC and PC are still "Market Towns" and will not become "Villages", and that the new term "Rural Area" will include both a "Village" (i.e. an Existing Village, an Indigenous Village or a Composite Indigenous Village) and a "Market Town". KFRs returned by statutory elections in future will not become VRs.

20. In the light of the explanation given by the Administration above and the detailed deliberations of the Bills Committee on the 2009 Amendment Bill on why CC had no IIR seat, the Bills Committee notes the different views of the Administration and some CC residents on whether there are indigenous villages on CC and different documents sought to be relied on by them. Hon Albert HO considers that such a dispute would ultimately be a matter for the courts. The Bills Committee notes that it is not in a position to resolve the matter.

21. Some members including Hon CHAN Han-pan, Hon LEUNG Che-cheung and Hon Alice MAK have, however, suggested that the Administration should continue to communicate with the residents of CC, including those who have claimed that they are indigenous inhabitants on CC, on their concerns about their rights and interests. The Administration reassures members that it will continue to maintain liaison and communication with the CC residents and CCRC.

KFR election system

22. Under the present "block vote" system for KFR elections for CC and PC, each elector may 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 CC and 17 for PC). The Bills Committee notes that the proposal to retain the existing electoral system has the support of HYK. The Administration has also consulted CCRC and PCRC on the legislative proposal and details of the electoral arrangements. In their view, the existing election system which has been in use for years should remain unchanged.

23. Some members including Hon TAM Yiu-chung, Hon CHAN Han-pan and Hon LEUNG Che-cheung consider that there is no need to change the existing "block vote" system. However, Hon Albert HO has queried the appropriateness of the existing voting arrangement for the election of KFRs on the basis of one single constituency and considers that improvement should be made to the voting system. Hon HO is concerned that the adoption of the "block vote" system for the KFR elections for CC and PC might lead to possible domination by some groups

of candidates in the past KFR elections, and thus affected the chances of individual candidates to win the elections. He has once suggested that consideration should be given to dividing CC and PC into several constituencies, so as to avoid domination by one single group and to ensure fairness in the election of KFRs. Dr Hon Kenneth CHAN has asked the Administration whether it had reviewed the "block vote" system for the KFR elections and whether it had received any objections against introducing changes to the current voting system for the KFR elections.

24. The Administration has advised that 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. At the request of the Bills Committee, the Administration has consulted CCRC and PCRC again on whether the voting system should be changed (e.g. adoption of "one person, one vote" voting system). As advised by the Administration, the two RCs maintain their view that CC and PC should each be retained as a single constituency and object to the suggestion of dividing CC and PC into a number of constituencies. The justifications provided by CCRC and PCRC are -

- (a) CC and PC have always been a single constituency and the "block vote" system has been in use for voting in the KFR elections;
- (b) CC and PC are small communities where electors are familiar with the vision, conduct and contributions to the community of the candidates. Electors vote for candidates in recognition of their contributions. Independent candidates stand an equal chance to be elected;
- (c) while candidates may join as a group to campaign, electors may vote for individual candidates in the group according to their wishes;
- (d) CC and PC are integrated communities where the interests of the residents are interconnected and indivisible;
- (e) if CC and PC are each divided into a number of constituencies, KFRs elected in future might only represent some of the electors and their interests, affecting the overall development of CC and PC; and
- (f) there is no unfairness under the present electoral arrangements since electors have the rights to nominate, stand for elections and vote in a fair and free manner.

25. The Administration has also pointed out that while electors can vote for a maximum of 39 or 17 candidates in the election, they have the right to vote for a smaller number of candidates or even one candidate. Under the current voting system, electors have the right to choose more than one candidates of their choice and therefore the voting system reflects more fully the wish of electors in multiple voting, and the legitimacy and representativeness of the elected persons will be enhanced as they may obtain a higher number of votes. As the area and population of CC and PC are not large, if CC and PC are divided into as many as 39 and 17 individual constituencies by population and "one person, one vote" voting system is adopted, a candidate will only need a rather small number of votes to win a seat. This may affect the representativeness of the elected person. Also, given that each elector can vote for a maximum of 39 or 17 candidates at present, if CC and PC are divided into a number of constituencies, the number of candidates that each elector can vote for will be smaller.

26. Notwithstanding the Administration's response above, Hon Albert HO remains of the view that the existing "block vote" system should be changed to avoid domination by one single group of candidates. He has indicated his intention to propose a Committee Stage amendment ("CSA") to restrict the number of candidates that each elector may vote for at an election on CC or PC to a number not exceeding a certain percentage of the number of KFR seats to be returned for the Market Town election concerned.

Measures to verify the eligibility of electors and candidates in the KFR elections

27. The residence requirements for being registered as an elector and nominated as a candidate at an election for a Market Town under clauses 8 and 9 of the Bill are three years and six years respectively. Dr Hon Kenneth CHAN and Hon MA Fung-kwok have enquired about how the eligibility of the electors/candidates will be verified after the KFR elections are brought under statutory control.

28. The Administration's advice is that as in other public elections regulated by statute, when filling in the application form for voter registration, an applicant is required to sign a declaration to confirm that he/she has met the three years' residence requirement and is eligible to be registered as an elector. Upon receipt of the application form, if the Electoral Registration Officer is in doubt about the information provided by an applicant, he will make inquiries to the person concerned and require that person to provide proof of address in order to verify his/her length of residence in CC or PC.

29. The Administration has further advised that when filling in the nomination form for a KFR election, a person is required to sign a declaration that he/she is

eligible under the new section 22(2A) of VREO (as amended by clause 9 of the Bill) to be nominated as a candidate at the election (including a statement to the effect that he has met the six years' residence requirement). Under section 90(1) of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) ("the Electoral Procedure Regulation"), a person who knowingly or recklessly makes a statement, which is false or incorrect in a material particular in any election-related document (including the nomination form), commits an offence and is liable on conviction to a fine at level 2 (i.e. \$5,000) and to imprisonment for six months. Upon receipt of the nomination form, RO will check against the candidate's application form for voter registration to ascertain his years of residence in CC or PC. HAD will check against the final register of electors to ensure the nominated person is a registered elector. HAD will also check with the Police and the Official Receiver's Office whether the nominated person has been disqualified from being nominated. Upon receipt of complaints against a candidate's eligibility in the run-up to the election, RO will make detailed investigation and report to EAC.

Voting procedure for electors in custody

30. Under clause 48 of the Bill, the existing section 47(1A) of the Electoral Procedure Regulation, which provides for the voting procedure for electors in custody, will be repealed. The legal adviser to the Bills Committee has asked the Administration to explain how electors in custody would cast their votes as a result of the repeal.

31. The Administration has explained that under the existing section 47(1) of the Electoral Procedure Regulation, an elector must fold the ballot paper before putting it into a ballot box. The existing section 47(1A) further stipulates that an elector in custody who casts the vote at a dedicated polling station in which the poll for two or more Villages is conducted must put the ballot paper into an envelope before putting it into the ballot box. Upon enactment of the Bill, an elector in custody who casts the vote at a dedicated polling station in which the poll for two or more Villages/Market Towns is conducted still has to put the ballot paper into an envelope. Whether the ballot paper has to be folded depends on whether computer counting will be adopted since ballot papers to be counted with the use of a computer should not be folded due to technical reasons. The proposed section 47(4) of the Electoral Procedure Regulation (as amended by clause 48 of the Bill) will empower the Director of Home Affairs to direct whether the ballot paper should be folded or put into an envelope before being put into the ballot box for the relevant election according to circumstances. Such voting instructions for each election will be provided to each elector both before and on the polling day.

32. The Administration has also advised that since the amended section 47 of the Electoral Procedure Regulation is already flexible enough to provide for the above arrangements under its new sections 47(4)(b) and (c), the existing section 47(1A) is therefore proposed to be repealed. While noting that section 57(2A) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) specifically provides for the voting procedure for electors in custody at a District Council election, the Bills Committee does not object to the proposed repeal of section 47(1A) of the Electoral Procedure Regulation.

Computer counting of votes

33. The Bills Committee notes that the new section 61(1)(c) of the Electoral Procedure Regulation (to be added by clause 52(4) of the Bill) seeks to introduce the counting of votes with the use of a computer. The Administration has explained to the Bills Committee the vote counting arrangement when computer counting is adopted.

34. According to the Administration, when computer counting is adopted, after opening the ballot boxes, the ballot papers will first be sorted manually by electoral staff in accordance with the following three categories:

- (a) ballot papers not to be counted, including ballot papers which are unmarked, not marked with the chop provided at the polling station or have the words "TENDERED", "UNUSED" or "SPOILT" endorsed on them. Such ballot papers are regarded as invalid under the law, and will not be counted pursuant to section 62 of the Electoral Procedure Regulation;
- (b) questionable ballot papers, including ballot papers on which there is any writing or mark such that the elector can possibly be identified, those not marked by affixing the chop to give a single "✓" in (each of) the circle opposite the name(s) of the candidate(s) of the elector's choice, and ballot papers which appear to be substantially mutilated or void for uncertainty. Such ballot papers will be forwarded to RO for determination of validity; and
- (c) ballot papers for computer counting, including all ballot papers not sorted into (a) or (b) above. In the course of counting, ballot papers containing votes for a number of candidates exceeding the number of seats to be returned for the election concerned will be screened out by the computer and double-checked by electoral staff. Such ballot

papers will not be counted in accordance with section 61(2)(b) of the Electoral Procedure Regulation.

35. The Bills Committee notes that under section 2(1) of the Electoral Procedure Regulation, "counting of the votes" includes separation, sorting and counting of ballot papers. The Administration has explained that since the proposed section 61(1) of the Electoral Procedure Regulation (to be amended by clause 52(1) of the Bill) contemplates the counting of ballot papers by "any one or more" of the specified methods, the proposed section would permit manual sorting of the ballot papers followed by counting of the votes with the use of a computer as described in paragraph 34 above.

Maximum amount of election expenses to be incurred by each candidate

36. Clause 62 of the Bill proposes to amend section 2 of the Maximum Amount of Election Expenses (Village Representative Election) Regulation (Cap. 554 sub. leg. B) ("the Election Expenses Regulation") to stipulate that the maximum amount of election expenses that can be incurred by or on behalf of each candidate at an election for a Rural Area is \$38,000 where there are more than 5 000 electors.

37. In response to the enquiry of the Bills Committee, the Administration has advised that the existing requirement in the VR election (i.e. the maximum amount of election expenses is \$18,000 where there are 1 000 or fewer electors; and \$28,000 where there are over 1 000 electors) will also be applicable to the KFR election after the enactment of the legislation. As the number of electors was as many as 8 600 in the KFR election on CC in 2010, which were more than four times that of the village with the most electors at present⁵, the Administration considers it necessary to introduce a new tier of maximum amount of election expenses. As the KFR elections were conducted administratively in the past and there was no specified limit on election expenses, it has no record of the actual election expenses incurred by candidates previously. However, as the proposed new tier of maximum amount of election expenses will be applicable to both VR elections and KFR elections with more than 5 000 electors, reference has been made to the actual election expenses incurred by candidates in the VR elections in 2011 when drawing up the proposed amount⁶.

⁵ According to the final register of electors of 2013, the village with the largest number of electors is Sheung Shui Heung (indigenous village) with a total of 2 040 electors.

⁶ In the 2011 VR elections, the highest actual election expense incurred by candidates of Sheung Shui Heung (indigenous village) was \$7,000 (i.e. the election expenses spent on each elector by a candidate were \$3.43). In the KFR election in 2010, there were about 8 600 electors on CC. Under the proposed limit of election expenses (\$38,000), the maximum amount of election expenses that a candidate can spend on each elector is \$4.42, which is around the current level actually incurred in VR elections.

38. While members have no strong view on the Administration's proposal, Hon Albert HO and Dr Hon Kenneth CHAN have raised concern about the possible unfairness arising from the pooling of resources and the conduct of joint electioneering activities by candidates who have group affiliations.

39. The Administration has stressed that the maximum amount of election expenses for public elections is governed by ECICO and its subsidiary legislation which prescribes the maximum amount of election expenses that can be incurred by or on behalf of a candidate or a group of candidates (where the list system of voting is used at an election) in various public elections, including LegCo elections and District Council elections. Both the prevailing legislation and the Guidelines on Election-related Activities in respect of public elections issued by EAC do not prohibit different candidates or groups of candidates from conducting joint electioneering activities (such as publishing joint election advertisements). The expenses incurred, however, shall be shared by the candidates on a pro rata basis according to their respective expenses and declared in the return of election expenses.

40. Having considered the Bills Committee's view that the clarity of the proposed section 2 of the Election Expenses Regulation (to be amended under clause 62 of the Bill) to reflect the legislative intent should be further improved, the Administration has proposed to move a CSA to clause 62 of the Bill to expressly specify that the \$28,000 limit applies only where there are more than 1 000 electors but not more than 5 000 electors for the Rural Area.

Drafting issues

41. Citing item 12(c) of Part 3 of Schedule 2 to the Bill (Chinese text) as an example, the legal adviser to the Bills Committee has pointed out 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. Noting that according to the previous drafting practice, the paragraph or subparagraph within a section or subsection where a consequential or related amendment is to be made should be identified in a more specific way, the Bills Committee considers that the previous drafting practice can achieve better clarity.

42. The Administration has explained that in deciding whether to make very specific reference to the provisions, the Law Drafting Division ("LDD") of the Department of Justice will consider whether amendments should be made to an expression wherever it appears. If that is the case, more general references will be made to cut down the number of items of amendments. LDD is of the view that

the reference in the Bill is already very clear and precise. The provisions concerned will become spent upon commencement of the Ordinance if enacted.

43. The Bills Committee further notes that while the Bill adopts a modern drafting style in adding new provisions to existing legislation (for example, by using "is to be" and "the person", rather than "shall be" and "he"), it does not consequentially amend proximate provisions where old language continues to be used. In this regard, the Administration refers to paragraph 9.2.18 of *A Guide to Styles & Practices* published by LDD⁷ and agrees to move a number of textual CSAs to enhance the consistency in wording in the relevant provisions.

Committee Stage amendments

44. As mentioned in paragraphs 40 and 43 above, the Administration will move a number of CSAs to the Bill to further enhance the consistency in wording or clarity in presentation of the relevant provisions without affecting their substance. A full set of the draft CSAs to be moved by the Administration is in **Appendix III**.

45. Hon Albert HO has indicated his intention to propose CSAs to restrict the number of candidates that each elector may vote for at a Market Town election on CC or PC to a number not exceeding a certain percentage of the number of KFR seats to be returned for the election concerned (paragraph 26 above refers).

Resumption of Second Reading debate

46. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 26 March 2014, subject to the moving of the CSAs by the Administration.

Advice sought

47. Members are invited to note the deliberations of the Bills Committee.

⁷ Paragraph 9.2.18 of *A Guide to Styles & Practices* provides that "must" can generally be used in new subsections even though "shall" is used in the other subsections of the provision being amended, but that drafters should avoid using "must" and "shall" in the same subsection and should change the existing references to "shall" to "must".

Council Business Division 2
Legislative Council Secretariat
12 March 2014

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

Membership list

Chairman Hon IP Kwok-him, GBS, JP

Members Hon Albert HO Chun-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
Hon YIU-Si-wing
Hon MA Fung-kwok, SBS, JP
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP

(Total : 13 Members)

Clerk Ms Alice LEUNG

Legal Adviser Mr Bonny LOO

Date 3 December 2013

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

List of organizations/individuals which/who have submitted views to the Bills Committee

1. Peng Chau Rural Committee
2. Wong Wai Tsak Tong
3. Mr WONG Wai-ki
4. Mr Josh WONG Kwok-kong
5. Mr WONG Kin-hoi
6. Mr WONG Siu-cham
7. Mr WONG Chiu-tak
8. Mr WONG Kam-hong
9. Mr WONG Po-chung
10. Mr WONG Wan-leung
11. Mr WONG Hung-hee
12. Mr WONG Chiu-kuen
13. Cheung Chau Kai-Fong Society
14. Ms TSANG Sau-ho
15. Mr LEUNG Wai-neng
16. Mr CHOW Yuk-tong, BBS, MH, Chairman of Islands District Council
17. Mr ON Hing-yang, Member of Islands District Council
18. Heung Yee Kuk New Territories
19. Peng Chau Hoi Fung Clan's Association
20. Peng Chau Chung Shan Association Ltd
21. Mr ON Ka-yim
22. Mr KWOK Heung
23. Mr LAW Sai-ko
24. Mr LO Shui-shun

25. Mr ON Sing-yick
26. Ms FAN Miu-king
27. Cheung Chau Rural Committee
28. Mr CHEUNG Ming-fai
29. Mr WONG Fai-man
30. Mr LI Wing-sang
31. Mr Rico LO Wan-kai
32. Ms Mealoha KWOK Wai-man
33. Cheung Chau Island Women's Association Ltd
34. Mr CHAN Tak-ming
35. Hong Kong Fishermen's Association (Cheung Chau Office)
36. Mr Patrick CHO
37. Ms CHAU Chuen-heung, BBS, MH, JP, Vice-Chairman of Islands District Council
38. Mr YIP Siu-hong
39. 中國香港致公協會
40. 長洲居民事務委員會
41. 離島旅遊協進會
42. 中國香港珠三角漁農畜牧聯合會
43. 中國香港高等教育中醫藥協進會
44. Ms CHUNG Chui-ling
45. Hong Kong Cheung Chau Bun Festival Committee
46. Mr LUK Sheung-lai
47. Cheung Chau Wai Chiu County Association Ltd
48. Mr LAI Tze-man, Member of Islands District Council
49. Mr LEUNG Ko-kee
50. Mr LEE Man-on
51. Mr LEE Chi-ngan
- *52. Mr MOK Fong-ming
- *53. Mr CHEUNG Fu, Member of Islands District Council

- *54. Lamma Island (North) Rural Committee
- *55. A Peng Chau resident - Peng Chau News
- *56. Ms CHENG Hang-fan
- *57. Tai O Rural Committee
- *58. Mr LAW Wai-lok
- *59. Ms CHUNG Pui-kai
- *60. Ms CHUNG Pui-shan
- *61. Mr LEUNG Yiu-ming
- *62. Ms CHAN Mei-kuen
- *63. Mr WONG For-chun
- *64. Miss CHAN Yin-lam
- *65. Mr CHENG Yau-ming
- *66. Mr CHAN Chong-hang
- *67. Mr KWOK Siu-cheong
- *68. Mr CHEUNG Yuet-hong
- *69. Ms CHEUNG Yuet-mei
- *70. Ms KWOK Siu-fun
- *71. Mr TSANG Kei-chau
- *72. Mr LAW Shu-kan
- *73. Miss LAW Pui-kwan
- *74. Ms LAW For-ho
- *75. Mr LEUNG Chi-wah
- *76. Mr LEE Ki-wai
- *77. Mr WONG Siu-keung, Chairman of Mui Wo Rural Committee
- *78. Ms KWONG Wai-kuen
- *79. Joint submission from 長洲興隆街坊會有限公司、Cheung Chau Recycling Union、長洲惠海陸同鄉有限公司、樂滔滔曲藝社及一群長洲居民
- *80. 115 residents of Cheung Chau

* Organizations/individuals which/who have submitted written views only.

Rural Representative Election Legislation (Amendment) Bill 2013

Committee Stage

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
22	By adding before subclause (1)— “(1A) Section 11(1)(a), Chinese text— Repeal “必須” Substitute “須”.”.
22	By adding after subclause (1)— “(1AA) Section 11(1)(b), Chinese text— Repeal “必須” Substitute “須”.”.
27	By adding before subclause (1)— “(1A) Section 18(4)(a)(ii), Chinese text— Repeal “縱使” Substitute “即使”.”.
47	By adding before subclause (1)— “(1A) Section 45(4)(a)— Repeal “he” Substitute “the person”.

- (1B) Section 45(4)(b)—
Repeal
“he”
Substitute
“the person”.”.
- 47 By adding after subclause (1)—
“(1AA) Section 45(4)(c)—
Repeal
“he”
Substitute
“the person”.”.
- 52 By adding before subclause (1)—
“(1A) Section 61(1), English text—
Repeal
“shall then, in the counting zone, be”
Substitute
“are then, in the counting zone, to be”.”.
- 52 By adding after subclause (1)—
“(1AA) Section 61(1)(a), English text—
Repeal
“shall be” (wherever appearing)
Substitute
“are to be”.”.
- 52 By adding after subclause (2)—
“(2A) Section 61(1)(b), English text—
Repeal
“shall be” (wherever appearing)
Substitute
“are to be”.”.
- 55 By adding before subclause (1)—
“(1A) Section 67(3)(a), English text—
Repeal
“shall be”

Substitute

“is to be”.

(1B) Section 67(3)(b), English text—

Repeal

“shall be”

Substitute

“is to be”.”.

55

By adding after subclause (1)—

“(1AA) Section 67(3)(c), English text—

Repeal

“shall be”

Substitute

“is to be”.”.

62

By deleting subclause (3) and substituting—

“(3) Section 2(b)—

Repeal

“over 1,000 electors for the Village, \$28,000.”

Substitute

“more than 1,000 electors but not more than 5,000 electors for the Rural Area, \$28,000; or”.”.