

選舉管理委員會（選舉程序）（立法會）規例（第 541 章，附屬法例 D）  
ELECTORAL AFFAIRS COMMISSION  
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION  
(Cap. 541 sub. leg. D)

**2007 年立法會補選提名表格**  
**香港島地方選區**  
(規例第 10 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 THE 2007 LEGISLATIVE COUNCIL BY-ELECTION**  
**HONG KONG ISLAND GEOGRAPHICAL CONSTITUENCY**  
(Section 10 of the Regulation)

補選日期： 2007 年 12 月 2 日  
Date of By-election: 2 December 2007

[備註：請用正楷填寫此表格，填寫前請小心參閱夾附的《填寫立法會香港島地方選區補選提名表格說明》。]  
[Note: Please read carefully the accompanying "Notes on Completion of Nomination Form for the Hong Kong Island Geographical Constituency By-election" before completing this form in BLOCK LETTERS.]

**第一部分 提名**  
**PART I NOMINATION**

**第一節： 候選人資料**（由候選人填寫）  
[見說明第 2、6、7 及 18 項]

**Section 1: Particulars of the candidate** (To be completed by the candidate)  
[see Notes 2, 6, 7 and 18]

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 Identity Card Number

出生日期： \_\_\_\_\_ 性別： \_\_\_\_\_  
Date of Birth (Day 日/Month 月/Year 年) 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 Chinese) (英文 English)

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

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

<p><b>提供予傳媒的聯絡資料（可選擇是否填寫）[見說明第 2 及 18(b)項]</b> <b>Contact Information for the Media (Optional) [see Notes 2 and 18(b)]</b></p> <p>通訊地址： _____ Correspondence Address _____</p> <p>電話號碼 Telephone Number： _____</p> <p>傳真號碼 Fax Number： _____</p> <p>電郵地址 E-mail Address： _____</p>
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**第二節：** **提名人資料** (此表格必須由最少 100 位，但不超過 200 位有關地方選區的選民親自簽署表示同意提名。)[候選人須為每位提名人編配一個優先編號。候選人及提名人請參閱說明第 3、4、5 及 18 項。]

**Section 2:** **Particulars of Subscribers** (This form must be subscribed by at least 100, but not more than 200, electors of the relevant geographical constituency, each of whom must sign personally in the space provided.)[Candidate should assign a priority number for each subscriber. Candidate and subscribers should see Notes 3, 4, 5 and 18.]

我們是上述選區的登記選民，現提名在第一節所述人士為上述補選的候選人。我們個別的個人資料如下－

We are registered electors for the Hong Kong Island Geographical Constituency and we hereby nominate the person named in Section 1 as the candidate at the above by-election. The particulars of each of us are as follows -

優先 編號 Priority No.	提名人資料 Particulars of Subscribers (可由略多於 100 位提名人簽署，但不得超過 200 位)[見說明第 3、4 及 5 項] (Slightly more than 100 subscribers, but not more than 200, 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</u> <u>signed</u> by each subscriber)
	姓名 Name in		香港身份證號碼 Hong Kong Identity Card Number	
	中文 Chinese	英文(姓)(名) English (Surname first)		
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

請使用本頁表格開列提名人的資料。每張分頁均須填上由“3(1)”開始的順序頁碼。請參閱說明第 3 項。

Please use this page to provide the information of the subscribers. Each of the parts of this page should be marked with a consecutive serial number starting with “3(1)”. Please read Note 3.

**第二部分 候選人同意提名、資格聲明及授權透露有關候選人的紀錄/資料(由候選人填寫)**  
[在填寫本部分前，請參閱說明第 8、13、14、15、17 及 18 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 8, 13, 14, 15, 17 and 18 before completing this part.]

1. 本人謹聲明本人同意如上文第一部分第一節所述，獲提名為上述補選候選人。  
I, being a nominee mentioned in Section 1 of Part I above, hereby declare that I consent to my being nominated as a candidate at the above by-election.
2. 本人證實上文第一部分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《立法會條例》(第 542 章) 第 37 條之規定，本人有資格被提名為候選人及參加上述補選。為此，本人提供下列資料—  
I hereby declare that I am eligible under section 37 of the Legislative Council Ordinance (Cap. 542) to be nominated 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，並有資格如此登記。  
I am a registered elector for the geographical constituency and am eligible to be so registered.
  - (c) 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.
4. 本人特此聲明，據本人所知，本人並無因《立法會條例》(第 542 章) 第 39 條所載情形喪失獲提名為候選人或當選之資格。(見說明第 17 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 39 of the Legislative Council Ordinance (Cap. 542). (see Note 17)
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. 本人並特此聲明，本人是香港特別行政區永久性居民中的中國公民，並且沒有中華人民共和國以外的國家的居留權。  
I also declare that I am a Chinese citizen and a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any country other than the People's Republic of China.
7. 本人亦進一步聲明，本人並非現任立法會議員。  
I further declare that I am not an incumbent Legislative Council Member.
8. 本人亦附上一項根據《立法會條例》(第 542 章) 第 40(1)(b)(iii)條採用承諾形式作出的誓言。  
I also attach a completed promissory oath to the effect as required by section 40(1)(b)(iii) of the Legislative Council Ordinance (Cap. 542).

9. 就本人在上文第 2 至第 7 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 7 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.

候選人簽署： \_\_\_\_\_

Signature of Candidate

日期： \_\_\_\_\_

Date

候選人姓名： \_\_\_\_\_

Name of Candidate

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**第三部分 證明（由見證人填寫）[見說明第 15 及 18 項]**

**PART III ATTESTATION (To be completed by a witness) [see Notes 15 and 18]**

1. 本人聲明第二部分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： \_\_\_\_\_

Hong Kong Identity Card Number

住址： \_\_\_\_\_

Residential Address

日期： \_\_\_\_\_

Date

簽署： \_\_\_\_\_

Signature

候選人姓名: \_\_\_\_\_

Name of Candidate

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**第四部分 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 NOMINATION (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」或「The Government of the Hong Kong Special Administrative Region」的\*劃線支票／銀行本票  
(編號: \_\_\_\_\_)，共港幣 50,000 元作為選舉按金。

\*A cheque/cashier order (No. \_\_\_\_\_) in the sum of HK\$50,000 (being the election deposit), payable to “The Government of the Hong Kong Special Administrative Region” or “香港特別行政區政府”, has been received.

- 已收到現金，共港幣 50,000 元作為選舉按金。

A sum of HK\$50,000 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:

- 第一部分第一節所述的候選人的提名為有效。  
the candidate mentioned in Section 1 of Part I is validly nominated.
- 第一部分第一節所述的候選人的提名為無效。原因如下：  
the candidate mentioned in Section 1 of Part I 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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第五部分 更改對提名是否有效的決定（由選舉主任填寫）

**PART V DECISION TO VARY THE VALIDITY OF THE NOMINATION**

(To be completed by the Returning Officer)

由於本人信納第一部分第一節所述的候選人已\*去世／喪失獲提名為候選人的資格一事已獲證明，本人現更改較早前的決定，並決定該候選人的提名為無效。

Since it is proved to my satisfaction that the candidate mentioned in Section 1 of Part I \*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： \_\_\_\_\_ 選舉主任姓名： \_\_\_\_\_  
Date Name of the Returning Officer

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備註： \* 刪去不適用者  
Note 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  
2007年9月  
Electoral Affairs Commission  
September 2007

承諾形式的誓言  
PROMISSORY OATH

《選舉管理委員會（選舉程序）（立法會）規例》(第 541 章，附屬法例 D)第 10 條  
Section 10 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation  
(Cap. 541 sub. leg. D)

立法會補選  
LEGISLATIVE COUNCIL BY-ELECTION  
香港島地方選區  
HONG KONG ISLAND GEOGRAPHICAL CONSTITUENCY

補選日期：2007 年 12 月 2 日  
Date of By-election: 2 December 2007

本人 I, \_\_\_\_\_  
(姓名 Name)

居於 of \_\_\_\_\_  
(主要住址 Principal residential address)

謹此宣誓／謹以至誠確認，如在上述補選中獲選，本人不會在任期內作出任何會引致在立法會條例（第 542 章）第 40(1)(b)(iii)條中列明之情況的行為。本人已細閱該等條文。

hereby \*make oath and say/do solemnly and sincerely affirm that, if elected as a Member of the Legislative Council in the above by-election, I will not do anything during my term of office that would result in any one of the conditions specified in section 40(1)(b)(iii) of the Legislative Council Ordinance (Cap. 542). I have read the relevant provisions.

\_\_\_\_\_  
(宣誓人簽署 Signature)

此項\*宣誓／確認於 2007 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日在香港 \_\_\_\_\_  
\_\_\_\_\_ 作出。

\_\_\_\_\_  
(作出宣誓／確認的地點)

\*SWORN/AFFIRMED at \_\_\_\_\_  
(place where the oath/affirmation is made)

Hong Kong this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

在本人面前作出，  
Before me,

簽署 : \_\_\_\_\_  
Signature

姓名（正楷） : \_\_\_\_\_  
Name in BLOCK LETTERS

職稱 : \* 監誓員／公證人／太平紳士／  
持有執業證書的律師  
\* Commissioner for Oaths/ Notary Public/  
Justice of the Peace/ solicitor with a  
practising certificate  
Title of the Person Taking and  
Receiving this Oath/Affirmation

備註： \* 刪去不適用者  
Note Delete whichever is inapplicable

**填寫立法會香港島地方選區補選提名表格說明**  
**Notes on Completion of Nomination Form for**  
**the Hong Kong Island Geographical Constituency By-election**

1. 每份提名表格只能提名一份候選人名單。每份候選人名單由一位候選人組成。  
A separate nomination form must be used for each list of candidate. Each list of candidate is to comprise one person only.
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候選人。  
The supply of contact information for the media is optional. The information will be provided to the media to help them contact candidates directly.
3. 每份提名表格須由不少於100位提名人在表格第3頁**親自簽署**表示同意提名。所有提名人必須已登記為有關選區的選民。提名表格可由略多於100位提名人士簽署，以避免因有提名人士不符合資格而令提名表格失效，但每份提名表格不得超過200位提名人士簽署。第3頁須由不少於10張分頁而組成。第3頁的每張分頁均須填上由“3(1)”開始的順序頁碼。表格的每一頁(包括第3頁的所有分頁)在遞交提名表格時必須一併交予選舉主任。候選人應小心查證提名人士的資格。倘若基於任何原因，某位提名人士被發現不符合資格，他的姓名將不予理會。  
A nomination form should be **personally subscribed** by **not less than 100** subscribers, each of whom must sign in the space provided on page 3 of the form. All the subscribers must be registered electors for the constituency concerned. A candidate may include slightly more than 100 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 200 subscribers. Page 3 of the form should comprise **not less than 10 parts**. Each of the parts of page 3 should be marked with a consecutive serial number starting with “3(1)”. All pages (including all parts of page 3) of the form must be returned to the Returning Officer in one complete set. A candidate is advised to check the eligibility of the subscribers. If for any reason a subscriber is found to be ineligible, his name will be disregarded.
4. 每一位選民只可就其所屬的地方選區簽署一份提名表格。  
An elector in respect of a geographical constituency is entitled to subscribe **only one** nomination form regarding his own geographical constituency.
5. 候選人須為每名提名人士編配一個優先編號。任何人在某份提名書上以提名人士身分簽署，如其簽署超出有效地提名有關候選人的提名人士數所需(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士身分簽署。該名人士可簽署另一份提名表格。  
Candidate should assign a priority number for each subscriber. 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. 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(指候選人紀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。如果選舉主任信納某候選人通常為人所知的姓名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姓名。根據《選舉管理委員會(選舉程序)(立法會)規例》(第541章，附屬法例D)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的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 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) (Legislative Council) Regulation (Cap. 541 sub. leg. D), 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 respective principal residential addresses of the concerned person/candidate(s) 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：2007年10月17日至10月31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。除提名表格外，候選人須一併遞交—  
A nomination form must be handed in by the candidate in person and received by the Returning Officer within the nomination period from 17 October 2007 to 31 October 2007 during office hours (Monday to Friday: from 9 am to 5 pm; Saturday: from 9:00 am to 12 noon) on any day other than a general holiday. The nomination form should be accompanied by—
- (a) 選舉按金港幣 50,000 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 2007 年 10 月 29 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。〕  
an election deposit in the sum of HK\$50,000 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 forms on or after 29 October 2007)**; and
- (b) 根據《立法會條例》(第 542 章) 第 40(1)(b)(iii)條作出的採用承諾形式的誓言（已附夾在提名表格內）；  
（採用承諾形式的誓言必須在一位監督員、公證人、太平紳士或持有執業證書的律師面前作出。）  
a promissory oath to the effect as required in Section 40(1)(b)(iii) of the Legislative Council Ordinance (Cap. 542) (has already been attached to the Nomination Form).  
(The promissory oath has to be made before a Commissioner for Oaths, a Notary Public, a Justice of the Peace or a solicitor holding a practising certificate.)
- 候選人請留意，提名表格必須載有上述採用承諾形式的誓言。  
Candidate should note that the nomination form must contain the promissory oath for the purpose of nomination.
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。  
Prospective candidate is strongly advised to submit his nomination form as early as practicable so that any mistakes found in the nomination form can be rectified before the close of nomination.
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 otherwise, 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《立法會條例》(第 542 章) 及《選舉管理委員會（選舉程序）（立法會）規例》(第 541 章，附屬法例 D) 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提名表格有效與否時，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 by the Legislative Council Ordinance (Cap. 542) and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D). The Returning Officer concerned may request such additional 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. 現任立法會議員並無資格在這次補選中被提名為候選人。  
An incumbent Legislative Council Member is not eligible to be nominated as a candidate in the by-election.

14. 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」，最遲於提名期間截止前交回選舉主任。  
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.
15. 本提名表格第二部分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分。  
Part II of this form should be completed and signed by the 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.
16. 如有任何查詢，請與選舉主任聯絡或致電選舉事務處熱線 2891 1001。  
For enquiries, please contact the Returning Officer or call the Election Hotline of the Registration and Electoral Office at 2891 1001.
17. 《立法會條例》(第 542 章) 第 37(1)，38，39 及 40 條的有關獲提名為候選人的資格及喪失獲提名為候選人或擔任議員職位的資格規定如下—  
Qualifications and disqualifications for nomination as a candidate or election as a Member are dealt with in sections 37(1), 38, 39 and 40 of the Legislative Council Ordinance (Cap. 542) which are reproduced below for reference—

**獲提名為地方選區候選人的資格 (《立法會條例》(第 542 章) 37(1) 條)**

- (1) 符合以下條件的人方有資格在地方選區的選舉中獲提名為候選人—
- (a) 年滿 21 歲；及
  - (b) 已登記為地方選區的選民並有資格如此登記；及
  - (c) 並未有憑藉第 39 條或任何其他法律喪失獲選為議員的資格；及
  - (d) 在緊接提名前的 3 年內通常在香港居住；及
  - (e) 是香港永久性居民中的中國公民，並且沒有中華人民共和國以外的國家的居留權。

**Who is eligible to be nominated as a candidate of a Geographical Constituency (section 37(1) of the Legislative Council Ordinance (Cap. 542))**

- (1) A person is eligible to be nominated as a candidate at an election for a geographical constituency only if the person –
- (a) has reached 21 years of age; and
  - (b) is both registered and eligible to be registered as an elector for a geographical constituency; and
  - (c) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
  - (d) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
  - (e) is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.

**地方選區的提名名單 (《立法會條例》(第 542 章) 第 38 條)**

- (1) 在本條中—  
“獲提名人” (nominee) 指姓名被列入提名名單內作為候選人的人。
- (2) 在地方選區參加議員選舉的候選人的提名，須採用向選舉主任呈交名單的方式作出，該名單須載有一
- (a) 以組合形式在該地方選區的選舉中競選的多於一名人士的姓名；或
  - (b) 以單一候選人身分在該項選舉中競選的人的姓名。
- (3) 提名名單必須—
- (a) 按照以下規定呈交—
    - (i) 以符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例的提名表格呈交；
    - (ii) 由名列該提名名單的獲提名人呈交；
    - (iii) 於提名期內呈交；及
    - (iv) 按上述規例訂明的方式呈交；
  - (b) 附有所列該提名名單的每一名獲提名人以指明表格作出的同意書；及
  - (c) 載有根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所規定的任何其他詳情。

- (4) 如為某組合呈交的提名名單載有多於一名人士的姓名，則該等姓名必須按該組合中的人士的優先次序排列。
- (4A) 在提名名單呈交選舉主任後—
- (a) 名列於該名單的獲提名人的姓名次序不能改動；
  - (b) 不能將其他人的姓名加入該名單；及
  - (c) 已在該名單內的人的姓名亦不能刪除。
- (5) 選舉主任必須裁定提名名單上的每名獲提名人是否獲有效提名。
- (6) 如一
- (a) 選舉主任裁定任何獲提名人不獲有效提名；
  - (b) 任何獲提名人的提名被撤回；或
  - (c) 任何獲提名人去世，
- 則選舉主任必須自提名名單剔除該獲提名人的姓名，而名列該名單的獲提名人的姓名的優先次序亦須據此調整。
- (6A) 選舉主任在裁定某獲提名人是獲有效提名之後，如在提名期結束之前接獲證明並信納該人已去世或喪失獲提名資格，選舉主任必須自提名名單剔除該人的姓名，並據此調整名列該名單的獲提名人的姓名的優先次序。
- (7) 如按照第(6)或(6A)款將獲提名人的姓名從提名名單上作出剔除後，該名單上再無任何姓名，則選舉主任必須拒絕接納該名單。
- (8) (重編為第(4A)款)
- (9) 如在提名期結束後，仍在提名名單上的獲提名人的人數多於有關選區須選出的議員的人數，則選舉主任須顧及該等獲提名人於該名單上的排列次序，而將多出的獲提名人的姓名從名單上除去，使仍在該名單上的獲提名人的人數與該選區須選出的議員的人數相同。
- (10) 選舉主任在根據第(6)、(6A)及(9)款剔除獲提名人的姓名後，仍在提名名單上的獲提名人須按其姓名列於該名單上的同一優先次序排列(如有多於一名所餘獲提名人)，而為第 49 條的目的，該名單即視作爲候選人名單。
- (11) 如在選舉日期之前，選舉主任接獲證明並信納任何名列某候選人名單的候選人已去世或喪失獲提名爲候選人的資格，選舉主任必須自該名單剔除該候選人的姓名。
- (12) 選舉主任在根據第(11)款自某候選人名單剔除任何姓名後，不得將任何其他人的姓名加入該名單內。
- (13) 如在採取第(11)款所提述的行動後，候選人名單上再無任何姓名，則選舉主任必須拒絕接納該名單。
- (14) 在選舉主任採取第(11)款所提述的行動後仍在候選人名單上的候選人，爲第 49 條的目的，即視作爲組成新的候選人名單，以取代根據第(10)款組成的名單。

***Nomination lists for geographical constituencies (section 38 of the Legislative Council Ordinance (Cap. 542))***

- (1) In this section -  
“nominee” (獲提名人) means a person whose name is included in a nomination list as a candidate.
- (2) The nomination of candidates for election as Members for a geographical constituency is to be by a list submitted to the Returning Officer containing either -
  - (a) the names of 2 or more persons contesting the election for that geographical constituency as a group; or
  - (b) the name of a person contesting that election as a single candidate.
- (3) A nomination list must -
  - (a) be submitted -
    - (i) on a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
    - (ii) by a nominee on the nomination list concerned;
    - (iii) within the nomination period; and
    - (iv) in the manner prescribed by those regulations; and
  - (b) be accompanied by the written consent, made on the nomination form, of each nominee on the nomination list; and
  - (c) contain any other particulars required by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (4) If a nomination list contains the names of 2 or more persons, the names are to be ranked in the order of priority of the group for which the nomination list is submitted.
- (4A) After a nomination list has been submitted to a Returning Officer -
  - (a) the order in which names of nominees appear in the list cannot be altered;
  - (b) the names of other persons cannot be added to the list; and
  - (c) the names of persons already on the list cannot be deleted.
- (5) The Returning Officer must determine, for each nominee whose name appears on the nomination list, whether or not the nominee is validly nominated.
- (6) If -
  - (a) the Returning Officer determines that a nominee is not validly nominated; or
  - (b) a nominee’s nomination is withdrawn; or
  - (c) a nominee dies,

- that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.
- (6A) If, after the Returning Officer has determined that a nominee is validly nominated, but before the close of nominations, proof is given to the satisfaction of the Returning Officer that the nominee has died or is disqualified from being nominated, that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.
- (7) If, after striking out names from a nomination list in accordance with subsection (6) or (6A), no name remains on the list, the Returning Officer must reject the list.
- (8) (Renumbered as subsection (4A))
- (9) If, after the close of nominations, the names of more nominees remain on a nomination list than the number of Members to be returned for the constituency concerned, the Returning Officer must, having regard to the order in which the nominees' names appear on the list, exclude from the list the names of the surplus nominees so that only a number of nominees equal to the number of Members to be returned for the constituency remain on the list.
- (10) The nominees whose names remain on a nomination list after the Returning Officer has taken the action referred to in subsections (6), (6A) and (9) (as arranged in the order of priority indicated on the nomination list if there are 2 or more such remaining nominees) are taken as constituting a list of candidates for the purposes of section 49.
- (11) If, before the date of the election, proof is given to the satisfaction of the Returning Officer that a candidate whose name appears on a list of candidates has died or is disqualified from being nominated as a candidate, the Returning Officer must strike out the name of that candidate from the list.
- (12) After striking out a name from a list of candidates under subsection (11), the Returning Officer must not add the name of any other person to the list.
- (13) If, after taking the action referred to in subsection (11), no name remains on the list of candidates, the Returning Officer must reject the list.
- (14) The candidates whose names remain on a list of candidates after the Returning Officer has taken the action referred to in subsection (11) are taken as constituting a new list of candidates that replaces the one constituted under subsection (10) for the purposes of section 49.

**喪失獲提名為候選人或當選為議員的資格的情況（《立法會條例》（第542章）第39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議員的資格—
- (a) 是—
- (i) 司法人員；或
- (ii) 訂明的公職人員；或
- (iii) 立法會的人員或立法會管理委員會的職員；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—
- (i) 無資格在選舉中成為候選人或當選為議員；或
- (ii) 喪失在選舉中成為候選人或當選為議員的資格；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）已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，即喪失在選舉中獲提名為候選人的資格，但如在其後根據該條例被裁斷為已有能力處理和管理其財產及事務，則根據本款喪失資格的人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)已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，即喪失當選為議員的資格，但如在其後根據該條例被裁斷為已有能力處理和管理其財產及事務，則根據本款喪失資格的人有當選為議員的資格。
- (4) 任何人如在提名期結束後已不再與某功能界別有密切聯繫，則該人即喪失當選為該功能界別的議員的資格。
- (5) 在本條中—
- “司法人員” (judicial officer) 指擔任《公務員敘用委員會條例》(第 93 章)第 2 條所界定的司法職位的人；
- “訂明的公職人員” (prescribed public officer) 指—
- (a) 公務員敘用委員會主席；
  - (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；
  - (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；
  - (d) 選舉管理委員會的成員；
  - (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
  - (ea) 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；
  - (eb) 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；
  - (f) 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。

***When person is disqualified from being nominated as a candidate and from being elected as a Member (section 39 of the Legislative Council Ordinance (Cap. 542))***

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a Member, if the person -
- (a) is -
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
    - (iii) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; 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 been 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 an 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 -
    - (i) ineligible to be a candidate, or to be elected as a Member, at the election; or
    - (ii) disqualified from being a candidate, or from being elected as a Member, at the election, because of the operation of this or any other law; or
  - (g) is a representative or salaried functionary of a 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 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 has been 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 a Member if the person has been 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.
- (4) A person is also disqualified from being elected as a Member for a functional constituency if, since the close of nominations, the person has ceased to have a substantial connection with the constituency.
- (5) In this section -  
 “judicial officer” (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap. 93);  
 “prescribed public officer” (訂明的公職人員) means any of the following -
- (a) the Chairman of the Public Service Commission;
  - (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);
  - (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397);
  - (d) a member of the Electoral Affairs Commission;
  - (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;
  - (ea) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486);
  - (eb) 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);
  - (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau.

**獲提名的候選人須遵從的規定 (《立法會條例》(第542章)第40條)**

- (1) 除非符合以下條件，否則任何人不得獲有效提名為某選區或選舉界別選舉的候選人—
- (a) 該人已以或已由他人代其以根據《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方式，向有關選舉主任繳存按金；及
  - (b) 提名表格載有或附有一
    - (i) 一項示明該人會擁護《基本法》和保證效忠香港特別行政區的聲明；及
    - (ii) 一項關於該人的國籍以及他是否有中華人民共和國以外的國家的居留權的聲明；及
    - (iii) 一項由該人作出的採用承諾形式的誓言，表明他如獲選則不會在其任期內作出任何引致他有以下情況的事情—
      - (A) 成爲—
        - (I) 第39(5)條所指的訂明的公職人員；或
        - (II) 立法會的人員或立法會管理委員會的職員；
      - (B) 在香港或任何其他地方被判處死刑；
      - (C) 被裁定犯叛逆罪；
      - (D) 被裁定犯以下罪行—
        - (I) 在違反《選舉(舞弊及非法行爲)條例》(第554章)的情況下作出舞弊或非法行爲；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；
      - (E) 由於本法例或任何其他法例的實施而喪失在選舉中獲選為議員的資格；
      - (F) 成爲香港以外地方的政府的代表或該政府的受薪政府人員；
      - (G) 成爲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；
      - (H) 成爲中央人民政府或任何其他國家或地區的武裝部隊的成員；或
      - (I) (如是某功能界別選出的議員)不再與有關功能界別有密切聯繫。

- (2) 該人必須簽署該等聲明。
- (3) 按金須為《規例》為施行本條而訂明的款額。

***What requirements are to be complied with by persons nominated as candidates (section 40 of the Legislative Council Ordinance (Cap. 542))***

- (1) A person is not validly nominated as a candidate for an election for a constituency unless -
  - (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
  - (b) the nomination form includes or is accompanied by—
    - (i) a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region; and
    - (ii) a declaration as to the person's nationality and as to whether or not the person has a right of abode in a country other than the People's Republic of China; and
    - (iii) a promissory oath given by the person to the effect that, if elected, he or she will not do anything during his or her term of office that results in his or her -
      - (A) becoming -
        - (I) a prescribed public officer within the meaning of section 39(5); or
        - (II) an officer of the Legislative Council or a member of staff of The Legislative Council Commission;
      - (B) being sentenced to death in Hong Kong or any other place;
      - (C) being convicted of treason;
      - (D) being 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 an 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);
      - (E) being disqualified from being elected as a Member at an election because of the operation of this or any other law;
      - (F) becoming a representative or salaried functionary of a government of a place outside Hong Kong;
      - (G) becoming 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 or local level;
      - (H) becoming a member of the armed forces of the Central People's Government or any other country or territory; or
      - (I) in the case of a Member elected for a functional constituency, ceasing to have a substantial connection with the constituency.
- (2) The person must sign the declarations.
- (3) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

18. 請注意下列就此表格提供個人資料的說明—

Please note the following with regard to the personal data supplied in connection with this form —

(a) **資料用途**

就此提名表格提供的個人及其他有關的資料，會供選舉事務處及有關的選舉主任用於與選舉有關的用途。

**Purpose of Collection**

The personal data and other related information supplied in connection with this nomination will be used by the Registration and Electoral Office and the Returning Officer concerned 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。有關的資料可能會提供予其他獲授權的部門或機構，用於與選舉有關的用途。

**Transfer of Information**

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

(c) **索閱個人資料**

任何人有權根據《個人資料（私隱）條例》(第 486 章)的條文要求索閱及改正所提供的個人資料。

**Access to Personal Data**

A person has the right to request access to and correction of the personal data he supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).

(d) **查詢**

關於透過本提名表格收集的個人資料的查詢(包括索閱及改正個人資料)，應向總選舉事務主任（地址：香港灣仔港灣道 25 號海港中心 10 樓）提出。

**Enquiry**

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

選舉管理委員會

2007 年 9 月

Electoral Affairs Commission

September 2007