

2021 年立法會換屆選舉
2021 LEGISLATIVE COUNCIL GENERAL 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（立法會））規例》（第 541C 章）第 5 條

Section 5 of the Electoral Affairs Commission

(Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C)

提名為以下選區／選舉界別立法會換屆選舉的候選人的資格

ELIGIBILITY FOR NOMINATION AS A CANDIDATE
FOR THE LEGISLATIVE COUNCIL GENERAL ELECTION FOR

（選區／選舉界別的名稱）
(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.)

第一節：一般資格

Section 1: General Eligibility

8. 我已年滿二十一歲。
I have reached 21 years of age.
9. 我*已登記／已申請登記為地方選區的選民，並有資格如此登記。
I *am/have applied to be a registered elector in the geographical constituency and am eligible to be so registered.
10. 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.
11. 我—
I -
 - (a) 是香港永久性居民，亦是中國公民。
am a permanent resident of Hong Kong and also a Chinese citizen.

- (b) 是香港永久性居民，但不是中國公民。
am a permanent resident of Hong Kong but not a Chinese citizen.
- (c) 是中國公民，但不是香港永久性居民。
am a Chinese citizen but not a permanent resident of Hong Kong.
- (d) 有中華人民共和國以外的國家的居留權。
do have right of abode in any country other than the People's Republic of China.
- (e) 沒有中華人民共和國以外的國家的居留權。
do not have right of abode in any country other than the People's Republic of China.

第二節：與某一功能界別的密切聯繫

Section 2: Substantial Connection with a Particular Functional Constituency

(如申請是就某一功能界別而提出，申請人才須填寫此部分。如下列空位不敷填寫，請在另一頁詳列有關資料，隨此申請表格附上。)

(To be completed by applicant only if the application is made in respect of a functional constituency. If the space below is insufficient, please provide the relevant information on a separate sheet to be attached to this application form.)

12. 我*已登記／已申請登記為_____功能界別的選民，並有資格如此登記。
I *am/have applied to be a registered elector in the _____ functional constituency and am eligible to be so registered.
13. 我認為自己與_____功能界別有密切聯繫。就此，我提供下列資料以茲證明有關聯繫—
I regard myself as having a substantial connection with the _____ functional constituency. In this connection, I provide the following information to establish such a connection -
- (a) 就業詳情（包括自僱）—
Employment details(including self-employment) -

日期 Period	受僱機構名稱 Name of Employment Establishment	業務性質 Nature of Business	職位 Position Held

- (b) 我擁有下列會籍或專業資格－
I am in possession of the following membership or qualification -

會籍或專業資格： _____
Membership or qualification

取得會籍或專業資格的日期： _____
Date of acquiring membership or qualification

- (c) 我現時是以下機構之一
I am currently

(1) 董事
a director

(2) 合夥人
a partner

(3) 獨資經營者
the sole proprietor

(4) *管理／執行委員會之成員
a member of the *management/executive committee

(5) 行政總監
the chief executive officer

(6) 高級管理人員（請在以下列明職位）
a member of the senior management (please specify the post below)

(7) 屬於管理階層或與管理有關連的人士（請在以下列明）
a person connected with the management or is part of the management (please specify below)

of the following organization -

(d) 我自從_____（日期）起，是下述職工會的職員－
I have been an officer of the following trade union since _____(date) -

(e) * (c) 段所述之機構 / (d) 段所述之職工會－
The *organization stated in (c)/trade union stated in (d) above has been -

(i) 由_____（日期）起，已成為_____（《立法會條例》（第 542 章）第 20A 至 20ZD 條所列組成有關功能界別之有關機構或團體之名稱（如適用者）〔請參閱說明第 12 項〕）的會員。

a member of the _____
(name of relevant association or body comprising the composition of the relevant functional constituency as listed in sections 20A to 20ZD of the Legislative Council Ordinance (Cap. 542) (if applicable) [please see Note 12]) since _____ (date).

(ii) 由_____（日期）起已開始運作。
operating since _____(date).

(iii) 由_____（日期）起，已根據職工會條例（第 332 章）註冊。
registered under the Trade Unions Ordinance (Cap.332) since _____(date).

14. 其他有關資料－
Any other relevant information -

15. 我並沒有失去與上述功能界別的密切聯繫。
I have not ceased to have substantial connection with the above-mentioned functional constituency.

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.)

16. 我並非—
I am not -
- (a) 司法人員；或
a judicial officer; or
- (b) 根據《立法會條例》（第 542 章）第 39 條訂明的公職人員；或
a prescribed public officer as defined under section 39 of the Legislative Council Ordinance (Cap. 542); or
- (c) 立法會的人員或立法會管理委員會的職員。
an officer of the Legislative Council or a member of staff of the Legislative Council Commission.
17. 我不曾被裁定犯叛逆罪。
I have not been convicted of treason.
18. 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.
19. 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).
20. 我自 2016 年 12 月 19 日起不曾被裁定觸犯以下罪行—
Since 19 December 2016, 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 any 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) 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).

21. 我並非因《立法會條例》（第 542 章）或任何其他法律的施行而沒有或喪失資格成為立法會選舉候選人或當選為立法會議員。
I am not ineligible to be or disqualified from being a candidate in the Legislative Council election or to be or from being elected as a Member of the Legislative Council because of the operation of the Legislative Council Ordinance (Cap. 542) or any other law.
22. 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 a government of a place outside Hong Kong.
23. 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 or local level.
24. 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.
25. 我在 2016 年 12 月 19 日或之後沒有一
Since 19 December 2016, 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.
26. 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.

第五部分：申請人之聲明

PART V DECLARATION BY APPLICANT

28. 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.
29. 我現向提名顧問委員會就我在所述的選區／選舉界別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 constituency 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

簽署： _____
Signature

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

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. 準候選人只可以本指明的申請表（REO/NAC/1/2021LC(SF)），就他／她是否在立法會換屆選舉有資格獲提名為候選人或是否喪失該資格，向提名顧問委員會（「顧問委員會」）要求提供意見。
A prospective candidate may apply, only by using this specified application form (REO/NAC/1/2021LC(SF)), for the advice of a Nominations Advisory Committee (“the Committee”) as to whether he/she is eligible to be, or is disqualified from being, nominated as a candidate at a general election of the Legislative Council.
2. 準候選人只可以－
 - (a) 就地方選區提出一次申請；
 - (b) 就每個功能界別提出一次申請；及
 - (c) 就選舉委員會界別提出一次申請。A prospective candidate may make only -
 - (a) 1 application in respect of the geographical constituencies;
 - (b) 1 application in respect of each functional constituency; and
 - (c) 1 application in respect of the Election Committee constituency.
3. 有關申請必須由 **2021年9月30日至2021年10月27日（包括首尾兩日）**－
 - (a) 以郵遞方式寄往選舉事務處（地址：九龍觀塘觀塘道392號創紀之城6期23樓2301-03室），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) 以面交方式送抵總選舉事務主任（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）。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 30 September 2021 and 27 October 2021 (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，可要求申請人在指明限期內，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得指定提名事宜，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, as may be appropriate -
 - (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 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 **2021 年 11 月 3 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 3 November 2021**.

9. 凡顧問委員會決定拒絕進一步考慮某申請或拒絕提供任何意見，顧問委員會將在 **2021 年 11 月 3 日**或之前以書面通知相關申請人。

Where the Committee decides to refuse to consider an application any further or to give any advice, it will notify the applicant concerned in writing on or before **3 November 2021**.

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 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《立法會條例》(第 542 章)第 37、39 及 40 條，就地方選區、功能界別及選舉委員會界別選舉有關獲提名為候選人的資格、喪失獲提名為候選人或當選為議員的資格的情況及獲提名的候選人須遵從的規定載列如下，以作參考—

Eligibility for nomination as a candidate, disqualification from being nominated as a candidate or from being elected as a Member, and requirements are to be complied with by persons nominated as candidates in respect of the geographical constituency, functional constituency and Election Committee constituency elections are stipulated in sections 37, 39 and 40 of the Legislative Council Ordinance (Cap. 542) which are reproduced below for reference -

第 37 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地方選區的選舉中獲提名為候選人—
 - (a) 年滿 21 歲；及
 - (b) 已登記為地方選區的選民並有資格如此登記；及
 - (c) 並未有憑藉第 39 條或任何其他法律喪失獲選為議員的資格；及
 - (d) 在緊接提名前的 3 年內通常在香港居住；及
 - (e) 是香港永久性居民中的中國公民，並且沒有中華人民共和國以外的國家的居留權。
- (2) 符合以下條件的人方有資格在某功能界別的選舉中獲提名為候選人—
 - (a) 年滿 21 歲；及
 - (b) (i) 已登記為並有資格登記為該功能界別的選民；或
 - (ii) 令該功能界別的選舉主任信納他與該功能界別有密切聯繫；及

- (c) 已登記為地方選區的選民並有資格如此登記；及
 - (d) 並未有憑藉第 39 條或任何其他法律喪失獲選為議員的資格；及
 - (e) 在緊接提名前的 3 年內通常在香港居住；及
 - (f) 是香港永久性居民中的中國公民，並且沒有在中華人民共和國以外的國家的居留權，但第 (3) 款指明的 12 個功能界別除外。
- (3) 為施行第(2)款而指明的 12 個功能界別如下—
- (a) 法律界功能界別；
 - (b) 會計界功能界別；
 - (c) 工程界功能界別；
 - (d) 建築、測量、都市規劃及園境界功能界別；
 - (e) 地產及建造界功能界別；
 - (f) 旅遊界功能界別；
 - (g) 商界(第一)功能界別；
 - (h) 工業界(第一)功能界別；
 - (i) 金融界功能界別；
 - (j) 金融服務界功能界別；
 - (k) 進出口界功能界別；
 - (l) 保險界功能界別。
- (3A) 符合以下條件的人方有資格在選舉委員會界別的選舉中獲提名為候選人—
- (a) 年滿 21 歲；及
 - (b) 已登記為地方選區的選民並有資格如此登記；及
 - (c) 並未有憑藉第 39 條或任何其他法律喪失獲選為議員的資格；及
 - (d) 在緊接提名前的 3 年內通常在香港居住；及
 - (e) 是香港永久性居民中的中國公民，並且沒有中華人民共和國以外的國家的居留權。
- (4) 議員並無資格在補選中獲提名為候選人。

Section 37 Who is eligible to be nominated as a candidate

- (1) A person is eligible to be nominated as a candidate at an election for a geographical constituency only if the person -
- (a) has reached 21 years of age; and
 - (b) is both registered and eligible to be registered as an elector for a geographical constituency; and
 - (c) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
 - (d) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
 - (e) is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (2) A person is eligible to be nominated as a candidate at an election for a functional constituency only if the person -
- (a) has reached 21 years of age; and
 - (b) either -
 - (i) is both registered and eligible to be registered as an elector for the constituency; or
 - (ii) satisfies the Returning Officer for the constituency that the person has a substantial connection with the constituency; and
 - (c) is both registered and eligible to be registered as an elector for a geographical constituency; and
 - (d) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
 - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
 - (f) except in the case of the 12 functional constituencies specified in subsection (3), is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (3) The following 12 functional constituencies are specified for the purposes of subsection (2) -
- (a) the legal functional constituency;
 - (b) the accountancy functional constituency;
 - (c) the engineering functional constituency;

- (d) the architectural, surveying, planning and landscape functional constituency;
 - (e) the real estate and construction functional constituency;
 - (f) the tourism functional constituency;
 - (g) the commercial (first) functional constituency;
 - (h) the industrial (first) functional constituency;
 - (i) the finance functional constituency;
 - (j) the financial services functional constituency;
 - (k) the import and export functional constituency;
 - (l) the insurance functional constituency.
- (3A) A person is eligible to be nominated as a candidate at an election for the Election Committee constituency only if the person -
- (a) has reached 21 years of age; and
 - (b) is both registered and eligible to be registered as an elector for a geographical constituency; and
 - (c) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
 - (d) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
 - (e) is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (4) A Member is not eligible to be nominated as a candidate at a by-election.

第 39 條 喪失獲提名為候選人或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當選為議員的資格—
- (a) 是—
 - (i) 司法人員；或
 - (ii) 訂明的公職人員；或
 - (iii) 立法會的人員或立法會管理委員會的職員；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) 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—
 - (i) 無資格在選舉中成為候選人或當選為議員；或
 - (ii) 喪失在選舉中成為候選人或當選為議員的資格；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的資格及當選為議員的資格—
- (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

¹ 原訟法庭於2012年6月21日就黃軒瓊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)條違憲。政府已於2012年7月12日宣布決定不會就有關判決提出上訴。日後的立法會選舉會按屆時生效的法例進行。

- 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)已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，即喪失在選舉中獲提名為候選人的資格，但如在其後根據該條例被裁斷為已有能力處理和管理其財產及事務，則根據本款喪失資格的人有獲提名為候選人的資格。
- (2A) 如有以下情況，某人亦喪失在任何補選中獲提名為候選人的資格—
- (a) 該人—
- (i) 根據第 14 條辭去議員席位，而其辭職在截至該補選當日為止的 6 個月期間內生效；或
- (ii) 在截至該補選當日為止的 6 個月期間內，根據第 13(3)條被視為已辭去議員席位；及
- (b) 在有有關辭職通知或不接受席位的通知生效後，並無換屆選舉舉行。
- (3) 任何人如根據《精神健康條例》(第 136 章)已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，即喪失當選為議員的資格，但如在其後根據該條例被裁斷為已有能力處理和管理其財產及事務，則根據本款喪失資格的人有當選為議員的資格。
- (4) 任何人如在提名期結束後已不再與某功能界別有密切聯繫，則該人即喪失當選為該功能界別的議員的資格。
- (5) 在本條中—

司法人員 (judicial officer) 指擔任《公務員絀用委員會條例》(第 93 章)第 2 條所界定的司法職位的人；
訂明的公職人員 (prescribed public officer) 指—

- (a) 公務員絀用委員會主席；
- (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；
- (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；
- (d) 選舉管理委員會的成員；
- (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
- (ea) 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；
- (eb) 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；
- (f) 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。

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。

Section 39 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, if the person -
- (a) is -
- (i) a judicial officer; or
- (ii) a prescribed public officer; or
- (iii) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; or
- (b) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either -
- (i) served the sentence or undergone such other punishment as a competent authority may have been substituted for the sentence; or

- (ii) received a free pardon; ¹or
 - (c) has been convicted of treason; or
 - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
 - (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted -
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
 - (f) is -
 - (i) ineligible to be a candidate, or to be elected as a Member, at the election; or
 - (ii) disqualified from being a candidate, or from being elected as a Member, at the election, because of the operation of this or any other law; or
 - (g) is a representative or salaried functionary of a government of a place outside Hong Kong; or
 - (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level; or
 - (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a 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, 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 has been 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.
- (2A) A person is also disqualified from being nominated as a candidate at a by-election if -
- (a) within the 6 months ending on the date of the by-election -
 - (i) the person's resignation under section 14 as a Member took effect; or
 - (ii) the person was taken under section 13(3) to have resigned from office as a Member; and
 - (b) no general election was held after the relevant notice of resignation or notice of non-acceptance took effect.
- (3) A person is also disqualified from being elected as a Member if the person has been 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.

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) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future Legislative Council elections will be held in accordance with the prevailing electoral laws.

(4) A person is also disqualified from being elected as a Member for a functional constituency if, since the close of nominations, the person has ceased to have a substantial connection with the constituency.

(5) In this section-

judicial officer (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap. 93);

prescribed public officer (訂明的公職人員) means any of the following -

- (a) the Chairman of the Public Service Commission;
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap. 204);
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397);
- (d) a member of the Electoral Affairs Commission;
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;
- (ea) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486);
- (eb) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480);
- (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau;

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.

第 40 條 獲提名的候選人須遵從的規定

(1) 除非符合以下條件，否則任何人不得獲有效提名為某選區或選舉界別選舉的候選人—

- (a) 該人已以或已由他人代其以根據《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方式，向有關選舉主任繳存按金；及
- (b) 提名表格載有或附有一
 - (i) 一項示明該人會擁護《基本法》和保證效忠香港特別行政區的聲明；及
 - (ii) 一項關於該人的國籍以及他是否有中華人民共和國以外的國家的居留權的聲明；及
 - (iii) 一項由該人作出的採用承諾形式的誓言，表明他如獲選則不會在其任期內作出任何引致他有以下情況的事情—
 - (A) 成為—
 - (I) 第 39(5)條所指的訂明的公職人員；或
 - (II) 立法會的人員或立法會管理委員會的職員；
 - (B) 在香港或任何其他地方被判處死刑；
 - (C) 被裁定犯叛逆罪；
 - (D) 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；
 - (E) 由於本法例或任何其他法例的實施而喪失在選舉中獲選為議員的資格；
 - (F) 成為香港以外地方的政府的代表或該政府的受薪政府人員；
 - (G) 成為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；
 - (H) 成為中央人民政府或任何其他國家或地區的武裝部隊的成員；或
 - (I) (如是某功能界別選出的議員)不再與有關功能界別有密切聯繫。

- (2) 該人必須簽署該等聲明。
- (3) 按金須為《規例》為施行本條而訂明的款額。

Section 40 What requirements are to be complied with by persons nominated as candidates

- (1) A person is not validly nominated as a candidate for an election for a constituency unless -
 - (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
 - (b) the nomination form includes or is accompanied by -
 - (i) a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region; and
 - (ii) a declaration as to the person's nationality and as to whether or not the person has a right of abode in a country other than the People's Republic of China; and
 - (iii) a promissory oath given by the person to the effect that, if elected, he or she will not do anything during his or her term of office that results in his or her -
 - (A) becoming -
 - (I) a prescribed public officer within the meaning of section 39(5); or
 - (II) an officer of the Legislative Council or a member of staff of The Legislative Council Commission;
 - (B) being sentenced to death in Hong Kong or any other place;
 - (C) being convicted of treason;
 - (D) being convicted -
 - (I) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); or
 - (II) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (III) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);
 - (E) being disqualified from being elected as a Member at an election because of the operation of this or any other law;
 - (F) becoming a representative or salaried functionary of a government of a place outside Hong Kong;
 - (G) becoming a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level;
 - (H) becoming a member of the armed forces of the Central People's Government or any other country or territory; or
 - (I) in the case of a Member elected for a functional constituency, ceasing to have a substantial connection with the constituency.
 - (2) The person must sign the declarations.
 - (3) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

12. 根據《立法會條例》第 20 條，28 個功能界別的組成如下－

功能界別的設立（《立法會條例》第 20 條）

- (1) 為在選舉中選出功能界別的議員而設立以下功能界別－
 - (a) 鄉議局功能界別；
 - (b) 漁農界功能界別；
 - (c) 保險界功能界別；
 - (d) 航運交通界功能界別；
 - (e) 教育界功能界別；
 - (f) 法律界功能界別；
 - (g) 會計界功能界別；

- (ia) 醫療衛生界功能界別；
 - (j) 工程界功能界別；
 - (k) 建築、測量、都市規劃及園境界功能界別；
 - (l) 勞工界功能界別；
 - (m) 社會福利界功能界別；
 - (n) 地產及建造界功能界別；
 - (o) 旅遊界功能界別；
 - (p) 商界(第一)功能界別；
 - (q) 商界(第二)功能界別；
 - (qa) 商界(第三)功能界別；
 - (r) 工業界(第一)功能界別；
 - (s) 工業界(第二)功能界別；
 - (t) 金融界功能界別；
 - (u) 金融服務界功能界別；
 - (v) 體育、演藝、文化及出版界功能界別；
 - (w) 進出口界功能界別；
 - (x) 紡織及製衣界功能界別；
 - (y) 批發及零售界功能界別；
 - (z) 科技創新界功能界別；
 - (za) 飲食界功能界別；
 - (zd) 香港特別行政區全國人大代表香港特別行政區全國政協委員及有關全國性團體代表界功能界別。
- (2) 上述功能界別按第 20A 至 20ZD 條的規定組成。〈*註—詳列交互參照：第 20A，20B，20C，20D，20E，20F，20G，20IA，20J，20K，20L，20M，20N，20O，20P，20Q，20QA，20R，20S，20T，20U，20V，20W，20X，20Y，20Z，20ZA，20ZD 條*〉
- (如欲查看有關選舉法例，請瀏覽網址 <https://www.elegislation.gov.hk/hk/cap542>，並請留意法例的更新日期。)



According to section 20 of the Legislative Council Ordinance (Cap. 542), the composition of the 28 functional constituencies is set out below for reference -

Establishment of functional constituencies (s. 20 of the Legislative Council Ordinance (Cap. 542))

- (1) The following functional constituencies are established for the purpose of returning Members at elections for those constituencies -
- (a) the Heung Yee Kuk functional constituency;
 - (b) the agriculture and fisheries functional constituency;
 - (c) the insurance functional constituency;
 - (d) the transport functional constituency;
 - (e) the education functional constituency;
 - (f) the legal functional constituency;
 - (g) the accountancy functional constituency;
 - (ia) the medical and health services functional constituency;
 - (j) the engineering functional constituency;
 - (k) the architectural, surveying, planning and landscape functional constituency;
 - (l) the labour functional constituency;
 - (m) the social welfare functional constituency;
 - (n) the real estate and construction functional constituency;
 - (o) the tourism functional constituency;
 - (p) the commercial (first) functional constituency;

- (q) the commercial (second) functional constituency;
- (qa) the commercial (third) functional constituency;
- (r) the industrial (first) functional constituency;
- (s) the industrial (second) functional constituency;
- (t) the finance functional constituency;
- (u) the financial services functional constituency;
- (v) the sports, performing arts, culture and publication functional constituency;
- (w) the import and export functional constituency;
- (x) the textiles and garment functional constituency;
- (y) the wholesale and retail functional constituency;
- (z) the technology and innovation functional constituency;
- (za) the catering functional constituency;
- (zd) the Hong Kong Special Administrative Region deputies to the National People's Congress, Hong Kong Special Administrative Region members of the National Committee of the Chinese People's Political Consultative Conference and representatives of relevant national organisations functional constituency.

(2) The functional constituencies are constituted as provided by sections 20A to 20ZD. <*Note - Exp. X-Ref.: Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20IA, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20QA, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZD*>

(To view the relevant electoral laws, please visit the website: <https://www.elegislation.gov.hk/hk/cap542> and take note of the amendment date of the electoral laws.)

13. 根據《選舉管理委員會（提名顧問委員會（立法會））規例》（第 541C 章）第 1(2)(a)條訂明，該規例並不授權予或規定提名顧問委員會就關乎《立法會條例》（第 542 章）第 40 條下的規定的事宜，提供意見。

According to section 1(2)(a) of the Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C), the Regulation does not empower or require the Nominations Advisory Committee to advise on any matter relating to any requirements under section 40 of the Legislative Council Ordinance (Cap. 542).

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、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, the 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 a right to request access to, and correction of, the personal data 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 (Address: 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong).

選舉管理委員會

2021 年 8 月

Electoral Affairs Commission

August 2021