

ELECTORAL AFFAIRS COMMISSION
(ELECTORAL PROCEDURE) (LEGISLATIVE COUNCIL) REGULATION

NOMINATION FORM FOR THE ELECTION COMMITTEE
(Section 12 of the Regulation)

Date of Election: 10 September 2000

[Note: Please use **BLOCK LETTERS** in completing this form and read carefully the attached Explanatory Notes on Completion of Nomination Form.]

PART I NOMINATION

Section 1: Particulars of Candidate (to be completed by candidate) (see Notes 4, 5 and 17)

Name in Chinese: _____ [_____]
[Alias]

in Chinese Commercial Code: _____

Name in English (in **BLOCK LETTERS**): _____ [_____]
(Surname) (Other name) [Alias]

Hong Kong Identity Card Number: _____

Date of Birth: _____ Sex: _____

Occupation: _____
[English] [Chinese]

Name of Company/Organization: _____

Principal Residential: _____
Address in Chinese

Principal Residential: _____
Address in English

Telephone Numbers: Home _____ Office _____
Mobile _____ Pager _____

Telephone Number for Media (Optional): _____

Fax Number: _____

Political Affiliation (if applicable): _____
[English] [Chinese]

Section 2: Particulars of Subscribers (This form must be subscribed by at least 10 Members of the Election Committee, each of whom must sign in the space provided.)
 (Candidate and subscribers should see Notes 2, 3 and 17)

We are Members of the Election Committee and we hereby nominate the person named in Section 1 as a candidate at the above election. The particulars of each of us are as follows: -
(Subscribers must provide their registered residential addresses which are recorded in the Final Register.)

No.	Particulars of Subscribers (At least 10 subscribers are required)				Subscriber's Signature (must be personally signed by each subscriber)
	Name in		HKID Number	Registered Residential Address	
	Chinese	English (Surname first)			
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

PART II CANDIDATE'S CONSENT TO NOMINATION, DECLARATION OF QUALIFICATION, AND AUTHORIZATION FOR RELEASE OF RECORD/ INFORMATION

(to be completed by candidate) (see Notes 6, 7, 12, 14, 16 and 17)

(Please provide the following information and tick the appropriate boxes.)

1. I, being the nominee mentioned in Section 1 of Part I above, hereby consent to my being nominated as a candidate at the above election.
2. I hereby confirm that my particulars as contained in Section 1 of Part I above are true and correct.
3. I hereby declare that I am qualified under section 37 of the Legislative Council Ordinance for nomination as a candidate at the above election. In this regard I provide the following information :-
 - (a) I have reached 21 years of age.
 - (b) I am a registered elector for the geographical constituency and am eligible to be so registered.
 - (c) (If applicable) During the 3 years preceding the nomination, there were occasions on which I was absent from Hong Kong for more than 90 days (accumulatively) in duration. Details are provided below:-
(Please provide information on a separate sheet if the space provided below is insufficient, and sign thereon.)

Period	Place of Residence during Absence	Reason of Absence

4. 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. (see Note 16)
5. I declare that I will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.
6. 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. I also attach a completed promissory oath to the effect as required by section 40(1)(b)(iii) of the Legislative Council Ordinance.

8. 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 the Election Committee for verification purposes.
9. I further declare that *I have not been nominated as a candidate for election as member for another constituency in the 2000 Legislative Council elections. / I have, in accordance with the Legislative Council Ordinance and Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, withdrawn all my nominations in respect of all other constituencies in the 2000 Legislative Council elections.

Date: _____ Signature: _____

PART III ATTESTATION (to be completed by a witness) (see Notes 14 and 17)

1. I hereby declare that Part II was completed and signed by the candidate in my presence.
2. My particulars are as follows :-

Name in Chinese: _____

Name in English (in block letters): _____
(Surname) (Other name)

Hong Kong Identity Card Number: _____

Residential Address: _____

Date: _____ Signature _____

Name of Candidate: _____

PART IV DETERMINATION OF THE VALIDITY OF THE CANDIDATE
(to be completed by the Returning Officer for the Election Committee)

1. Election Deposit

- *A cheque/cashier order (No. _____) in the sum of HK\$25,000 (being the election deposit), payable to the Government of Hong Kong Special Administrative Region, has been received.
- A sum of HK\$25,000 in cash (being the election deposit) has been received.

2. Having checked all relevant details, I hereby determine that:

- the candidate is validly nominated.
- the candidate is not validly nominated and the reason(s) *is/are as follows:

Date: _____ Signature of Returning Officer: _____
Name of Returning Officer: _____

PART V DECISION TO VARY THE VALIDITY OF THE CANDIDATE
(to be completed by the Returning Officer of the Election Committee)

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.

Date: _____ Signature of the Returning Officer: _____
Name of the Returning Officer: _____

Notes: * Delete whichever is inapplicable.
 Tick whichever is applicable.

PROMISSORY OATH

(Section 12 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation)

LEGISLATIVE COUNCIL ELECTIONS

The Election Committee

Date of election: 10 September 2000

I, _____
(Name)

of _____
(Principal residential address)

*make oath and say/do solemnly and sincerely affirm that, if elected as a Member of the Legislative Council in the above 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.

(Signature)

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

this _____ day of _____ 2000.

Before me,

Signature: _____

Name in BLOCK LETTERS: _____

Title of the Person Taking and Receiving: *a Commissioner for Oath / a Justice
this Oath/Affirmation of the Peace / a solicitor with a
practising certificate

(If other title, please specify): _____

Note: *Delete whichever is inapplicable.

Notes on Completion of Nomination Form for the Election Committee (Election of a Member of the Legislative Council)

1. A separate nomination form must be used for each candidate.
 2. A nomination form should be personally subscribed by at least 10 subscribers, each of whom must sign in the space provided. All the subscribers must be the Members of the Election Committee. A candidate is advised to 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. **In the column of registered residential address, subscribers must provide their registered residential addresses as recorded in the Final Register. If they have moved out, they still need to provide their residential addresses as recorded in the Final Register.**
 3. A member of the Election Committee is entitled to subscribe any number of nomination forms up to the number of Legislative Council Members to be returned by the Election Committee. Since the Election Committee is to return 6 Legislative Council Members, a member of the Election Committee (i.e. an elector) is entitled to subscribe up to 6 nomination forms.
 4. 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.
 5. If a candidate wishes, he can state on the nomination form his political affiliation which may be published in candidates' introductory leaflets.
 6. During the 3 years preceding the nomination, if there were occasions on which the candidate was absent from Hong Kong for more than 90 days (accumulatively) in duration, he has to state clearly the duration, place of residence during absence and reason for absence in the nomination form.
 7. 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 for the Election Committee within the nomination period from 20 July 2000 to 2 August 2000 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:-
 - (a) an election deposit in the sum of HK\$25,000 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 31 July 2000**); and
 - (b) a promissory oath to the effect as required in Section 40(1)(b)(iii) of the Legislative Council Ordinance (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, a solicitor holding a practising certificate or an authorized person to take and receive such oath.)
- A candidate should note that the nomination form must contain the promissory oath for the purpose of nomination.
8. 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.
 9. 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.

10. 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.

11. A nomination will not be valid unless it contains the information as required in the Legislative Council Ordinance and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation. The Returning Officer concerned 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.

12. A candidate at the Legislative Council election cannot be nominated for more than one constituency or the Election Committee in the 2000 Legislative Council Elections. When he hands in his nomination form, he must have withdrawn his candidature in respect of all other constituencies, if any, or else his new nomination will be held to be invalid.

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

14. 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.

15. For enquiries, please contact the Returning Officer for the Election Committee or the Election Hotline of the Registration and Electoral Office at 2891 1001.

16. Qualification and disqualifications for nomination as a candidate or election as a Member are dealt with in sections 37(1), 39, 40 and 41 of the Legislative Council Ordinance which are reproduced below for reference:-

Who is eligible to be nominated as a candidate of the Election Committee (section 37(1) of the Legislative Council Ordinance)

- (1) A person is eligible to be nominated as a candidate at an election for a geographical constituency, or for election by the Election Committee, 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.

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

- (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 composition with the person's creditors or a voluntary arrangement, 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, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her 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's unsoundness of mind has ceased.
- (3) A person is also disqualified from being elected as a Member if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.
- (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.

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

- (1) A person is not validly nominated as a candidate for an election for a constituency, or by the Election Committee, 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.

Person not to be nominated for more than one constituency (section 41 of the Legislative Council Ordinance)

- (1) A person is not eligible to be nominated—
 - (a) as a candidate for a constituency if the person is currently nominated either as a candidate for another constituency or as a candidate for election by the Election Committee; or
 - (b) as a candidate for election by the Election Committee if the person is currently nominated as a candidate for a constituency.
- (2) The name of a person whose name is included in a nomination list for a geographical constituency is not, at the same election, eligible to be included in another list of candidates nominated for the constituency.

17. You may wish to note the following with regard to the personal data supplied in this form.

- (a) 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) Classes of Transferees
The information provided in the nomination form may also be provided to departments/agencies authorized to process the information for election related purposes and the nomination form will be made available for public inspection. All identity document numbers in the form will be covered before display.
- (c) Access to Personal Data
Candidate(s) has/have a right to request access to, and to request the correction of, the personal data which he/they supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance.
- (d) 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 (Attn: EO(E)1) at 10th Floor, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong.