

2007年區議會選舉
2007 DISTRICT COUNCIL ELECTION

準候選人向提名顧問委員會要求提供意見的申請
**APPLICATION BY A PROSPECTIVE CANDIDATE TO A
NOMINATIONS ADVISORY COMMITTEE FOR ADVICE**

選舉管理委員會(提名顧問委員會(區議會))規例第5條

Section 5 of the Electoral Affairs Commission
(Nominations Advisory Committees (District Councils)) Regulation

提名為以下選區區議會民選議員選舉的候選人的資格
ELIGIBILITY FOR NOMINATION AS A CANDIDATE FOR THE ELECTION OF AN
ELECTED MEMBER OF A DISTRICT COUNCIL FOR

(區議會名稱)
(Name of the District Council)

(選區名稱)
(Name of the Constituency)

(請用正楷填寫表格及小心參閱夾附的填寫申請書說明)
(Please use BLOCK LETTERS in completing this form and read carefully the attached explanatory notes)

第一部分：申請人資料

PART I PARTICULARS OF APPLICANT

1. 中文姓名: _____
Name in Chinese

2. 英文姓名: _____
Name in English (姓Surname) (名Other name)

3. 香港身份證號碼: _____
Hong Kong Identity Card Number

4. 通訊地址: _____
Correspondence Address

5. 聯絡電話號碼: _____
Contact Telephone Number(s)

6. 傳真號碼: _____
Fax Number

第二部分：申請人的資格（請提供以下資料，並在合適方格內加「✓」號）

PART II QUALIFICATIONS OF APPLICANT

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

7. 本人已年滿二十一歲。
I have reached 21 years of age.

8. 本人*是一名登記選民／已申請登記為選民，並有資格如此登記。
I * am/have applied to be a registered elector and am eligible to be so registered.

9. 本人並未喪失在選舉中投票的資格。
I am not disqualified from voting at an election.

10. 本人在緊接提名前的三年內通常在香港居住。
I have ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.

11. 本人並非鄉事委員會主席。
I do not hold office as the Chairman of a Rural Committee.

第三部分：申請人是否喪失提名資格 (請提供以下資料，並在合適方格內加「✓」號)
PART III WHETHER APPLICANT IS DISQUALIFIED FROM BEING NOMINATED
(Please provide the following information, and tick the appropriate boxes.)

12. 本人並非 -
I am not -
- (a) 司法人員；或
a judicial officer; or
- (b) 根據《區議會條例》(第 547 章)第 2 條訂明的公職人員。
a prescribed public officer as defined under section 2 of the District Councils Ordinance (Cap. 547).
13. 本人不會在香港或任何其他地方被判處死刑或監禁(不論如何稱述)。
I have never in Hong Kong or any other place been sentenced to death or imprisonment (by whatever name called).
14. 本人曾在香港或任何其他地方被判處死刑或監禁(不論如何稱述)，但已服該刑罰或主管當局用以替代該項刑罰的其他懲罰，或已獲赦免。
Where I have in Hong Kong or any other place been sentenced to death or imprisonment (by whatever name called), I have either served the sentence or undergone such other punishment as a competent authority may have been substituted for the sentence, or have received a free pardon.
15. 本人不會被裁定犯叛逆罪。
I have not been convicted of treason.
16. 本人並非因被判監禁而正在服刑。
I am not serving a sentence of imprisonment.
17. 本人自 2002 年 11 月 18 日起不會被裁定觸犯以下罪行 -
Since 18 November 2002, I have not been convicted -
- (a) 在香港或任何其他地方就所犯的任何罪行，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
of an offence in Hong Kong or any other place and, in respect of that offence, sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
- (b) 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
of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
- (c) 《防止賄賂條例》(第 201 章)第 II 部所訂的任何罪行；或
of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
- (d) 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。
of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

18. 本人不曾因《區議會條例》或任何其他法律的施行而喪失資格擔任區議會選舉候選人或當選為區議會民選議員。
I am not ineligible to be a candidate or to be elected as an elected member of the District Council because of the operation of the District Councils Ordinance or any other law.
19. 本人不是香港以外地方的政府的代表或該政府的受薪政府人員。
I am not a representative or a salaried functionary of the government of a place outside Hong Kong.
20. 本人不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。
I am not 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.
21. 本人並非未獲解除破產的人，亦非在過去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。
I am not an undischarged bankrupt or, within the previous 5 years, have not either obtained a discharge in bankruptcy or have not entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with my creditors, in either case without paying my creditors in full.
22. 本人並非根據《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自己的財產及事務的人士。
I am not found under the Mental Health Ordinance (Cap.136) to be incapable, by reason of mental incapacity, of managing and administering my property and affairs.

第四部分：補充資料

PART IV SUPPLEMENTARY INFORMATION

23. 除上述所申述的資料外，本人提供以下有關本人特殊情況的資料以協助顧問委員會考慮本人之申請 –

In addition to the information set out above, I provide the following information pertaining to my special circumstances which may assist the Committee in considering my application –

填寫準候選人向提名顧問委員會要求提供意見的申請說明及
候選人的資格與喪失資格說明

**Notes on How to Complete an Application by a Prospective Candidate
to a Nominations Advisory Committee for Advice
and Notes on Qualifications and Disqualifications for Candidates**

- (1) 準候選人可以特定的申請表(REO/NAC/1/2007DCE(SF))，就他是否在區議會一般選舉符合被提名為候選人的資格或已喪失被提名為候選人的資格，向提名顧問委員會(「顧問委員會」)要求提供意見。

A prospective candidate may apply by using a specified application form (REO/NAC/1/2007DCE(SF)), for the advice of a Nominations Advisory Committee (“the Committee”) as to whether he is eligible to be, or is disqualified from being, nominated as a candidate at an ordinary election of the District Council.

- (2) 準候選人只可以提出一次申請。

A prospective candidate may make only one application.

- (3) 有關申請必須由 **2007年6月29日** 至 **2007年9月29日** (包括首尾兩日) –

甲、以郵遞方式，(寄交香港灣仔愛群道 32 號愛群商業大廈 13 樓，選舉事務處)；或以圖文傳真方式(傳真號碼：2803 5665) 送達總選舉事務主任；
或

乙、以面交方式送達總選舉事務主任(在上述地址)。

The application should be, between **29 June 2007 and 29 September 2007 (both days inclusive)** –

(a) sent by post to the Chief Electoral Officer at the **Registration and Electoral Office, 13/F Guardian House, 32 Oi Kwan Road, Wan Chai, Hong Kong** or by facsimile transmission (**fax no. 2803 5665**) so as to be received by him; or

(b) served on the Chief Electoral Officer personally (at the above address).

- (4) 顧問委員會不會考慮在上述限期之後送達總選舉事務主任的申請。

The Committee **will not** consider any application for advice which is received by the Chief Electoral Officer after the expiry of the above period.

- (5) 顧問委員會在提供意見前，可要求申請人在指定限期內，向顧問委員會提供有關其擬參選事宜的資料、詳情及證據。

The Committee may, before giving its advice, request the applicant to make available to it within a specified period any information, particulars and evidence relating to his/her intended candidature.

- (6) 顧問委員會亦可要求申請人在指明的時間和地點出席會見委員會，協助考慮其申請。申請人可在指明的時間及地點，親自或以書面授權任何人，向委員會提出申述。

The Committee may also request the applicant to present himself/herself before it at a specified time and place to assist it in the consideration of his/her application. The applicant may, at the specified time and place, make representations to the Committee personally or through any person authorized by him/her in writing for the purpose.

- (7) 如申請人沒有遵從顧問委員會的要求，提供任何資料、詳情或證據、或在指明的時間和地點出席會見委員會，顧問委員會可 –
- (a) 拒絕考慮其申請或就其申請提供任何意見；或
 - (b) 顧及到以下兩種或其中一種情況，提供有所保留的意見 –
 - (i) 委員會不獲提供任何資料、詳情或證據，或所有各項；
 - (ii) 申請人沒有在指明的時間和地點出席會見委員會。

Where an applicant does not make available any information, particulars or evidence as requested by the Committee, or fails to present himself/herself before the Committee in response to a request, the Committee may –

- (a) refuse to consider the application or to give any advice on it; or
 - (b) give qualified advice on the application having regard to either or both of the following -
 - (i) the fact that any information, particulars or evidence, or where appropriate, all of them were not available to it;
 - (ii) the failure of the applicant to present himself/herself before the Committee.
- (8) 顧問委員會向申請人所提供的意見，將在 2007 年 10 月 3 日或之前以書面通知申請人。
The Committee's advice to an applicant shall be in writing and will be sent to the applicant **on or before 3 October 2007.**
- (9) 凡顧問委員會決定拒絕考慮某申請或拒絕提供意見，顧問委員會將在 2007 年 10 月 3 日或之前以書面通知該申請人。
Where the Committee decides to refuse to consider an application or to give advice, it will notify the applicant in writing **on or before 3 October 2007.**

- (10) 如有任何查詢，請致電 2891 1001 與選舉事務處聯絡。
If you have any enquiries, please contact the Registration and Electoral Office at 2891 1001.

- (11) 根據《區議會條例》(第 547 章) 第 2、20、21 及第 30 條，有關訂明公職人員、提名為候選人的資格、喪失被提名或當選的資格及選民喪失在選舉中投票的資格的規定如下 –

The interpretation of “prescribed public officer”, qualifications and disqualifications for nomination as a candidate and disqualifications of an elector for voting at election are stipulated in sections 2, 20, 21 and 30 of the District Councils Ordinance (Cap. 547), which are as follows –

第2條 釋義

“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。

Section 2 Interpretation

"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.

第20條 獲提名為候選人的資格

- (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。

Section 20 **Who is eligible to be nominated as a candidate**

- (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.

第21條 **喪失獲提名為候選人及當選為民選議員的資格的情況**

- (1) 任何人如有以下情況，即喪失在選舉中獲提名為候選人的資格及當選為民選議員的資格—
 - (a) 是—
 - (i) 司法人員；或
 - (ii) 訂明公職人員；或
 - (b) 已在香港或任何其他地方被判處死刑或監禁(不論如何稱述)，但—
 - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
 - (ii) 亦未獲赦免；或
 - (c) 已被裁定犯叛逆罪；或
 - (d) 在提名當日或選舉當日，正因服刑而受監禁；或
 - (e) 在不局限(b)段的原則下，被裁定或曾被裁定犯以下罪行，而選舉於或將於其被定罪的日期後的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。

Section 21 ***When person is disqualified from being nominated as a candidate and from being elected as an elected member***

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the person-
- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
 - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon; or
 - (c) has been convicted of treason; or
 - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
 - (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
 - (iii) of 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.

第30條 選民喪失在選舉中投票的資格的情況

任何選民如有以下情況，即喪失在選舉中投票的資格—

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

Section 30 When an elector is disqualified from voting at an election

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

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

(12) 你須注意下列有關填報個人資料的說明

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

(a) **資料用途**

就此申請提供的個人及其他有關的資料，會供提名顧問委員會及選舉事務處用於與選舉有關的用途。

Purpose of Collection

The personal data and other related information supplied in an application form will be used by the Nominations Advisory Committee and the Registration and Electoral Office for election related purposes.

(b) **資料轉介**

有關的資料亦可能會提供予其他獲授權的部門/機構，用於與選舉有關的用途。

Transfer of Information

The information concerned may also be provided to other authorized departments / agencies for election related purposes.

(c) **索閱個人資料**

申請人有權根據《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

Applicant has rights 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**

關於透過本申請表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 application form, including the making of access and corrections, should be addressed to the Chief Electoral Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong.

選舉管理委員會
二零零七年六月
Electoral Affairs Commission
June 2007