

選舉管理委員會〔選舉程序〕〔區議會〕規例  
ELECTORAL AFFAIRS COMMISSION (ELECTORAL PROCEDURE)  
(DISTRICT COUNCILS) REGULATION

東區區議會補選提名表格  
堡壘選區  
〔規例第 12 條〕

只供有關部門填寫  
For Official Use Only

提名編號： \_\_\_\_\_  
Nomination No.

遞交日期： \_\_\_\_\_  
Submission Date

遞交時間： \_\_\_\_\_  
Submission Time

**NOMINATION FORM FOR EASTERN DISTRICT COUNCIL BY-ELECTION  
FORT STREET CONSTITUENCY**  
(Section 12 of the Regulation)

補選日期： 2005 年 3 月 6 日  
Date of By-election : 6 March 2005

[附註：請用正楷填寫此表格，填寫前請小心參閱夾附的《填寫區議會補選提名表格說明》。]  
[Note: Please read carefully the accompanying "Notes on Completion of Nomination Form for the District Council By-election" before completing this form in BLOCK LETTERS.]

**第一部份： 提名**  
**Part I: NOMINATION**

**第一節： 候選人資料** (由候選人填寫)〔請參閱說明第 2、6、7 及 19 項〕  
**Section 1: Particulars of Candidate** (to be completed by candidate)〔See Notes 2, 6, 7 and 19〕

中文姓名〔正楷〕： \_\_\_\_\_  
[見說明第 6 項]  
Name in Chinese  
[See Note 6]

電碼： \_\_\_\_\_  
In Chinese Commercial Code

英文姓名〔正楷〕： \_\_\_\_\_  
[見說明第 6 項] [姓 Surname] [名 Other name]  
Name in English (in BLOCK LETTERS)  
[See Note 6]

中文別名〔正楷〕〔如適用〕： \_\_\_\_\_  
[見說明第 6 項]  
Alias in Chinese (if applicable)  
[See Note 6]

英文別名〔正楷〕〔如適用〕： \_\_\_\_\_  
[見說明第 6 項]  
Alias in English (in BLOCK LETTERS) (if applicable)  
[See Note 6]

香港身份證號碼： \_\_\_\_\_  
Hong Kong ID Number

出生日期： \_\_\_\_\_ 性別： \_\_\_\_\_  
Date of Birth Sex

主要住址〔中文〕： \_\_\_\_\_  
[見說明第 6 項]  
Principal Residential  
Address in Chinese \_\_\_\_\_  
[see Note 6]

主要住址〔英文〕： \_\_\_\_\_  
[見說明第 6 項]  
Principal Residential  
Address in English \_\_\_\_\_  
[see Note 6]

通訊地址（中文）： \_\_\_\_\_  
Correspondence  
Address in Chinese \_\_\_\_\_  
(如與主要住址不同) (if different from the principal residential address)

通訊地址（英文）： \_\_\_\_\_  
Correspondence  
Address in English \_\_\_\_\_  
(如與主要住址不同) (if different from the principal residential address)

職業： \_\_\_\_\_  
Occupation [中文 in Chinese ] [英文 in English]

任職公司/機構名稱： \_\_\_\_\_  
Name of Company/Organisation

電話號碼： 住宅 \_\_\_\_\_ 辦公室 \_\_\_\_\_  
Telephone Number Home Office  
流動電話 \_\_\_\_\_ 傳呼機 \_\_\_\_\_  
Mobile Pager

傳真號碼： \_\_\_\_\_  
Fax Number

政治聯繫（如適用）[見說明第 7 項]： [中文 Chinese] \_\_\_\_\_  
Political Affiliation  
(if applicable) [see Note 7] [英文 English] \_\_\_\_\_

**提供予傳媒的聯絡資料（選擇性）[見說明第 2 及 19(b)項]**

**Contact Information for the Media (Optional) [see Notes 2 and 19(b)]**

通訊地址： \_\_\_\_\_  
Correspondence Address \_\_\_\_\_

電話號碼 Telephone Number : \_\_\_\_\_

傳真號碼 Fax Number : \_\_\_\_\_

電郵地址 E-mail Address : \_\_\_\_\_

**第二節：** **提名人資料** (此表格必須由最少 10 位，但不超過 20 位堡壘選區的選民親自簽署表示同意提名。)  
 [候選人及提名人請參閱說明第 3、4、5 及 19 項]

**Section 2: Particulars of Subscribers** (This form must be subscribed by at least 10, but not more than 20, registered electors of the Fort Street Constituency, each of whom must **sign personally** in the space provided.)  
 [Candidate and subscribers should see Notes 3, 4, 5 and 19.]

我們是東區區議會堡壘選區的登記選民，現提名 \_\_\_\_\_ 為於 2005 年 3 月 6 日舉行的補選的候選人。我們個別的個人資料如下：—

We are registered electors for the Fort Street Constituency of Eastern District Council and we hereby nominate \_\_\_\_\_ as a candidate at the by-election to be held on 6 March 2005. Our individual particulars are as follows: —

優先 編號 Priority No.	提名人資料 Particulars of Subscribers (可由略多於 10 位提名人簽署，但不得超過 20 位)[請參閱說明第 3、4 及 5 項] (Slightly more than 10 subscribers, but not more than 20, may be included in the form) [See Notes 3, 4 and 5]			提名人簽署 (必須由每位提名人親自簽署) Subscriber's Signature (Must be <b>personally signed</b> by each subscriber)
	姓名 Name in		香港身份證號碼 HKID Number	
	中文 Chinese	英文〔姓〕〔名〕 English (Surname first)		
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

**第二節(延續):**  
**Section 2 (Cont'd)**

我們是東區區議會堡壘選區的登記選民，現提名 \_\_\_\_\_ 為於 2005 年 3 月 6 日舉行的補選的候選人。我們個別的個人資料如下：—

We are registered electors for the Fort Street Constituency of Eastern District Council and we hereby nominate \_\_\_\_\_ as a candidate at the by-election to be held on 6 March 2005. Our individual particulars are as follows: —

優先 編號 Priority No.	提名人資料 Particulars of Subscribers (可由略多於 10 位提名人簽署，但不得超過 20 位)[請參閱說明第 3、4 及 5 項] (Slightly more than 10 subscribers, but not more than 20, may be included in the form) [See Notes 3, 4 and 5]			提名人簽署 (必須由每位提名人親自簽署) Subscriber's Signature (Must be <u>personally signed</u> by each subscriber)
	姓名 Name in		香港身份證號碼 HKID Number	
	中文 Chinese	英文〔姓〕〔名〕 English (Surname first)		
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

**第二部份： 候選人同意提名、資格聲明及授權透露有關候選人紀錄/資料**（由候選人填寫）  
〔在填寫前，請參閱說明第 13、14、15、16、18 及 19 項〕

**Part II: CANDIDATE'S CONSENT TO NOMINATION, DECLARATION OF QUALIFICATION AND AUTHORIZATION FOR RELEASE OF RECORD/INFORMATION** (to be completed by the candidate) [Please refer to Notes 13, 14, 15, 16, 18 and 19 before completion.]

1. 本人謹同意如上文第一部份第一節所述，獲提名為上述補選的候選人。  
I, being the nominee mentioned in Section 1 of Part I above, hereby consent to my being nominated as a candidate at the above by-election.
2. 本人證實上文第一部份第一節所列有關本人之資料乃屬真實正確。  
I hereby confirm that my particulars as contained in Section 1 of Part I above are true and correct.
3. 本人特此聲明，按《區議會條例》第 20 條之規定，本人有資格被提名為候選人及參加補選。為此，本人將詳情逐一開列如下：—  
I hereby declare that I am qualified under section 20 of the District Councils Ordinance for nomination as a candidate at the above by-election. In this regard, I provide the following information :-
  - (a) 本人已年滿 21 歲。  
I have reached 21 years of age.
  - (b) 本人已登記為地方選區的選民。  
I am a registered elector for the geographical constituency.
  - (c) 本人並未有喪失在選舉中投票的資格。〔請參閱說明第 18 項〕  
I am not disqualified from voting at an election. [Please refer to Note 18]
  - (d) 本人在緊接提名前的 3 年內通常在香港居住。  
I have ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.
  - (e) 本人並非鄉事委員會主席。  
I do not hold office as the Chairman of a Rural Committee.
4. 本人特此聲明，據本人所知，本人並無因《區議會條例》第 21 條所載或任何其他法律規定的情形喪失獲提名為候選人或當選為民選議員之資格。〔請參閱說明第 18 項〕  
I declare that to the best of my knowledge and belief I am not disqualified from being nominated or elected by reason of any disqualification contained in section 21 of the District Councils Ordinance or any other law. [ Please refer to Note 18 ]
5. 本人特此聲明，本人會擁護《基本法》和保證效忠香港特別行政區。  
I declare that I will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.
6. 本人亦進一步聲明，本人並非現任區議員及\*本人並無於 2005 年的區議會補選中，同時在其他選區獲提名為候選人/本人按《區議會條例》及《選舉管理委員會（選舉程序）（區議會）規例》的規定，已退出在 2005 年的區議會補選中其他選區的參選提名。  
I further declare that I am not an incumbent Member of any District Council and \*am not currently nominated as a candidate for another constituency in the 2005 District Council by-election/have, in accordance with the District Councils Ordinance and the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation, withdrawn my nomination in respect of another constituency in the 2005 District Council by-election.

7. 就本人在上文第 2 段至第 6 段所證實及聲明的事項，本人授權所有有關機構及人士向選舉管理委員會、選舉事務處及選舉主任透露任何有關本人的紀錄或資料，以作查核用途。

In support of my confirmation and declarations contained in paragraphs 2 to 6 above, I hereby authorize the release by all the relevant authorities and persons of any record or information concerning myself to the Electoral Affairs Commission, the Registration and Electoral Office and the Returning Officer for verification purposes.

日期： \_\_\_\_\_ 簽署： \_\_\_\_\_  
Date Signature

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**第三部份： 證明**（由見證人填寫）〔請參閱說明第 16 及 19 項〕

**Part III: ATTESTATION** (to be completed by a witness) [ see Notes 16 and 19 ]

1. 本人聲明第二部份是於本人在場下由候選人親自填寫及簽署。  
I hereby declare that Part II was completed and signed by the candidate in my presence.

2. 本人個人資料如下：—  
My particulars are as follows :-

中文姓名〔正楷〕： \_\_\_\_\_  
Name in Chinese

英文姓名〔正楷〕： \_\_\_\_\_  
Name in English [ 姓 Surname ] [ 名 Other name ]  
(in BLOCK LETTERS)

香港身份證號碼： \_\_\_\_\_  
HKID Number

住址： \_\_\_\_\_  
Residential Address \_\_\_\_\_  
\_\_\_\_\_

日期： \_\_\_\_\_ 簽署： \_\_\_\_\_  
Date Signature

候選人姓名： \_\_\_\_\_  
Name of Candidate

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第四部份： 候選人提名是否有效的決定〔由選舉主任填寫〕

**Part IV: DETERMINATION OF THE VALIDITY OF THE CANDIDATE**  
(to be completed by the Returning Officer)

1. 選舉按金  
Election deposit

- 已收到一張抬頭註明「香港特別行政區政府」的\*劃線支票/銀行本票  
〔編號： \_\_\_\_\_ 〕，共港幣 3,000 元作為選舉按金。  
\*A cheque/cashier order (No. \_\_\_\_\_ ) in the sum of  
HK\$3,000 (being the election deposit) payable to the Government of the  
Hong Kong Special Administrative Region, has been received.
- 已收到現金，共港幣 3,000 元作為選舉按金。  
A sum of HK\$3,000 in cash (being the election deposit) has been received.

2. 經過仔細查閱有關的資料後，本人決定：  
Having checked all relevant details, I hereby determine that:

- 此候選人的提名為有效。  
the candidate is validly nominated.
- 此候選人的提名為無效。原因如下：  
the candidate is not validly nominated and the reason(s) \*is/are as follows:

選舉主任簽署： \_\_\_\_\_  
Signature of the Returning Officer

日期： \_\_\_\_\_  
Date

選舉主任姓名： \_\_\_\_\_  
Name of the Returning Officer

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第五部份： 更改對提名的決定〔由選舉主任填寫〕

**Part V: DECISION TO VARY THE VALIDITY OF THE CANDIDATE**  
(to be completed by the Returning Officer)

由於本人得悉此候選人已\*去世/喪失獲提名為候選人的資格，本人現更改較早前的決定，並決定此候選人的提名為無效。

Since it has come to my knowledge that the candidate \* has died/is disqualified, I hereby vary my earlier decision and decide that the candidate is not validly nominated.

選舉主任簽署： \_\_\_\_\_  
Signature of the Returning Officer

日期： \_\_\_\_\_  
Date

選舉主任姓名： \_\_\_\_\_  
Name of the Returning Officer

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備註： \* 刪去不適用者。  
Notes : Delete whichever is inapplicable.  
 請在合適的方格內加上「✓」號。  
Tick whichever is applicable.

選舉管理委員會  
二零零四年十二月  
Electoral Affairs Commission  
December 2004

## 填寫區議會補選提名表格說明

### Notes on Completion of Nomination Form for the District Council By-election

1. 每份提名表格只能提名一位候選人。  
A separate nomination form must be used for each candidate.
2. 是否提供聯絡資料予傳媒使用屬自願性質。該等資料會提供予傳媒以便他們直接聯絡有關候選人。  
The supply of contact information for the media is optional. The information will be provided to the media to facilitate them to contact the candidates concerned directly.
3. 每份提名表格須由10位提名人親自簽署表示同意提名。所有提名人必須是已登記為堡壘選區的選民。提名表格可由略多於10位提名人簽署，以避免因有提名人不符合資格而令提名失效。但每份提名表格不得超過20位提名人簽署。  
A nomination form must be **personally subscribed by 10 subscribers**, each of whom must sign in the space provided. All the **subscribers must be registered electors for the Fort Street constituency**. A candidate may include slightly more than 10 subscribers in his nomination form to avoid the risk of invalidation of the nomination due to the disqualification of subscribers. However, the nomination form shall not contain more than 20 subscribers.
4. 每一位登記選民只可簽署一份提名表格。  
A registered elector is entitled to subscribe only **ONE** nomination form.
5. 任何人在某份提名書上以提名人身分簽署，如其簽署超出有效地提名有關候選人的提名人人數所需（由優先編號 1 起計），則該人將被視為不會在該提名書上以提名人身分簽署。該名人士可簽署另一份提名表格。  
Any person whose signature as a subscriber is in surplus of the number of qualified subscribers required to effect the nomination of the candidate concerned (counting from Priority No. 1 downwards) will be regarded as not having subscribed the nomination concerned. In this case, that person may subscribe another nomination instead.
6. 請提供候選人的中英文姓名及主要住址，以便在政府憲報上刊登。候選人必須填寫在其身分證明文件〔指候選人記錄在正式選民登記冊內的資料所依的身分證明文件〕上所顯示的姓名。如果選舉主任信納該候選人通常為人所知的名字與其身分證明文件上所顯示的姓名有所不同，他可在別名一欄中加上該名字。根據《選舉管理委員會(選舉程序)(區議會)規例》第19(3)及(4)條，選舉主任必須將一份關於某人是否獲有效提名的決定的通知，送交該人及有關選區的每名獲有效提名的候選人。這份通知必須按各有關提名表格上所提供的主要住址送交。  
For publication in the Government Gazette, please provide **the name and principal residential address of the candidate in both Chinese and English**. The candidate must provide the name as shown on his identity document (being the identity document based on which the particulars of the candidate are recorded in the Final Register). If the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on his identity document, he may include that different name as his alias. According to section 19(3) and (4) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation, the Returning Officer must send a notice of a decision that a person is validly nominated or is not validly nominated to the person concerned and each validly nominated candidate for the constituency concerned. Such a notice must be sent to the principal residential addresses of the person/candidate(s) concerned as given on their nomination forms.

7. 如候選人選擇公開其政治聯繫的資料，他可在提名表格內申明。  
If a candidate so wishes, he can state his political affiliation on the nomination form.
8. 提名表格必須在提名期：2005年1月13日至2005年1月26日內任何日子，除公眾假期外，於辦公時間內〔星期一至星期五：上午九時正至下午五時正；星期六：上午九時正至正午十二時正〕由候選人親自送交選舉主任〔已向總選舉事務主任申請並獲批准以其他方式遞交者除外〕。除提名表格外，候選人須一併遞交選舉按金港幣3,000元，以現金或劃線支票/銀行本票〔抬頭請寫「香港特別行政區政府」〕支付。**為避免因支票未能及時兌現而令提名失效，候選人如在2005年1月22日或之後遞交提名表格，應盡量以現金或銀行本票支付選舉按金。**  
A nomination form should be handed in by the candidate in person (except where the Chief Electoral Officer, on application, allows another means of delivery) and received by the Returning Officer within the nomination period from 13 January 2005 to 26 January 2005 during office hours (Monday to Friday: from 9 am to 5 pm; Saturday: from 9 am to 12 noon) on any day other than a general holiday. The nomination form should be accompanied by an election deposit in the sum of HK\$3,000 in cash, or by crossed cheque/cashier order made payable to the Government of the Hong Kong Special Administrative Region. **In order to avoid the risk of invalidation of the nomination due to dishonoured cheque, candidates are strongly advised to submit the election deposit in cash or cashier order if they submit the nomination form on or after 22 January 2005.**
9. 準候選人應盡早遞交提名表格，以便於提名期限截止前，將提名表格上可能發現的錯處更正。  
A prospective candidate is strongly advised to submit his nomination form as early as practicable so that any mistakes found in his nomination form can be rectified before the close of nominations.
10. 任何提名表格所載候選人姓名或其他重要資料如經更改，將可能不被選舉主任接納。  
The Returning Officer may not accept any nomination form on which the name or other important particulars of the candidate has/have been amended, altered or corrected.
11. 一般而言，除非選舉主任決定提名表格無效，否則獲提名的候選人即作為正式獲提名論，並可展開選舉活動。選舉主任所作的決定，將為最終決定，除以選舉呈請書提出質疑外，不可循任何法律程序提出質疑。  
Generally, unless and until the Returning Officer decides that a nomination form is invalid, the candidate is deemed to stand nominated and he may hence carry out activities to promote his election. The Returning Officer's decision on the validity of a nomination is final and cannot be questioned in any proceeding except by an election petition.
12. 提名表格必須按《區議會條例》及《選舉管理委員會〔選舉程序〕〔區議會〕規例》的規定列載所需的資料，方才有效。在決定候選人是否合乎資格及其提名有效與否時，選舉主任可要求候選人提供其認為需要的額外資料。  
A nomination will not be valid unless it contains the information as required in the District Councils Ordinance and the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation. The Returning Officer may request such other information from a candidate as he considers necessary to satisfy himself as to the eligibility of the candidate and the validity of the nomination.
13. 現任區議員不得在今次補選中接受提名。  
An incumbent Member of any District Council cannot be nominated at the by-election.

14. 候選人不得在2005年的區議會補選中同時在超過一個選區接受提名。候選人遞交提名表格時，必須已退出在其他選區的選舉(如有的話)，否則，他新的提名將會當作無效。

A candidate cannot be currently nominated for more than one constituency in the 2005 District Council by-election. When he hands in his nomination form, he must have withdrawn his candidature in respect of another constituency, if any, or else his new nomination will be held to be invalid.

15. 候選人如欲退出選舉，可填寫一份指定的「候選人退選通知書」，最遲於提名期限截止前交到選舉主任。

If a candidate wishes to withdraw his candidature, he may do so by completing and delivering to the Returning Officer a Notice of Withdrawal of Candidature in a specified form not later than the expiry of the nomination period.

16. 本提名表格第二部份必須於見證人在場下由候選人填寫及簽署。任何年滿18歲並持有香港身份證的人士均可擔任見證人。見證人必須填寫及簽署本提名表格第三部份。

Part II of this form should be completed and signed by a candidate in the presence of a witness who can be any person who is in possession of a Hong Kong Identity Card and aged 18 years or over. The witness is required to complete Part III of this form and sign thereunder.

17. 如有任何查詢，請與選舉主任聯絡或致電選舉事務處查詢熱線 2891 1001。

For enquiries, please contact the Returning Officer or the Enquiry Hotline of the Registration and Electoral Office at 2891 1001.

18. 根據《區議會條例》第 2、20、21 及 30 條，有關訂明公職人員、獲提名為候選人的資格、喪失獲提名為候選人或當選為民選議員的資格及選民喪失在選舉中投票的資格的規定如下：—

The interpretation of “prescribed public officer”, qualifications and disqualifications for nomination as a candidate or election as an elected Member and the disqualifications for voting at an election are dealt with in sections 2, 20, 21 and 30 of the District Councils Ordinance which are reproduced below for reference:-

**釋義〔區議會條例第2條〕**

“訂明公職人員”(prescribed public officer)指—

- (a) 公務員敍用委員會主席；或
- (b) 廉政專員、副廉政專員及擔任在《廉政公署條例》〔第 204 章〕下的任何其他職位的人；或
- (c) 申訴專員及根據《申訴專員條例》〔第 397 章〕第 6 條獲委任的人；或
- (d) 選舉管理委員會的成員；或
- (e) 金融管理局的行政總裁及該局的高層管理人員，包括科主管、行政總監、經理及該局僱用的律師；或
- (f) 個人資料私隱專員及其根據《個人資料〔私隱〕條例》〔第 486 章〕僱用或聘用的人；或
- (g) 平等機會委員會的主席及由該委員會根據《性別歧視條例》〔第 480 章〕僱用或聘用的人；或
- (h) 受僱於政府部門或政策局而在該政府部門或政策局任職〔不論該職位屬永久性或臨時性的〕的人。

***Interpretation [section 2 of the District Councils Ordinance]***

"prescribed public officer" (訂明公職人員) means any of the following-

- (a) the Chairman of the Public Service Commission; or
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap. 204); or
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397); or
- (d) a member of the Electoral Affairs Commission; or
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority; or
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486); or
- (g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); or
- (h) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau.

***獲提名為候選人的資格 [區議會條例第20條]***

- (1) 符合以下條件的人方有資格在選舉中獲提名為候選人—
  - (a) 年滿 21 歲；及
  - (b) 是一名選民；及
  - (c) 並未有喪失在選舉中投票的資格；及
  - (d) 並未有憑藉第 21 條或任何其他法律喪失獲提名為候選人或當選為民選議員的資格；及
  - (e) 在緊接提名前的 3 年內通常在香港居住。
- (2) 擔任區議會議員的人並無資格在補選中獲提名為候選人。
- (3) 擔任鄉事委員會主席的人並無資格在選舉中獲提名為候選人。
- (4) 任何人如獲提名為某選區的候選人，則並無資格同時獲提名為另一選區的候選人。

***Who is eligible to be nominated as a candidate (section 20 of the District Councils Ordinance)***

- (1) A person is eligible to be nominated as a candidate at an election only if the person-
  - (a) has reached 21 years of age; and
  - (b) is an elector; and
  - (c) is not disqualified from voting at an election; and
  - (d) is not disqualified from being nominated as a candidate or elected as an elected member by virtue of section 21 or any other law; and
  - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.
- (2) A person who holds office as a member of a District Council is not eligible to be nominated in a by-election as a candidate.
- (3) A person who holds office as the Chairman of a Rural Committee is not eligible to be nominated as a candidate at an election.
- (4) A person is not eligible to be nominated as a candidate for a constituency if the person is currently nominated as a candidate for another constituency.

***喪失獲提名為候選人及當選為民選議員的資格的情況 [區議會條例第21條]***

- (1) 任何人如有以下情況，即喪失在選舉中獲提名為候選人的資格及當選為民選議員的資格—

- (a) 是—
    - (i) 司法人員；或
    - (ii) 訂明公職人員；或
  - (b) 已在香港或任何其他地方被判處死刑或監禁〔不論如何稱述〕，但—
    - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
    - (ii) 亦未獲赦免；或
  - (c) 已被裁定犯叛逆罪；或
  - (d) 在提名當日或選舉當日，正因服刑而受監禁；或
  - (e) 在不局限(b)段的原則下，被裁定或曾被裁定犯以下罪行，而選舉於或將於其被定罪日期後的 5 年內舉行—
    - (i) 任何罪行〔不論是在香港或是在任何其他地方被定罪〕，並就該罪行被判處為期超逾 3 個月而又不得選擇以罰款代替的監禁〔不論是否獲得緩刑〕；或
    - (ii) 在違反《選舉（舞弊及非法行為）條例》（第 554 章）的情況下作出舞弊或非法行為；或
    - (iii) 《防止賄賂條例》〔第 201 章〕第 II 部所訂的罪行；或
    - (iv) 根據《選舉管理委員會條例》〔第 541 章〕訂立並正有效的規例所訂明的任何罪行；或
  - (f) 因本條例或任何其他法律的施行而沒有資格擔任候選人或當選為民選議員；或
  - (g) 是香港以外地方的政府的代表或該政府的受薪政府人員；或
  - (h) 是香港以外任何地方的國家級、地區級或市級立法機關、議院或議會〔中華人民共和國的全國或地方人民代表大會或人民協商機構除外〕的成員；或
  - (i) 是未獲解除破產的人，或於過去 5 年內在沒有向債權人全數償還債務的情況下，獲解除破產或與其債權人訂立《破產條例》（第 6 章）所指的自願安排的人。
- (2) 任何人如根據《精神健康條例》（第 136 章）被裁斷為因精神上無行為能力而無能力處理和管理其財產及事務的，亦即喪失在選舉中獲提名為候選人的資格，但如在其後該人根據該條例被裁斷為已有能力處理和管理其財產及事務，則該人復有獲提名為候選人的資格。
- (3) 任何人如根據《精神健康條例》（第 136 章）被裁斷為因精神上無行為能力而無能力處理和管理其財產及事務的，亦即喪失當選為民選議員的資格，但如在其後該人根據該條例被裁斷為已有能力處理和管理其財產及事務，則該人復有當選為民選議員的資格。

***When person is disqualified from being nominated as a candidate and from being elected as an elected member (section 21 of the District Councils Ordinance)***

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the person-
- (a) is-
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
  - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
    - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
    - (ii) received a free pardon; or
  - (c) has been convicted of treason; or
  - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
  - (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-

- (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
  - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
  - (iii) of any offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
  - (f) is ineligible to be a candidate or to be elected as an elected member because of the operation of this Ordinance or any other law; or
  - (g) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
  - (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
  - (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full.
- (2) A person is also disqualified from being nominated as a candidate at an election if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.
- (3) A person is also disqualified from being elected as an elected member if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.

### **選民喪失在選舉中投票的資格的情況（區議會條例第 30 條）**

任何選民如有以下情況，即喪失在選舉中投票的資格—

- (a) 已不再有資格根據《立法會條例》〔第 542 章〕登記為選民；或
- (b) 已在香港或任何其他地方被判處死刑或監禁〔不論如何稱述〕，但—
  - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (c) 在選舉當日，正因服刑而受監禁；或
- (d) 在不局限(b)段的原則下，被裁定或曾被裁定犯以下罪行，而選舉於或將於其被定罪日期後的 3 年內舉行—
  - (i) 在違反《選舉（舞弊及非法行為）條例》（第 554 章）的情況下作出舞弊或非法行為；或
  - (ii) 《防止賄賂條例》〔第 201 章〕第 II 部所訂的罪行；或
  - (iii) 根據《選舉管理委員會條例》〔第 541 章〕訂立並正有效的規例所訂明的任何罪行；或
- (e) 根據《精神健康條例》（第 136 章）被裁斷為因精神上無行為能力而無能力處理和管理其財產及事務；或
- (f) 是中央人民政府或任何其他國家或地區的武裝部隊的成員。

***When an elector is disqualified from voting at an election (section 30 of the District Councils Ordinance)***

An elector is disqualified from voting at an election if the elector-

- (a) has ceased to be eligible to be registered as an elector under the Legislative Council Ordinance (Cap. 542); or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
  - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
  - (ii) received a free pardon; or
- (c) on the date of the election, is serving a sentence of imprisonment; or
- (d) without limiting paragraph (b), where the election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted-
  - (i) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
  - (ii) of any offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iii) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (e) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs; or
- (f) is a member of the armed forces of the Central People's Government or any other country or territory.

19. 你須注意下列有關填報個人資料的說明—

You may wish to note the following with regard to the personal data supplied in this form: -

(a) **資料用途**

此提名表格內的個人及其他有關的資料，會供選舉事務處及選舉主任作選舉有關的用途。

**Purpose of Collection**

The personal data and other related information supplied in a nomination form will be used by the Registration and Electoral Office and the Returning Officer for election related purposes.

(b) **資料轉介**

提名表格會供公眾查閱，在展示前，表格內所有身分證明文件號碼將會被遮蓋。在此提名表格所列載的資料可能會提供給獲授權之部門或機構處理，作選舉有關的用途。

**Classes of Transferees**

The nomination form will be made available for public inspection. All identity document numbers in the form will be covered before display. The information provided in the nomination form may also be provided to departments/agencies authorized to process the information for election related purposes.

(c) **索閱個人資料**

候選人有權根據《個人資料〔私隱〕條例》內所載的條款要求索閱及修訂所提供的個人和其他有關資料。

**Access to Personal Data**

A candidate has the right to request access to, and to request the correction of, the personal data which he supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance.

(d) **查詢**

有關透過本提名表格收集的個人資料的查詢，包括索閱及修正個人資料，應寄給總選舉事務主任〔地址：香港灣仔港灣道 25 號海港中心 10 樓〕。

**Enquiry**

Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong.

選舉管理委員會  
二零零四年十二月  
Electoral Affairs Commission  
December 2004