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9 October 2002

Clerk to Panel
LegCo Panel on Home Affairs
(Attn.: Miss Lolita Shek)
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear Miss Shek,

Village Representative Election Bill

Thank you for your letter of 4 October 2002 concerning the proposed arrangements for the conduct of Village Representative elections.

The Village Representative Election Bill was published in the Gazette on 4 October 2002 and has just been introduced into the Legislative Council (9 October 2002). The Government is confident that the Bill is consistent with the human rights provisions of the Basic Law.

The Bill proposes two types of Village Representatives, one for indigenous inhabitants of an Indigenous Village or a Composite Indigenous Village and another for all residents of an Existing Village. This dual representation model meets the requirements of the right to take part in the conduct of public affairs without unreasonable restrictions. At the village level, the two types of Village Representatives would be representing different interests. They do not "compete" directly with one another as they do not form a village council or committee.

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The Bill contains a saving provision (clause 62(3)) to safeguard rights of participation in public life beyond the village level. In addition, the Administration will conduct a review on rural elections after the Village Representative elections next year. The Bill and the electoral arrangements for Village Representative elections in 2003 are consistent with the Hong Kong Bill of Rights and the Sex Discrimination Ordinance and meet the requirements under Article 25 of the International Covenant on Civil and Political Rights, which guarantees, inter alia, the right to take part in the conduct of public affairs without unreasonable restrictions.

Yours sincerely,

(Stephen Fisher)
for Secretary for Home Affairs

c.c. Director of Home Affairs