

提名編號：_____
Nomination No.

遞交日期：_____
Submission Date

遞交時間：_____
Submission Time

2012 年沙田區議會補選提名表格
鞍泰選區
(規例第 12 條)

**NOMINATION FORM FOR THE 2012 SHA TIN DISTRICT COUNCIL BY-ELECTION
ON TAI CONSTITUENCY**
(Section 12 of the Regulation)

補選日期：2012 年 11 月 4 日
Date of By-election : 4 November 2012

〔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》（說明）。〕
[Note: Please read carefully the accompanying "Notes on Completion of Nomination Form for the District Council By-election" (Note(s)) 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）〔請參閱說明第 2、6、7 及 18 項〕

Section 1: Particulars of Candidate (To be completed by the candidate) [Please refer to 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： _____
Chinese Commercial Code

英文姓名（大楷）： _____
〔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（大楷）（如適用）： _____
〔見說明第 6 項〕
Alias in English (in BLOCK LETTERS) (if applicable) [see Note 6]

香港身分證號碼： _____
Hong Kong Identity Card Number

出生日期： _____ 性別： _____
Date of Birth Sex

主要住址（中文）： _____
〔見說明第 6 項及附錄〕
Principal Residential _____
Address in Chinese _____
[see Note 6 and Appendix]

主要住址（英文）： _____
〔見說明第 6 項及附錄〕
Principal Residential _____
Address in English _____
[see Note 6 and Appendix]

通訊地址（中文）： _____
Correspondence _____
Address in Chinese _____
(if different from the principal residential address) *(見附錄)*
(see Appendix)

通訊地址（英文）： _____
Correspondence _____
Address in English _____
(if different from the principal residential address) *(見附錄)*
(see Appendix)

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 _____ 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（可選擇是否填寫）〔見說明第 2 及 18(b)項〕

Contact Information for the Media (Optional) [see Notes 2 and 18(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〔候選人及提名人請參閱說明第3、4、5及18項（包括保障個人資料原則）〕

Section 2: Particulars of Subscribers [Candidate and subscribers should see Notes 3, 4, 5 and 18 (including personal data protection principles)]

我們是沙田區議會鞍泰選區的登記選民，現提名_____為於2012年11月4日舉行的補選的候選人。我們的個人資料現逐一列出如下—

We are registered electors for the On Tai Constituency of the Sha Tin District Council and we hereby nominate _____ as a candidate at the by-election to be held on 4 November 2012. The particulars of each of us are as follows –

優先 編號 Priority No.	提名人資料 Particulars of Subscribers (應由最少10位，但不超過20位鞍泰選區的登記選民簽署為提名人) 〔見說明第3、4、5及18項（包括保障個人資料原則）〕 (At least 10, but not more than 20, registered electors of the On Tai Constituency should sign to subscribe the nomination) [see Notes 3, 4, 5 and 18 (including personal data protection principles)]			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		香港身分證號碼 Hong Kong Identity Card Number	
	中文(正楷) Chinese	英文(姓)(名)(大楷) English (Surname first) (in BLOCK LETTERS)		
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

第二節 (延續) :

Section 2: (Cont'd)

我們是沙田區議會鞍泰選區的登記選民，現提名_____為於 2012 年 11 月 4 日舉行的補選的候選人。我們的個人資料現逐一列出如下—

We are registered electors for the On Tai Constituency of the Sha Tin District Council and we hereby nominate _____ as a candidate at the by-election to be held on 4 November 2012. The particulars of each of us are as follows –

優先 編號 Priority No.	提名人資料 Particulars of Subscribers (應由最少 10 位，但不超過 20 位有關選區的登記選民簽署為提名人) [見說明第 3、4、5 及 18 項 (包括保障個人資料原則)] (At least 10, but not more than 20, registered electors of the On Tai Constituency should sign to subscribe the nomination) [see Notes 3, 4, 5 and 18 (including personal data protection principles)]			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		香港身分證號碼 Hong Kong Identity Card Number	
	中文 (正楷) Chinese	英文 (姓) (名) (大楷) English (Surname first) (in BLOCK LETTERS)		
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

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紀錄／資料（由候選人填寫）
〔在填寫前，請參閱說明第 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 13, 14, 15, 17 and 18 before completion.]

1. 我是本提名表格第一部分第一節所述的人，現同意接受提名為上述選舉的候選人和作出如下的確認及聲明－

I, being the person mentioned in Section 1 of Part I of this nomination form, hereby consent to my being nominated as a candidate at the above election, and make confirmation and declarations as follows –

- (1) 我確認本提名表格所列有關本人之資料乃屬真實正確。

I hereby confirm that my particulars as contained in this nomination form are true and correct.

- (2) 我謹此聲明，按《區議會條例》（第 547 章）第 20 條之規定，我有資格在上述選舉中獲提名為候選人。為此，我將詳情逐一開列如下－

I hereby declare that I am eligible under section 20 of the District Councils Ordinance (Cap. 547) to be nominated as a candidate at the above election. In this regard, I provide the following information –

- (a) 我已年滿 21 歲。

I have reached 21 years of age.

- (b) 我已登記為地方選區的選民。

I am a registered elector for a geographical constituency.

- (c) 我並未有喪失在選舉中投票的資格。〔見說明第 17 項〕

I am not disqualified from voting at an election. [see Note 17]

- (d) 我在緊接提名前的 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) 我並非鄉事委員會主席。

I do not hold office as the Chairman of a Rural Committee.

- (3) 我謹此聲明，據我所知，我並無因《區議會條例》（第 547 章）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。〔見說明第 17 項〕

I declare that to the best of my knowledge I am not disqualified from being nominated as a candidate or elected as an elected member by reason of the provisions of any disqualification contained in section 21 of the District Councils Ordinance (Cap. 547) or any other law. [see Note 17]

- (4) 我謹此聲明，我會擁護《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.

- (5) 我亦進一步聲明，我並非現任區議員。

I further declare that I am not an incumbent Member of any District Council.

2. 就我在本部分第 1(1)段至 1(5)段所確認及聲明的事項，我現明示同意與此提名表格有關的選舉主任、選舉事務處及選舉管理委員會向有關機構（包括：入境事務處、公務員事務局、立法會、懲教署、香港警務處、破產管理署及醫院管理局／衛生署）查核（包括透過核對程序進行查核）我在提名表格內提供的資料，以及我獲提名為候選人及當選議員的資格。我亦明示同意上述有關機構向與此提名表格有關的選舉主任、選舉事務處及選舉管理委員會披露任何有關我的紀錄或資料，以作查核用途。

In respect of my confirmation and declarations contained in paragraphs 1(1) to 1(5) of Part II, I hereby expressly consent to the Returning Officer for the constituency concerned, the Registration and Electoral Office and the Electoral Affairs Commission to verify (including by means of a matching procedure) the information concerning myself in this nomination form and my eligibility and qualification of being nominated as a candidate and from being elected as a Member with all the relevant authorities (including Immigration Department, Civil Service Bureau, Legislative Council, Correctional Services Department, Hong Kong Police Force, Official Receiver's Office and Hospital Authority / Department of Health). I also expressly consent to the above authorities' release of any record or information concerning myself to the Returning Officer for the constituency concerned, the Registration and Electoral Office and the Electoral Affairs Commission for verification purposes.

日期： _____
Date

簽署： _____
Signature

第三部分：證明（由見證人填寫）〔請參閱說明第 15 及 18 項〕

Part III: ATTESTATION (To be completed by a witness) [Please refer to Notes 15 and 18]

1. 我聲明本提名表格第二部分是於我在場下由候選人親自填寫及簽署。
I hereby declare that Part II of this nomination form was completed and signed by the candidate in my presence.

2. 我的個人資料如下—
My particulars are as follows –

中文姓名（正楷）： _____
Name in Chinese

英文姓名（大楷）： _____
Name in English (姓 Surname) (名 Other name)
(in BLOCK LETTERS)

身分證明文件（請註明）號碼： _____
Identity Document (please specify) Number

住址： _____
Residential Address

日期： _____
Date

簽署： _____
Signature

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 CANDIDATE
(To be completed by the Returning Officer)

候選人姓名（正楷）： _____
Name of Candidate (in BLOCK LETTERS)

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 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” or “香港特別行政區政府”, 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:

上述候選人的提名為有效。
the above candidate is validly nominated.

上述候選人的提名為無效。原因如下：
the above 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

備註： * 請刪去不適用者
Notes: Please delete whichever is inapplicable

請在合適的方格內加上「✓」號
Please tick as appropriate

第五部分：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)

由於我信納此候選人已*去世／喪失獲提名為候選人的資格一事已獲證明，我現更改較早前的決定，並決定此候選人的提名為無效。

Since it is proved to my satisfaction 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

備註： * 請刪去不適用者
Notes: Please delete whichever is inapplicable

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

以下說明只供參考。在這些說明中，在文意許可的情況下，“他”是指“他”或“她”。有關提名事宜的法例，請參閱《區議會條例》（第547章）、《選舉（舞弊及非法行爲）條例》（第554章）及其他有關法例，包括《選舉管理委員會（選舉程序）（區議會）規例》（第541章，附屬法例F）。

The Notes below are for reference only. In these Notes, “he” means “he” or “she” as far as the context permits. For legislation concerning nomination matters, please refer to the District Councils Ordinance (Cap. 547), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and other relevant legislation, including the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F).

1. 每份提名表格只能用以提名一位候選人。
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. 根據《區議會（提名所需的選舉按金及簽署人）規例》（第547章，附屬法例A），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**必須已登記為鞍泰選區的選民**。為避免因有提名人不符合資格而令提名失效，提名表格可由多於10位，但不超過20位提名人簽署。候選人應小心查證提名人的資格。倘若基於任何原因，某位提名人被發現不符合資格，他的姓名將不予理會。候選人亦須提醒每位提名人應填寫在其身分證明文件（指提名人紀錄在地方選區正式選民登記冊內的資料所依據的身分證明文件）上所顯示的姓名。

According to the District Councils (Subscribers and Election Deposit for Nomination) Regulation (Cap. 547 sub. leg. A), a nomination form must be **personally subscribed to and signed by 10 subscribers**. All the **subscribers must be registered electors for the On Tai Constituency**. To avoid the risk of invalidation of the nomination if any subscriber is disqualified, the nomination form may contain more than 10 but not exceed 20 subscribers. A candidate should check the eligibility of the subscribers. If for any reason a subscriber is found to be ineligible, his name will be disregarded. A candidate should also remind each of the subscribers to provide the names as shown on their identity documents (being the identity documents based on which the particulars of the subscribers are recorded in the geographical constituencies final register).

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 onwards) will be regarded as not having subscribed the nomination form. In this case, that person may subscribe another nomination form.

6. 請以中文及英文提供候選人的姓名及主要住址，以便在政府憲報上刊登。有關填寫主要住址的注意事項，可參閱附錄。候選人必須填寫在其身分證明文件（指候選人紀錄在地方選區正式選民登記冊內的資料所依據的身分證明文件）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，該候選人可在別名一欄中加上該姓名。提名公告上顯示的候選人姓名（包括別名）會印在選票上。根據《選舉管理委員會（選舉程序）（區議會）規例》（第541章，附屬法例F）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**. Candidate(s) may refer to the Appendix for the points to

note when filling in the principal residential address(es). 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 geographical constituency 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, that candidate may include such different name as his alias. The name(s) (including alias(es)) of the candidate(s) as shown in the Notice of Nominations will be printed on ballot papers. According to section 19(3) and (4) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F), 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：2012年9月21日至2012年10月4日內（首尾兩天包括在內），除公眾假期外的任何日子，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）由候選人親自送交有關的選舉主任（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。**為避免因支票遭銀行退票而令提名失效，候選人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 relevant Returning Officer within the nomination period from 21 September 2012 to 4 October 2012 (both days inclusive) 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 by cashier order.**
9. 準候選人應盡早遞交提名表格，以便於提名期結束前，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，除以選舉呈請提出質疑外，不可循任何法律程序提出質疑。
Generally, unless 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》（第547章）及《選舉管理委員會（選舉程序）（區議會）規例》（第541章，附屬法例F）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 form will not be valid unless it contains the information as required in the District Councils Ordinance (Cap. 547) and the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F). 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. 候選人如欲退出選舉，可填寫一份「候選人退選通知書」的指定表格(REO/C/5/2012DC(By-E) (SF))，並最遲於提名期結束前送遞予有關的選舉主任。

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 (REO/C/5/2012DC(By-E) (SF)) before the close of nominations.

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歲並持有身分證明文件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。根據《區議會條例》(第547章)第2條，“身分證明文件”(identity document)指—

Part II of this nomination 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 an identity document and aged 18 years or over. The witness is required to complete Part III of this nomination form and sign thereunder. According to section 2 of the District Councils Ordinance (Cap. 547), “identity document” (身分證明文件) means –

- (a) 根據《人事登記條例》(第177章)向某人發出的身分證；或
an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or
- (b) 在根據該條例訂立並正有效的規例下向某人發出，並證明該人獲豁免而無須根據該條例登記的文件；或
a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) 向某人發出的獲選舉登記主任接受為該人的身分證明的任何其他文件。
any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person’s identity.

16. 如有任何關於填寫提名表格的查詢，請與選舉主任聯絡或致電選舉事務處查詢熱線 2891 1001。

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

17. 根據《區議會條例》(第547章)第2、20、21及30條，有關訂明公職人員的釋義、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情況載列如下，以作參考—

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 (Cap. 547) which are reproduced below for reference –

釋義〔《區議會條例》(第547章)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 (Cap. 547))

"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547章)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 (Cap. 547))

- (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547章)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；¹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 (Cap. 547))

- (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

¹原訟法庭於 2012 年 6 月 21 日就黃軒瑋訴律政司司長(高院憲法及行政法訴訟 2012 年第 51 號)及梁國雄訴律政司司長(高院憲法及行政法訴訟 2012 年第 54 號)給予書面判詞，裁定《立法會條例》第 39(1)(b)條(與《區議會條例》第 21(1)(b)條相若)違憲。政府當局已於 2012 年 7 月 12 日宣布決定不會就有關判決提出上訴。日後的區議會選舉會按當時生效的法例進行。任何人士如欲在區議會選舉獲提名為候選人，並對他的提名資格有疑問，他可徵詢獨立的法律意見。

- (ii) received a free pardon;¹ 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 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547章）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)-(d)（由2009年第7號第9條廢除）
- (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。

¹ The Court of First Instance delivered written judgment on 21 June 2012 on Wong Hin Wai v Secretary for Justice (HCAL 51/2012) and Leung Kwok Hung v Secretary for Justice (HCAL 54/2012) and declared section 39(1)(b) of the Legislative Council Ordinance (which is similar to section 21(1)(b) of District Councils Ordinance) to be unconstitutional. On 12 July 2012, the Administration announced its decision not to appeal against the judgment. The future District Council elections will be organised in accordance with the prevalent electoral laws. Any person who would like to be nominated as a candidate for a District Council election and is doubtful about his eligibility for nomination may seek independent legal advice.

When an elector is disqualified from voting at an election (section 30 of the District Councils Ordinance (Cap. 547))

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)-(d) (Repealed 7 of 2009 s. 9)
- (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.

18. 請注意下列有關在此提名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 nomination 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 form 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 or 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提名表格所提供的個人資料。

Access to Personal Data

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

(d) 保障個人資料原則

請注意，候選人在收集提名人的個人資料以填寫提名表格時，須遵守個人資料（私隱）條例（第 486 章）附表 1 的資料保障原則，特別是第 4 原則，即採取所有切實可行的步驟，以確保資料受到保障而不受未獲准許的或意外的查閱和處理。

Personal Data Protection Principle

Candidates are reminded to observe the Data Protection Principles in Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) in collecting personal data of subscribers in completing the nomination form, in particular Principle 4 concerning the requirement to take all practicable steps to ensure that personal data are protected against unauthorized or accidental access and processing.

(e) 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提出（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 nomination form (including request for access to and corrections of personal data) 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

2012年8月

Electoral Affairs Commission

August 2012

填寫主要住址／通訊地址的注意事項

Points to note when filling in the Principal Residential / Correspondence Address

候選人在填寫主要住址／通訊地址時，應確保有關的中、英文資料完整並依照以下格式及例子排列－

Candidate(s) should make sure that the principal residential / correspondence address information in Chinese and English is complete and in the order as shown in the format and examples below-

格式

Format

中文住址

Chinese Residential Address

XX	XXX	XX街 XX號	
區域 (香港／九龍／新界)	地區	街道名稱及號數	
XX大廈	X座	X樓	X室
大廈／屋邨／鄉村名稱	座	樓	室

英文住址

English Residential Address

Flat X	X / F	Block X	XXX Building
Room / Flat	Floor	Block	Name of Building / Estate / Village
XX XXX Street	XXXXXX		XXXXXX
No. & Name of Street	District	Region (Hong Kong / Kowloon / New Territories)	

例子一

Example 1

主要住址 (中文) : 香港中環明街 38 號耀華閣 B 座 15 樓 A 室

Principal Residential
Address in Chinese

主要住址 (英文) : Flat A, 15/F, Block B, Yiu Wah Tower, 38 Ming Street,

Principal Residential
Address in English
Central, Hong Kong

例子二

Example 2

主要住址 (中文) : 新界南丫島莫志新村 99 號 4 樓

Principal Residential
Address in Chinese

主要住址 (英文) : 4/F, 99 Mok Chi Sun Tsuen, Lamma Island, New Territories

Principal Residential
Address in English

例子三

Example 3

主要住址（中文）：新界上水燕子村 2 巷 29 號 4 樓

Principal Residential
Address in Chinese

主要住址（英文）：4/F, No. 29, Lane 2, Yin Ji Village,

Principal Residential Sheung Shui, New Territories
Address in English

例子四

Example 4

主要住址（中文）：新界沙頭角沙頭角道洞北村 89 號〔村民信箱 3999 號〕 ^(見註)

Principal Residential
Address in Chinese

主要住址（英文）：No. 89, Tung North Village, Sha Tau Kok Road,

Principal Residential Sha Tau Kok, New Territories (Letter Box 3999) ^(see note)
Address in English

註： 根據《選舉管理委員會（選舉程序）（區議會）規例》第 541F 章 第 19 條，選舉主任會將一份關於候選人是否獲有效提名的決定的通知，按提名表格上所提供的主要住址送交有關候選人，因此候選人須在提名表格上提供足夠資料（如主要住址接收郵件有困難，則可同時提供信箱號碼）以便選舉主任送交有關通知。

Note: Since the Returning Officer has to send a notice regarding the validity of a candidate to his principal residential address as stipulated in Section 19 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), candidate should provide sufficient information (if the principal residential address has difficulty in receiving mail, please provide letter box number) in the form to facilitate delivery of the Returning Officer's notification.