# 2016 年選舉委員會界別分組一般選舉 2016 ELECTION COMMITTEE SUBSECTOR ORDINARY ELECTIONS

# 準獲提名人/指定團體向提名顧問委員會要求提供意見的申請 APPLICATION BY A PROSPECTIVE NOMINEE / DESIGNATED BODY TO A NOMINATIONS ADVISORY COMMITTEE FOR ADVICE

《選舉管理委員會(提名顧問委員會(選舉委員會))規例》(第 541H 章)第 6 條
Section 6 of the Electoral Affairs Commission
(Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H)

(此表格只適用於宗教界界別分組)
(This form is applicable to the religious subsector only)

提名為選舉委員會中代表宗教界界別分組的委員的資格 ELIGIBILITY FOR NOMINATION AS A MEMBER REPRESENTING THE RELIGIOUS SUBSECTOR ON THE ELECTION COMMITTEE

〔請用正楷填寫表格及小心參閱來附的說明〕

[Please use BLOCK LETTERS in completing this form and read carefully the attached notes.]

,

第一部分: 申請人資料

### PART I PARTICULARS OF APPLICANT

第一節: 指定團體資料(如申請人是宗教界界別分組的指定團體,才須填寫第一至第七項。) Section 1: Particulars of Designated Body [Items 1-7 have to be completed only if the application is made by a designated body of the religious subsector.] 1. 指定團體名稱(請在適當方格加上✔號) Name of the Designated Body (please tick where appropriate) 中華回教博愛社 □ 天主教香港教區 Catholic Diocese of Hong Kong Chinese Muslim Cultural and Fraternal Association □ 香港基督教協進會 □ 香港道教聯合會 The Hong Kong Taoist Association Hong Kong Christian Council □ 孔教學院 □ 香港佛教聯合會 The Confucian Academy The Hong Kong Buddhist Association 負責人中文姓名(正楷): \_\_\_\_ 2. Name of Responsible Person in Chinese 3. 負責人英文姓名(正楷): (姓 Surname) (名 Other name) Name of Responsible Person in English (in BLOCK LETTERS) 4. 負責人職位: \_\_\_\_\_ Post held by Responsible Person 通訊地址: 5. Correspondence Address 聯絡電話號碼: 6. Contact Telephone Number(s) 7. 傳真號碼:

Fax Number

第二	節:	準獲提名人	、資料	7			
Section	on 2:	Particulars	of Pro	ospective Nomir	nee		
8.	準獲提	名人中文姓	2名(	正楷):			
	Name o	of Prospectiv	ze No	ominee in Chines	se		
	>0. VAR 1 H	r to to the X to		· — · · · · ·			
9.		名人英文姓		· · · · · · · · · · · · · · · · · · ·	( trl. ~		( <del>b</del> a t
		of Prospectiv			(姓 Su	rname)	(名 Other name)
	in Engl	ish (in BLO	CK L	ETTERS)			
10.	香港身	分證號碼:					
	Hong k	Kong Identity					
	_						
11.	通訊地	址: _					
	Corresp	ondence					
	Addres	s					_
12.	聯絡雷	話號碼:					
		t Telephone	Num				
			- , ,,				
13.	傳真號	碼:					
	Fax Nu	ımber					
第二	部分:	準獲提	名人	、的資格			
PAR	T II	ELIGI	BIL	TY OF PRO	SPECTIV	E NOMINEE	
(請持	是供以下	資料,並在	合適	方格內加「✓」號	点。)		
(*請	青刪去不:	適用者。)					
[Pleas	se provi	de the follow	ving i	nformation and	tick the appro	priate boxes.]	
[* Ple	ease dele	ete whicheve	er is i	napplicable.]			
					選區的選民,	而有資格如此登	記,並且沒有喪失該資
		我/		格。			
	準獲技	是名人		am/is a register	ed elector in	a geographical con	nstituency and am/is eligible
14.	*I/	The		to be so register	red, and am/is	not disqualified fi	from being so registered.
		ective			\ \===================================	\	
	non	ninee		並未在任何地方			
				am/is not a regis	stered elector	in any of the geog	graphical constituencies.

		是	不是	
		am/is	am not/	
15.	*我/ 準獲提名人 *I/ The prospective		is not	香港地區全國人民代表大會代表。 a Hong Kong deputy to the National People's Congress.
16.	*我/ 準獲提名人 *I/ The prospective nominee			在 2016 年立法會換屆選舉中當選為議員。 elected as a member of the Legislative Council in the 2016 Legislative Council General Election.
17.	*我/ 準獲提名人 *I/ The prospective nominee			2016年選舉委員會界別分組一般選舉中的候選人。 a candidate of 2016 Election Committee Subsector Ordinary Elections.
18.	下列資料以茲證明 * I regard myself /	有關聯繫 Our body subsector.	regards the	宗教界界別分組有密切聯繫。就此,*我/本團體提供e prospective nominee as having a substantial connection onnection, *I provide / Our body provides the following n -

19.	*我/ 準獲提名人 *I/ The	曾經 have/has,	不曾 have not,/ has not,	自 2013 年 11 月 14 日起被裁定違反《選舉(舞弊及非法行為)條例》(第 554 章),作出舞弊行為或非法行為。 since 14 November 2013, been convicted of having
	prospective nominee			engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).
20.	*我/ 準獲提名人 *I/ The prospective nominee			自 2013 年 11 月 14 日起被裁定觸犯《防止賄賂條例》(第 201 章)第 II 部所訂的罪行。 since 14 November 2013, been convicted of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201).
21.	*我/ 準獲提名人 *I/ The prospective nominee			自 2013 年 11 月 14 日起被裁定觸犯根據《選舉管理委員會條例》(第 541 章)訂立的規例所訂明的任何罪行。 since 14 November 2013, been convicted of any offence prescribed by regulations made under the Electoral Affairs Commission Ordinance (Cap 541).

		曾經	不曾	
		have/has	have not/	
		been	has not been	
22.	*我/ 準獲提名人 *I/ The prospective nominee			根據《長期監禁刑罰覆核條例》(第 524 章 )獲釋出獄。 released from imprisonment under the Long-Term Prison Sentences Review Ordinance (Cap 524)).

		是 am/is	不是 am not/ is not	
23.	*我/ 準獲提名人 *I/ The prospective nominee			在提名當日正因服刑而受監禁。 serving a sentence of imprisonment on the date of nomination.
24.	*我/ 準獲提名人 *I/ The prospective nominee			現時根據《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。 found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering my property and affairs.
25.	*我/ 準獲提名人 *I/ The prospective nominee			中華人民共和國或任何其他國家或地區的武裝部隊的成員。 a member of the armed forces of the People's Republic of China or any other country or territory.
	除上述所申述的資 顧問委員會考慮此 In addition to the in	PLEMEN 資料外,*利 上申請 — nformation special circ	戏/本團體 set out abov umstances o	NFORMATION 提供以下有關*我/準獲提名人特殊情況的資料以協助 re, *I provide / our body provides the following information of *myself/the prospective nominee which may assist the

第四部分: 申請人之聲明

### PART IV DECLARATION BY APPLICANT

- 27. \*我/本團體確認上文第一至第三部分所列有關\*我/準獲提名人的資料乃屬真實正確。
  - \*I hereby confirm / Our body hereby confirms that the particulars contained in Parts I to III above in respect of \*me / the prospective nominee are true and correct.
- 28. \*我/本團體現向提名顧問委員會(「顧問委員會」)就\*我/準獲提名人在所述的選舉中被提名為在選舉委員會中代表宗教界界別分組的委員的資格要求提供意見。\*我/本團體明白如我/本團體沒有遵從顧問委員會所提出的要求,提供任何資料、詳情或證據、或在指定時間和地點出席會見顧問委員會,顧問委員會可拒絕考慮\*我/本團體的申請或就\*我/本團體的申請提供任何意見。
  - \*I hereby seek / Our body hereby seeks advice from the Nominations Advisory Committee ("the Committee") as to whether \*I am / the prospective nominee is eligible to be nominated as a member representing the religious subsector on the Election Committee for the said election. \*I understand / Our body understands that the Committee may refuse to consider or give any advice on the application if \*I fail / our body fails to make available any information, particulars or evidence, or to present myself before the Committee at the specific time and place as requested by it.

日期:	簽署:	
Date	Signature	
	姓名: Name	
	Tume	(Name of *Prospective Nominee / Responsible Person of Designated Body)
指定團體的印鑑(只在適用時蓋上) (Chop of Designated Body, only if applicable)	-	指定團體的名稱(只在適用時填寫) (Name of Designated Body, only if applicable)

<sup>\*</sup> 請刪去不適用者。 Please delete whichever is inapplicable.

## 填寫準獲提名人/指定團體向提名顧問委員會要求提供意見的申請說明 及獲提名人的資格與喪失資格說明 (宗教界界別分組)

Notes on How to Complete an Application by a Prospective Nominee /
Designated Body to a Nominations Advisory Committee for Advice
and Notes on Eligibility and Disqualifications for Nominees
(Religious subsector)

1. 宗教界界別分組由以下團體("指定團體")組成 -

	委員數目
(a) 天主教香港教區;	10
(b) 中華回教博愛社;	10
(c) 香港基督教協進會;	10
(d) 香港道教聯合會;	10
(e) 孔教學院; 及	10
(f) 香港佛教聯合會。	10

The religious subsector is composed of the following bodies ("the designated bodies") -

	Number of Members
(a) Catholic Diocese of Hong Kong;	10
(b) Chinese Muslim Cultural and Fraternal Association;	10
(c) Hong Kong Christian Council;	10
(d) The Hong Kong Taoist Association;	10
(e) The Confucian Academy; and	10
(f) The Hong Kong Buddhist Association.	10

2. 準獲提名人/指定團體只可以本指明的申請表 [REO/NAC/1c/2016ECSSE(SF)] , 就準獲提名人是否在選舉委員會界別分組一般選舉有資格被提名作為在選舉委員會中代表宗教界界別分組的委員或是否喪失該資格,向提名顧問委員會(「顧問委員會」)要求提供意見。

A prospective nominee/designated body may apply, only by using this specified application form [REO/NAC/1c/2016ECSSE(SF)] for the advice of a Nominations Advisory Committee ("the Committee") as to whether the prospective nominee is eligible to be, or is disqualified from being, nominated as a member representing the religious subsector on the Election Committee at the Election Committee Subsector Ordinary Elections.

3. 準獲提名人只可就其所關乎的宗教界界別分組提名提出一次申請;而指定團體只可就其宗教界界別 分組擬提名的某名人士提出一次申請。

A prospective nominee may make only one application in respect of his / her nomination for the religious subsector and a designated body may make only one application in respect of a particular person proposed to be nominated for the religious subsector.

- 4. 有關申請必須由 2016年9月15日至2016年11月7日(包括首尾兩日)—
  - (a) 以郵遞方式,寄往**九龍觀塘觀塘道 392 號創紀之城 6 期 2301 至 2303 室選舉事務處**,或以圖文傳真方式**(傳真號碼: 2151 0426)** 送抵總選舉事務主任;或
  - (b) 以面交方式送達總選舉事務主任(地址:九龍觀塘觀塘道 392 號創紀之城 6 期 2301 至 2303 室 選舉事務處)。

The application must be, between 15 September 2016 and 7 November 2016 (both days inclusive) -

- (a) sent to the Chief Electoral Officer by post to the Registration and Electoral Office, Unit 2301-2303, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon or by facsimile transmission (fax no.: 2151 0426) so as to be received by him; or
- (b) served on the Chief Electoral Officer personally (Address: Registration and Electoral Office, Unit 2301-2303, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon).
- 5. 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.
- 6. 顧問委員會在提供意見前,可要求申請人在指明限期內,向顧問委員會提供有關其申請事宜的資料、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 application.
- 7. 如申請人屬準獲提名人,顧問委員會可在提供意見前,要求申請人在指明的時間和地點出席會見顧問委員會,協助考慮其申請。申請人可在指明的時間及地點就其擬參選事宜,親自或以書面授權任何人,向顧問委員會提出申述。
  - In case the applicant is a prospective nominee, the Committee may, before giving its advice, request the applicant to present himself/herself before it at a specified time and place to assist it in the consideration of the application. The applicant may, at the specified time and place, make representations relating to his/her intended candidature to the Committee personally or through any person authorised by him/her in writing.
- 8. 如申請人屬指定團體,顧問委員會可在提供意見前要求該團體以書面授權代表,在指明的時間及地點出席會見顧問委員會,以協助顧問委員會考慮其申請。
  - In case the applicant is a designated body, the Committee may, before giving its advice, request the designated body to present itself by a representative authorised by that body in writing before it at a specified time and place to assist it in the consideration of the application.
- 9. 如申請人沒有向顧問委員會提供所要求的任何資料、詳情或證據、或沒有在指明的時間和地點出席會見顧問委員會,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) 顧問委員會不獲提供任何資料、詳情或證據,或(如情況適當)所有各項;
  - (ii) 申請人沒有在指明的時間及地點出席會見顧問委員會。

Where an applicant does not make available any information, particulars or evidence as requested by the Committee, or fails to present himself/herself/itself by a representative before the Committee at the specified time and place 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/itself by a representative before the Committee at the specified time and place.
- 10. 顧問委員會向申請人所提供的意見,將以書面形式在 **2016 年 11 月 9** 日或之前送交申請人。

  The Committee's advice to an applicant will be sent to the applicant in writing on or before **9 November 2016**.
- 11. 凡顧問委員會決定根據《選舉管理委員會(提名顧問委員會(選舉委員會))規例)》(第 541H 章) 第 6(14)(a)條,拒絕考慮某申請或拒絕提供意見,顧問委員會將在 2016 年 11 月 9 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 in accordance with section 6(14)(a) of the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap 541H), it will notify the applicant in writing on or before **9 November 2016**.

- 12. 申請人在填寫此申請表時如有任何問題,請在辦公時間內致電選舉事務處的查詢熱線 2891 1001。
  If an applicant has any question in completing this application form, please call the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.
- 13. 根據《行政長官選舉條例》(第 569 章)附表第 8 及第 9 條,被挑選為選舉委員會宗教界界別分組 獲提名人的資格及喪失成為獲提名人的資格的規定如下,以作參考 —

Eligibility for being selected as a nominee and disqualification from being a nominee in respect of the religious subsector of the Election Committee are stipulated in sections 8 and 9 of the Schedule to the Chief Executive Election Ordinance (Cap 569), which are reproduced below for reference -

### 第8條 被挑選為獲提名人的資格

- (1) 任何人如
  - (a) 根據《立法會條例》(第 542 章)已就某地方選區登記為選民,而該人是有資格 就該選區登記為選民,並且沒有喪失該資格;及
  - (b) 與宗教界界別分組有密切聯繫,

則有資格根據第7條被挑選為獲提名人。

- (2) 任何人如
  - (a) 是香港地區全國人民代表大會代表或立法會議員(不論該人是否選舉委員會的 當然委員);或
  - (b) 是界別分組一般選舉中的候選人,

則沒有資格根據第7(1)條被挑選為獲提名人。

- (3) 任何人如
  - (a) 是選舉委員;或
  - (b) 是界別分組補選中的候選人,而補選提名期與根據第 7(2)條須作出提名的期間 完全或部分重叠,

則沒有資格根據第7(2)條被挑選為獲提名人。

(4) 任何人如在某提名期內已被某指定團體挑選為獲提名人,以作為在選舉委員會中代表宗 教界界別分組的選舉委員,則沒有資格在與該提名期完全或部分重叠的另一提名期內, 被另一指定團體挑選為上述委員。

### Section 8 Who is qualified for selection as a nominee

- (1) A person is eligible to be selected as a nominee under section 7 if the person-
  - (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
  - (b) has a substantial connection with the religious subsector.
- (2) A person is not eligible to be selected as a nominee under section 7(1) if the person-
  - (a) is a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee); or
  - (b) is a candidate at a subsector ordinary election.
- (3) A person is not eligible to be selected as a nominee under section 7(2) if the person-
  - (a) is a member of the Election Committee; or
  - (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.
- (4) A person who is selected as a nominee by a designated body as a member representing the religious subsector on the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides.

### 第9條 喪失成為獲提名人的資格

任何人如有以下情況,即喪失根據第7條成為獲提名人的資格—

(a) 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<sup>1</sup>;
- (b) 在提名當日正在服監禁刑;
- (c) 在不局限(a)段的原則下,在緊接提名前的3年內被裁定或曾被裁定犯以下罪行—
  - (i) 在違反《選舉(舞弊及非法行為)條例》(第 554 章)的情況下作出舞弊行為或非法 行為;
  - (ii) 《防止賄賂條例》(第201章)第II部所訂的罪行;或
  - (iii) 《選管會規例》所訂明的任何罪行;
- (d) 當其時是根據《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
- (e) 是中華人民共和國或任何其他國家或地區的武裝部隊的成員。

### Section 9 When a person is disqualified from being a nominee

A person is disqualified from being a nominee under section 7 if the person-

- (a) has in Hong Kong or in 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<sup>2</sup>;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 3 years after the date of the person's conviction, is or has been convicted-
  - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
  - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
  - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

<sup>&</sup>lt;sup>1</sup> 原訟法庭於 2012 年 6 月 21 日就*黃軒瑋及另一人訴律政司司長*(高院憲法及行政訴訟 2012 年第 51 及 54 號)給予書面判詞,裁定《立法會條例》第 39(1)(b)條(與《行政長官選舉條例》(第 569 章)附表第 9(a)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。日後的選舉委員會宗教界界別分組選舉會按屆時生效的法例進行。

<sup>&</sup>lt;sup>2</sup> The Court of First Instance delivered written judgment on 21 June 2012 on *Wong Hin Wai & another v Secretary for Justice* (HCAL 51&54/2012) and declared section 39(1)(b) of the Legislative Council Ordinance (Cap 542) (which is similar to section 9(a) of the Schedule to the Chief Executive Election Ordinance (Cap 569)) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future Election Committee Religious Subsector Election will be held in accordance with the prevailing electoral laws.

### 14. 請注意下列有關在此申請表提供個人資料的說明 —

Please note the following with regard to the personal data supplied in this application form -

### (a) 資料用途

就此申請表提供的個人及其他有關的資料,會供選舉管理委員會、提名顧問委員會、選舉事務處、選舉主任及有關的政府部門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 application form will be used by the Electoral Affairs Commission, Nominations Advisory Committee, the Registration and Electoral Office, the Returning Officers, and other related government departments for election-related purposes.

### (b) 資料轉介

有關資料可能會提供予其他獲授權的部門或人士,包括但不限於法院,用於與選舉有關的用途。

### **Transfer of Information**

The information concerned may be provided to other authorised departments or persons including but not limited to the law courts for election-related purposes.

### (c) 索閱個人資料

你有權根據《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**

You have a right to request access to, and the correction of, the personal data supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap 486).

### (d) 個人資料保障原則

指定團體在收集準獲提名人的個人資料以填寫此申請表時,須遵守《個人資料(私隱)條例》(第 486 章)附表 1 的保障資料原則,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 Principles**

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

### (e) 查詢

關於透過此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 application form (including requests for access to and corrections of personal data) 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 2016年9月 Electoral Affairs Commission September 2016