

2023 年區議會一般選舉
2023 DISTRICT COUNCIL ORDINARY 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 541E 章）第 5 條
Section 5 of the Electoral Affairs Commission
(Nominations Advisory Committees (District Councils)) Regulation (Cap. 541E)

提名為以下界別／選區區議會議員選舉的候選人的資格

ELIGIBILITY FOR NOMINATION AS A CANDIDATE
FOR THE ELECTION OF A MEMBER OF A DISTRICT COUNCIL FOR

（區議會名稱）
(Name of District Council)

（界別／選區名稱）
(Name of Constituency)

（請用正楷填寫此表格及小心參閱夾附的說明）
(Please use BLOCK LETTERS when completing this form and read carefully the attached Notes)

第一部分：申請人資料

PART I PARTICULARS OF APPLICANT

1. 中文姓名（正楷）： _____
Name in Chinese
2. 英文姓名（正楷）： _____
Name in English (in BLOCK LETTERS) (姓 Surname) (名 Other name)
3. 香港身分證號碼： _____
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
7. 電郵地址： _____
Email Address

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 ELIGIBILITY OF APPLICANT

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

8. 我已年滿二十一歲。
I have reached 21 years of age.
9. 我*已／已申請在地方選區選民登記冊內登記為選民，並有資格如此登記。
I *am/have applied to be registered as an elector in the geographical constituency register and am eligible to be so registered.
10. 我並無喪失在選舉中投票的資格。
I am not disqualified from voting at an election.
11. 我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.
12. 我並非鄉事委員會主席。
I do not hold office as the Chairman of a Rural Committee.

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

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.)

13. 我並非—
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).
14. 我不曾被裁定犯叛逆罪。
I have not been convicted of treason.
15. 我並非在提名當日或選舉當日正因服刑而受監禁。
I am not serving a sentence of imprisonment on the date of nomination or on the date of the election.
16. 我未曾根據《長期監禁刑罰覆核條例》（第 524 章）獲釋出獄。
I have not been released from imprisonment under the Long-Term Prison Sentences Review Ordinance (Cap. 524).
17. 我自 2018 年 12 月 10 日起不曾被裁定觸犯以下罪行—
Since 10 December 2018, I have not been convicted -
- (a) 任何罪行（不論是在香港或任何其他地方被定罪），而被判處為期超逾 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 部所訂的罪行；或
of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
- (d) 《區議會條例》（第 547 章）附表 4A 第 7 條或根據《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 section 7 of Schedule 4A of the District Councils Ordinance (Cap. 547) or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

18. 我並非因《區議會條例》（第 547 章）或任何其他法律的施行而沒有資格擔任區議會選舉候選人或於區議會選舉當選為區議會議員。
I am not ineligible to be a candidate or to be elected as a member at the District Council election because of the operation of the District Councils Ordinance (Cap. 547) or any other law.
19. 我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. 我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. 我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 and, within the previous 5 years, have not either obtained a discharge in bankruptcy or 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. 我在 2018 年 12 月 10 日或之後沒有一
Since 10 December 2018, I have not -
- (a) 因拒絕或忽略作出指明誓言而根據法律離任，或喪失就任的資格；或
vacated an office, or been disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
- (b) 被按照任何法律宣告、宣布或裁定為違反指明誓言或不符合擁護《基本法》、效忠中華人民共和國香港特別行政區的法定要求和條件。
been declared or decided in accordance with any law to be in breach of a specified oath; or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- 指明誓言** 指根據法律作出的以下誓言：宣誓者會擁護《基本法》、效忠中華人民共和國香港特別行政區。
specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
23. 我並非根據《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。
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

24. 除上述所申述的資料外，我提供以下有關我特殊情況的資料以協助提名顧問委員會考慮我的申請—
In addition to the information set out above, I provide the following information pertaining to my special circumstances which may assist the Nominations Advisory Committee in considering my application -

〔附註：根據《選舉管理委員會（提名顧問委員會（區議會））規例》（第 541E 章）第 1(2)條訂明，該規例並不賦權或規定提名顧問委員會就關乎《區議會條例》（第 547 章）第 34 條下的規定的事宜，提供意見。（有關規定的詳情見說明第 11 項）〕

[Note: According to section 1(2) of the Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541E), the Regulation does not empower or require the Nominations Advisory Committee to advise on any matter relating to the requirements under section 34 of the District Councils Ordinance (Cap. 547). (see Note 11 for details of the relevant requirements)]

第五部分：申請人之聲明

PART V DECLARATION BY APPLICANT

25. 我現確認上文第一至第四部分所列有關我的資料乃屬真實正確。
I hereby confirm that the particulars contained in Parts I to IV above in respect of me are true and correct.
26. 我現向提名顧問委員會就我在所述的選舉中被提名為候選人的資格要求提供意見。我明白如我沒有遵從提名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提名顧問委員會，提名顧問委員會可拒絕考慮我的申請或就我的申請提供任何意見。
I hereby seek advice from the Nominations Advisory Committee as to whether I am eligible to be nominated as a candidate for the said election. I understand that the Nominations Advisory Committee may refuse to consider or give any advice on my application if I fail to comply with the Nominations Advisory Committee's request, make available any information, particulars or evidence, or to present myself before the Nominations Advisory Committee at the specified time and place as requested by it.

日期： _____
Date

申請人簽署： _____
Signature of Applicant

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 Eligibility and Disqualification for Candidates**

1. 準候選人只可使用本指明的申請表（REO/NAC/1/2023DCE(SF)），就他／她是否在區議會一般選舉有資格獲提名為候選人或是否已喪失該資格，向提名顧問委員會（“顧問委員會”）要求提供意見。
A prospective candidate may apply, only by using this specified application form (REO/NAC/1/2023DCE(SF)), for the advice of a Nominations Advisory Committee (“the Committee”) as to whether he/she is eligible to be, or 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 **2023年9月15日至2023年10月16日（包括首尾兩日在內）** –
 - (a) 以郵遞方式（地址：九龍觀塘觀塘道 392 號創紀之城 6 期 23 樓 2301-03 室選舉事務處），或以圖文傳真方式（傳真號碼：2503 9062）送抵總選舉事務主任；或
 - (b) 以面交方式（地址：九龍觀塘觀塘道 392 號創紀之城 6 期 23 樓 2301-03 室選舉事務處）送抵總選舉事務主任。
The application should be -
 - (a) sent to the **Registration and Electoral Office** by post (**Address: Unit 2301-03, 23/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon**) or by facsimile transmission (**Fax no.: 2503 9062**) so as to be received by the Chief Electoral Officer; or
 - (b) served on the Chief Electoral Officer personally (**Address: Registration and Electoral Office, Unit 2301-03, 23/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon**) **between 15 September 2023 and 16 October 2023 (both days inclusive).**
4. 顧問委員會**不會**考慮在上述限期之後送抵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，協助顧問委員會考慮其申請。申請人可在指明的時間及地點就其擬獲參選事宜，親自或以書面授權任何人，向顧問委員會提出申述。
The Committee may also, before giving its advice, request the applicant to present himself/herself before the Committee at a specified time and place to assist the Committee in the consideration of his/her 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 authorized by him/her in writing.

7. 如申請人沒有向顧問委員會提供要求的任何資料、詳情或證據，或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) 拒絕進一步考慮其申請，或拒絕就其申請提供任何意見；或
 - (b) 顧及以下兩種或其中一種情況（視何者適用而定），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）所有上述項目；
 - (ii) 申請人沒有在指定的時間和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 before the Committee at the specified time and place in response to a request, the Committee may -

- (a) refuse to consider the application any further or to give any advice in relation thereto; or
- (b) give qualified advice on the application having regard to either or both of the following circumstances, as may be appropriate -
 - (iii) the fact that any information, particulars or evidence, or where appropriate, all of them were not available to the Committee;
 - (iv) the failure of the applicant to present himself/herself before the Committee at the specified time and place.

8. 顧問委員會向申請人所提供的意見，將以書面形式在 **2023 年 10 月 20 日或之前**送交申請人。
The Committee's advice to an applicant shall be in writing and will be sent to the applicant **on or before 20 October 2023**.

9. 凡顧問委員會決定拒絕考慮某申請或拒絕提供任何意見，顧問委員會將在 **2023 年 10 月 20 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 any advice, it will notify the applicant in writing on or before **20 October 2023**.

10. 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 questions in completing this application form, please call the Enquiry Hotline of the Registration and Electoral Office at 2891 1001 during office hours.

11. 根據《區議會條例》（第 547 章）第 2、第 20、第 21、第 30 及第 34 條，有關指明誓言及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及當選為議員的資格的情況、選民喪失在選舉中投票的資格的情況及獲提名的候選人須遵從的規定如下，以作參考－

The interpretation of “specified oath” and “prescribed public officer”, eligibilities for nomination as a candidate, disqualification from being nominated as a candidate and from being elected as a member, the disqualifications from voting at an election, and requirements are to be complied with by persons nominated as candidates are stipulated in sections 2, 20, 21, 30 and 34 of the District Councils Ordinance (Cap. 547) which are reproduced below for reference -

第 2 條 釋義

“指明誓言” (specified oath) 指根據法律作出的以下誓言：宣誓者會擁護《基本法》、效忠中華人民共和國香港特別行政區。

“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

“specified oath” (指明誓言) means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China.

“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) 已在現有的地方選區選民登記冊內登記為選民；及
 - (c) 並無喪失在選舉中投票的資格；及
 - (d) 並無憑藉第 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界別或選區的候選人，則並無資格同時獲提名為另一界別或選區的候選人。

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 registered as an elector in the existing GC register; and
 - (c) is not disqualified from voting at an election; and
 - (d) is not disqualified from being nominated as a candidate or elected as a 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於選舉當選為議員的資格—
- (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) 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) 附表 4A 第 7 條或根據《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於選舉當選為議員；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。
- (1A) 任何人如有以下情況，亦即喪失在選舉中獲提名為候選人及於選舉當選為議員的資格—
- (a) 該人因拒絕或忽略作出指明誓言而根據法律離任，或喪失就任的資格，而選舉於或將於該人離任或喪失資格的日期後的 5 年內舉行；或
 - (b) 該人被按照任何法律宣告、宣布或裁定為—
 - (i) 違反指明誓言；或
 - (ii) 不符合擁護《基本法》、效忠中華人民共和國香港特別行政區的法定要求和條件，而選舉於或將於作出該項宣告、宣布或裁定的日期後的 5 年內舉行。
- (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，亦即喪失於選舉當選為議員的資格，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，則該人復有於選舉當選為議員的資格。
- (4) （由 2023 年第 19 號第 22 條廢除）

¹ 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 542 章）第 39(1)(b)條（與《區議會條例》（第 547 章）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屆時生效的法例進行。

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

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a member at an election, 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;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; or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iv) of any offence prescribed by section 7 of Schedule 4A or regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
 - (f) is ineligible to be a candidate or to be elected as a member at an election 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.
- (1A) A person is also disqualified from being nominated as a candidate at an election, and from being elected as a member at an election, if the election is held or is to be held within 5 years after -
 - (a) the date on which the person vacates an office, or is disqualified from entering on an office, under the law, for declining or neglecting to take a specified oath; or
 - (b) the date on which the person is declared or decided in accordance with any law -
 - (i) to be in breach of a specified oath; or
 - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (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.

¹ 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 21(1)(b) of the District Councils Ordinance (Cap. 547)) 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 held in accordance with the prevailing electoral laws.

- (3) A person is also disqualified from being elected as a member 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 ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs.
- (4) (Repealed 19 of 2023 s.22)

第 30 條 選民喪失在選舉中投票的資格的情況

- (1) 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。
- (2) 如某地區委員會界別的選民不再擔任有關地方行政區的地區委員會的委員，該選民亦即喪失在該界別的選舉中投票的資格。

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

- (1) 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.
- (2) An elector of a District Committees constituency is also disqualified from voting at an election for the constituency if the elector has ceased to be a member of a District Committee in the District concerned.

第 34 條 獲提名的候選人須遵從的規定

- (1) 凡任何人擬在選舉中獲提名為候選人，該人須按照本條及根據《選舉管理委員會條例》（第 541 章）訂立並正有效的規例，呈交提名表格。
 - (1A) 提名表格須—
 - (a) 按照《規例》獲提名人簽署；
 - (b) 附有按金；及
 - (c) 載有或附有有關人士的聲明，示明該人會擁護《基本法》和保證效忠中華人民共和國香港特別行政區。
- (2) 按金的款額為《規例》為施行本條而訂明者。

Section 34 What requirements are to be complied with by persons nominated as candidates

- (1) A person is to be nominated as a candidate for an election by submitting a nomination form in accordance with this section and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
 - (1A) The nomination form must -
 - (a) be subscribed in accordance with the regulations;
 - (b) be accompanied by a deposit; and
 - (c) include or be accompanied by a declaration by the person to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (2) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

12. 根據《選舉管理委員會（提名顧問委員會（區議會））規例》（第 541E 章）第 1(2)條訂明，該規例並不賦權或規定提名顧問委員會就關乎《區議會條例》（第 547 章）第 34 條下的規定的事宜，提供意見。According to section 1(2) of the Electoral Affairs Commission (Nominations Advisory Committees (District Councils)) Regulation (Cap. 541E), the Regulation does not empower or require the Nominations Advisory Committee to advise on any matter relating to the requirements under section 34 of the District Councils Ordinance (Cap. 547).

13. 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 provision of personal data in this application form -

(a) **資料用途**

就此申請表提供的個人資料及其他有關的資料，會供選舉管理委員會、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 relevant information provided in this application form will be used by the Electoral Affairs Commission, the Committee, the Registration and Electoral Office, the Returning Officers and other relevant government departments for election-related purposes.

(b) **資料轉介**

有關的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 authorized 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 the rights to request access to and correction of the personal data provided in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486).

(d) **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：九龍長沙灣東京街西 3 號庫務大樓 8 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 (Address: 8th Floor, Treasury Building, 3 Tonkin Street West, Cheung Sha Wan, Kowloon).

選舉管理委員會

2023 年 9 月

Electoral Affairs Commission

September 2023