

IIR 原居民代表

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提名編號 Nomination No.: _____

遞交日期 Submission Date: _____

遞交時間 Submission Time: _____

鄉事委員會編號 Rural Committee Code: _____

鄉村編號 Village Code: _____

選舉程序 (村代表選舉) 規例 (第 541 章, 附屬法例 L)
ELECTORAL PROCEDURE (VILLAGE REPRESENTATIVE ELECTION) REGULATION
(Cap. 541 sub. leg. L)

村代表補選(原居民代表)提名表格
(規例第 7 條)

**NOMINATION FORM FOR VILLAGE REPRESENTATIVE BY-ELECTION
(INDIGENOUS INHABITANT REPRESENTATIVE)**
(Section 7 of the Regulation)

(鄉事委員會名稱)
(Name of Rural Committee)

(鄉村名稱)
(Name of Village)

補選日期 : 2013 年 12 月 15 日
Date of By-election : 15 December 2013

[附註：請用正楷填寫此表格，填寫前請小心參閱夾附的《填寫村代表補選(原居民代表)提名表格說明》(說明)。]

[Note: Please read carefully the accompanying "Notes on Completion of Nomination Form for the Village Representative By-election (Indigenous Inhabitant Representative)" (Note(s)) before completing this form in BLOCK LETTERS.]

第一部分：提名

Part I: NOMINATION

第一節：候選人資料 (由候選人填寫) [請參閱說明第 2, 5 及 17 項]

Section 1: Particulars of Candidate (To be completed by the candidate)

[Please refer to Notes 2, 5 and 17]

中文姓名 (正楷): _____

[見說明第 5 項]

Name in Chinese [see Note 5]

電碼: _____

Chinese Commercial Code

英文姓名 (大楷): _____

[見說明第 5 項]

(姓 Surname)

(名 Other name)

Name in English (in BLOCK LETTERS) [see Note 5]

中文別名 (正楷) (如適用): _____

[見說明第 5 項]

Alias in Chinese (if applicable) [see Note 5]

英文別名 (大楷) (如適用) : _____

[見說明第 5 項]

Alias in English (in BLOCK LETTERS) (if applicable) [see Note 5]

香港身分證號碼 : _____

Hong Kong Identity Card Number

出生日期 : _____ 性別 : _____

Date of Birth (日 Day /月 Month /年 Year)

Sex

主要住址 (中文) : _____

[見說明第 5 項]

Principal Residential _____

Address in Chinese [see Note 5]

主要住址 (英文) : _____

[見說明第 5 項]

Principal Residential _____

Address in English [see Note 5]

通訊地址 (中文) : _____

Correspondence

Address in Chinese _____

(如與主要住址不同) (if different from the principal residential address)

通訊地址 (英文) : _____

Correspondence

Address in English _____

(如與主要住址不同) (if different from the principal residential address)

職業 : _____

Occupation (中文 Chinese)

(英文 English)

任職公司/機構名稱 : _____

Name of Company/Organisation

電話號碼 : 住宅 _____ 辦公室 _____

Telephone Number Home Office

流動電話 _____ 傳呼機 _____

Mobile Pager

傳真號碼 : _____

Fax Number

提供予傳媒的聯絡資料 (可選擇是否填寫) [見說明第 2 及 17 項]

Contact Information for the Media (Optional) [see Notes 2 and 17]

通訊地址 Correspondence Address : _____

電話號碼 Telephone Number : _____

傳真號碼 Fax Number : _____

電郵地址 E-mail Address : _____

第二節： 提名人資料 (此表格必須由最少5位有關原居鄉村的登記選民親自簽署表示同意提名。)

[候選人及提名人請參閱說明第3、4及17]

Section 2: Particulars of Subscribers (This form must be personally subscribed to and signed by at least 5 registered electors of the Indigenous Village concerned.)

[Candidate and subscribers should see Notes 3, 4 and 17]

我們是_____ (鄉事委員會) _____ (原居鄉村／共有代表鄉村)的登記選民，
現提名_____ 為於2013年12月15日舉行的補選的候選人。我們的個人資料現逐一列出如下—
We are registered electors for _____ (Indigenous Village/ Composite Indigenous
Village) of _____ (Rural Committee) and we hereby nominate _____
as a candidate at the by-election to be held on 15 December 2013. The particulars of each of us are as follows –

提名人資料 Particulars of Subscribers (提名表格必須由最少5位有關原居鄉村的登記選民簽署為提名人) [請參閱說明第3、4項] (The nomination form must be subscribed by at least 5 registered electors of the Indigenous Village concerned) [See Notes 3, 4]					
編號 No.	姓名 Name in		身分證明文件號碼 (必須是在申請登記為 選民時所使用的相同 身分證明文件號碼) Identity Document Number (Must be the same identity document number that was used when applying for voter registration)	主要住址 Principal Residential Address	提名人簽署 (必須由每位提名人親 自簽署) Subscriber's Signature (Must be <u>personally signed</u> by each subscriber)
	中文 Chinese	英文 (姓)(名) English (Surname first)			
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

第二部分：候選人同意提名、資格聲明及授權透露有關候選人紀錄／資料 (由候選人填寫)
[在填寫前，請參閱說明第 6、11、12、13 及 17 項]

Part II: CANDIDATE'S CONSENT TO NOMINATION, DECLARATION OF QUALIFICATION, AND AUTHORIZATION FOR RELEASE OF RECORD/ INFORMATION (To be completed by the candidate)
[Please refer to Notes 6, 11, 12, 13 and 17 before completion.]

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

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

(1) 本人確認本提名表格所列有關本人之資料乃屬真實正確。

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

(2) 本人謹此聲明，按《村代表選舉條例》(第 576 章) 第 22 條之規定，本人有資格在上述選舉中獲提名為候選人。為此，本人將詳情逐一開列如下 —

I hereby declare that I am eligible under section 22 of the Village Representative Election Ordinance (Cap. 576) to be nominated as a candidate at the above election. In this regard, I provide the following information —

(a) 本人是上述鄉村的原居民。

I am an indigenous inhabitant of the above-mentioned Village.

(b) 本人已年滿二十一歲。

I have reached 21 years of age.

(c) 本人是上述鄉村的登記選民，並符合登記成為有關選民的資格。

I am a registered elector for the above-mentioned Village and am eligible to be so registered.

(d) 本人並未有喪失在選舉中投票的資格。 [見說明第 16 項]

I am not disqualified from voting at an election. [see Note 16]

(e) 本人是《香港特別行政區護照條例》(第 539 章) 中所指的香港特別行政區永久性居民。

I am a permanent resident of the Hong Kong Special Administrative Region as defined by the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539).

(f) 本人通常居於香港。

I ordinarily reside in Hong Kong.

(3) 本人謹此聲明，據本人所知，本人並無因《村代表選舉條例》（第 576 章）第 23 條或任何其他法律所載情形喪失獲提名為候選人或當選為原居民代表之資格。 [見說明第 16 項]
I declare that to the best of my knowledge and belief I am not disqualified from being nominated or elected as an Indigenous Inhabitant Representative by reason of the provisions of any disqualification contained in section 23 of the Village Representative Election Ordinance (Cap. 576) or any other law. [see Note 16]

(4) 本人謹此聲明，本人會擁護《基本法》和保證效忠香港特別行政區。
I declare that I will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.

(5) 本人特此聲明，本人並非現任村代表。
I declare that I am not an incumbent Village Representative.

(6) 本人亦進一步聲明，*本人於是次村代表補選中，並無在其他鄉村獲提名為候選人/本人按《村代表選舉條例》（第 576 章）及《選舉程序（村代表選舉）規例》（第 541 章，附屬法例 L）的規定，已退出是次村代表補選中其他鄉村的參選提名。
I further declare that *I have not been nominated as a candidate for by-election for another Village in this Village Representative By-election / I have, in accordance with the Village Representative Election Ordinance (Cap. 576) and the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L), withdrawn all my nominations in respect of other Villages in this Village Representative By-election.

2. 就本人在本部分第 1(1) 至 1(6) 段所確認及聲明的事項，本人現明示同意與此提名表格有關的選舉主任、民政事務總署及選舉管理委員會向有關機構(包括：入境事務處、公務員事務局、選舉事務處、懲教署、香港警務處、破產管理署及醫院管理局/衛生署)查核(包括透過核對程序進行查核)本人在提名表格內提供的資料，以及本人獲提名為候選人及當選原居民代表的資格。本人亦明示同意上述有關機構向與此提名表格有關的選舉主任、民政事務總署及選舉管理委員會披露任何有關本人的紀錄或資料，以作查核用途。

In respect of my confirmation and declarations contained in paragraphs 1(1) to 1(6) of Part II, I hereby expressly consent to the Returning Officer for the Village concerned, the Home Affairs Department and the Electoral Affairs Commission to verify (including by means of a matching procedure) the information concerning myself in this nomination form and my eligibility and qualification of being nominated as a candidate and from being elected as an Indigenous Inhabitant Representative with all the relevant authorities (including Immigration Department, Civil Service Bureau, Registration and Electoral Office, Correctional Services Department, Hong Kong Police Force, Official Receiver's Office and Hospital Authority / Department of Health). I also expressly consent to the above authorities' release of any record or information concerning myself to the Returning Officer for the Village concerned, the Home Affairs Department and Electoral Affairs Commission for verification purposes.

日期: _____ 候選人簽署: _____
Date Signature of the Candidate

備註： * 請刪去不適用者。
Notes : Delete whichever is inapplicable.

第三部分：證明 (由見證人填寫) [請參閱說明第 14 及 17 項]

Part III : ATTESTATION (To be completed by a witness)

[Please refer to Notes 14 and 17]

1. 本人聲明本提名表格第二部分是於本人在場下由候選人親自填寫及簽署。
I hereby declare that Part II of this nomination form was completed and signed by the candidate in my presence.
2. 本人的資料如下 —
My particulars are as follows —

中文姓名 (正楷): _____
Name in Chinese

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

身分證明文件: _____
Identity Document

身分證明文件號碼: _____
Identity Document Number

住址: _____
Residential Address

日期: _____ 見證人簽署: _____
Date Signature of the Witness

第四部分： 候選人提名是否有效的決定 (由有關鄉村的選舉主任填寫)

Part IV: DETERMINATION OF THE VALIDITY OF THE CANDIDATE

(To be completed by the relevant Returning Officer for the Village)

候選人姓名 (正楷)： _____

Name of Candidate (in BLOCK LETTERS)

經過仔細查閱有關的資料後，本人決定：

Having checked all relevant details, I hereby determine that:

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

上述候選人的提名為無效。原因如下：
the above candidate is not validly nominated and the reason(s) *is /are as follows:

選舉主任簽署: _____

Signature of the Returning Officer

日期: _____

Date

選舉主任姓名: _____

Name of the Returning Officer

備註： 請在合適的方格內加上「✓」號。
Notes: Please tick whichever is applicable.

第五部分：關於去世候選人的批註／更改對提名有效的決定

(由有關鄉村的選舉主任填寫)

**Part V: ENDORSEMENT IN RESPECT OF DECEASED CANDIDATE /
DECISION TO VARY THE VALIDITY OF THE NOMINATION**

(To be completed by the relevant Returning Officer for the Village)

候選人姓名 (正楷)：_____

Name of Candidate (in BLOCK LETTERS)

- 本人得悉上述候選人已去世，現在提名表格批註此候選人已去世。
It has come to my knowledge that the above candidate has died and I hereby endorse on the nomination form the fact that the candidate has died.
- 本人得悉上述候選人已喪失獲提名為候選人的資格一事已獲證明，現更改本人較早前的決定，並決定此候選人的提名為無效。
It has come to my knowledge that the above candidate is disqualified. I hereby vary my earlier decision and decide that the candidate is not validly nominated

選舉主任簽署：_____

Signature of the Returning Officer

日期：_____

Date

選舉主任姓名：_____

Name of the Returning Officer

備註： 請在合適的方格內加上「✓」號。
Notes: Please tick whichever is applicable.

填寫村代表補選(原居民代表)提名表格說明

Notes on Completion of Nomination Form for the Village Representative By-election (Indigenous Inhabitant Representative)

以下說明只供參考。在這說明中，在文意許可的情況下，“他”是指“他”或“她”。有關提名事宜的法例，請參閱《村代表選舉條例》(第 576 章)、《選舉(舞弊及非法行為)條例》(第 554 章)及其他有關法例，包括《選舉程序(村代表選舉)規例》(第 541 章，附屬法例 L)。

The Notes below are for reference only. In these notes, “he” means “he” or “she” as far as the context permits. For legislation concerning nomination matters, please refer to the Village Representative Election Ordinance (Cap. 576), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and other relevant legislation, including the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L).

1. 每份提名表格只能用以提名一位候選人。
A separate nomination form must be used for each candidate.
2. 是否提供聯絡資料予傳媒使用屬自願性質。該等資料會提供予傳媒以便他們直接聯絡有關候選人。

The supply of contact information for the media is optional. The information will be provided to the media to help them contact the candidates concerned directly.

3. 每份提名表格須由最少五位提名人親自簽署表示同意提名。所有提名人必須已登記為有關原居鄉村的選民。提名表格可由多於五名提名人簽署，以避免因有提名人不符合資格而令提名失效。候選人應小心查證提名人的資格。倘若基於任何原因，某位提名人被發現不符合資格，他的姓名將不予理會。候選人亦須提醒每位提名人應填寫在其身分證明文件(指提名人記錄在正式選民登記冊內的資料所依據的身分證明文件)上所顯示的姓名。

A nomination form must be **personally subscribed to and signed by at least 5 subscribers**. **All the subscribers must be registered electors for the Indigenous Village concerned**. The nomination form may contain more than 5 subscribers to avoid the risk of invalidation of the nomination if any subscriber is disqualified. A candidate should check the eligibility of the subscribers. If for any reason a subscriber is found to be ineligible, his name will be disregarded. A candidate should also remind each of the subscribers to provide the names as shown on their identity documents (being the identity documents based on which the particulars of the subscribers are recorded in the Final Register).

4. 每一位鄉村的選民只可就該村的補選，在指明數目的提名表格上以提名人身分簽署。指明數目的提名表格是指相等於該村在該補選中須選出的村代表數目的提名表格。

An elector for a Village is entitled to subscribe the specified number of nomination forms only. The specified number of nomination forms means the number of nomination forms that is equivalent to the number of Indigenous Inhabitant Representative to be returned for the Village at the by-election.

5. 請以中文及英文提供候選人的姓名及主要住址，以便在政府憲報上刊登。候選人必須填寫其身分證明文件(指候選人記錄在有關鄉村正式選民登記冊內的資料所依據的身分證明文件)上所顯示的姓名。如果選舉主任信納某候選人通常為人所知的姓名與其身分證明文件上所顯示的姓名有所不同，該候選人可在別名一欄中加上該姓名。提名公告上顯示的候選人姓名(包括別名)會印在選票上。根據《選舉程序(村代表選舉)規例》(第 541 章，附屬法例 L) 第 12(1)及(2)條，選舉主任必須將一份關於某人是否獲有效提名的決定的通知，送交該人及有關鄉村的每名獲有效提名的候選人。這份通知必須按各有關提名表格上所提供的主要住址送交。

For publication in the Government Gazette, please provide the name and principal residential address of the candidate in both Chinese and English. The candidate must provide the name as shown on his identity document (being the identity document based on which the particulars of the candidate are recorded in the Final Register). If the Returning Officer is satisfied that the candidate is usually known by a name different from that shown on his identity document, that candidate may include such different name as his alias. The name (including alias) of the candidate as shown in the Notice of Nominations will be printed on ballot papers. According to section 12 (1) and (2) of the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L), the Returning Officer must send a notice of a decision that a person is validly nominated or is not validly nominated to the person concerned and each validly nominated candidate for the Village concerned. Such a notice

must be sent to the principal residential addresses of the person/candidate(s) concerned as given on their nomination forms.

6. 提名表格必須在提名期：**2013年10月31日至2013年11月13日內**（首尾兩天包括在內），除公眾假期外的任何日子，於辦公時間內（星期一至星期五：上午九時正至下午五時正；星期六：上午九時正至正午十二時正）由候選人親自送交給有關的選舉主任（已向選舉主任申請並獲批准以其他方式遞交者除外）。

A nomination form should be handed in by the candidate in person (except where the Returning Officer, on application, allows another means of delivery) and received by the relevant Returning Officer within the nomination period from **31 October 2013 to 13 November 2013** (both days inclusive) during office hours (Monday to Friday: from 9 am to 5 pm; Saturday: from 9 am to 12 noon) on any day other than a general holiday.

7. 準候選人應盡早遞交提名表格，以便於提名期結束前，將提名表格上可能發現的錯處更正。

A prospective candidate is strongly advised to **submit his nomination form as early as practicable** so that any mistakes found in his nomination form can be rectified **before the close of nominations**.

8. 任何提名表格所載候選人姓名或其他重要資料如經更改，將可能不被選舉主任接納。

The Returning Officer may not accept any nomination form on which the name or other important particulars of the candidate has/have been amended, altered or corrected.

9. 一般而言，除非選舉主任決定提名表格無效，否則獲提名的候選人即作為正式獲提名論，並可展開選舉活動。選舉主任所作的決定，將為最終決定，除以選舉呈請提出質疑外，不可循任何法律程序提出質疑。

Generally, unless and until the Returning Officer decides that a nomination form is invalid, the candidate is deemed to stand nominated and he may hence carry out activities to promote his election. The Returning Officer's decision on the validity of a nomination is final and cannot be questioned in any proceeding except by an election petition.

10. 提名表格必須按《村代表選舉條例》（第 576 章）及《選舉程序（村代表選舉）規例》（第 541 章，附屬法例 L）的規定列載所需的資料，方才有效。在決定候選人是否合乎資格及其提名有效與否時，選舉主任可要求候選人提供其認為需要的額外資料。

A nomination form will not be valid unless it contains the information as required in the Village Representative Election Ordinance (Cap. 576) and the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L). The Returning Officer may request such other information from a candidate as he considers necessary to satisfy himself as to the eligibility of the candidate and the validity of the nomination.

11. 現任村代表不得在今次補選中接受提名。

An incumbent Village Representative cannot be nominated at the by-election.

12. 候選人不得在是次村代表補選中在超過一條鄉村接受提名；亦不可同時參選原居民代表及居民代表的補選。候選人遞交一份提名表格時，必須已退出在所有其他鄉村的補選，否則，其新的提名將會當作無效。

A candidate cannot be nominated for more than one Village and cannot stand for both Indigenous Inhabitant Representative By-election and Resident Representative By-election in this Village Representative By-election. When he hands in his nomination form, he must have withdrawn his candidature in respect of all other Villages, if any, or else his new nomination will be held to be invalid.

13. 候選人如欲退出選舉，可填寫一份「候選人退選通知書」的指明表格（表格編號：HAD/C5/By-E），最遲於提名期結束前送遞予有關的選舉主任。

If a candidate wishes to withdraw his candidature, he may do so by completing and delivering to the Returning Officer concerned a “Notice of Withdrawal of Candidature” in a specified form (form no. HAD/C5/By-E) before the close of nominations.

14. 本提名表格第二部分必須於見證人在場下由候選人填寫及簽署。任何年滿 18 歲並持有有效身分證明文件的人士均可擔任見證人。見證人必須填寫及簽署本提名表格第三部分。根據《村代表選舉條例》（第 576 章）第 2(1)條，“身分證明文件”（identity document）指—

Part II of this nomination form should be completed and signed by a candidate in the presence of a witness who can be any person in possession of a valid identity document and aged 18 years or over. The witness is required to complete Part III of this form and sign thereunder. According to section 2(1) of the Village Representative Election Ordinance (Cap. 576), “identity document” (身分證明文件) means –

- (a) 身分證；或
an identity card; or
- (b) 向某人發出而可獲選舉登記主任接受為該人的身分證明的任何其他文件。
any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person’s identity.

15. 如有任何查詢，請與有關的選舉主任聯絡或致電村代表選舉熱線 2152 1521。
For enquiries, please contact the Returning Officer concerned or the Village Representative Election hotline at 2152 1521.

16. 根據《村代表選舉條例》(第 576 章)第 14、22 及 23 條，有關選民喪失在選舉 (包括補選) 中投票的資格、獲提名為候選人的資格及喪失獲提名為候選人或當選為村代表的資格的規定如下 —
Disqualifications from voting at an election (including a by-election), qualifications and disqualifications from being nominated as a candidate or from being elected as a Village Representative are dealt with in sections 14, 22 and 23 of the Village Representative Election Ordinance (Cap. 576) which are reproduced below for reference —

第 14 條：選民喪失在選舉中投票的資格的情況

已登記為某鄉村的選民的人如有以下情況，即喪失在該村選舉中投票的資格 —

- (a) 他已不再有資格如此登記；
- (b) 他根據《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
- (c) 他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 14 When an elector is disqualified from voting at an election

A person registered as an elector for a Village is disqualified from voting at an election for the village if the person —

- (a) has ceased to be eligible to be so registered;
- (b) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (c) is a member of the armed forces of the People’s Republic of China or any other country or territory.

第 22 條：獲提名為候選人的資格

- (2) 符合以下條件的人方有資格在原居鄉村或共有代表鄉村選舉中獲提名為候選人—
 - (a) 是該村的原居民；
 - (b) 年滿 21 歲；
 - (c) 已登記並有資格登記為該村的選民；
 - (d) 沒有喪失在該選舉中投票的資格；
 - (e) 沒有因第 23 條或任何其他法律喪失獲提名為該選舉的候選人或當選為該村的原居民代表的資格；
 - (f) 是香港永久性居民；及
 - (g) 通常居於香港。

- (4) 任何人如已獲提名為某鄉村的選舉的候選人，則沒有資格同時獲提名為另一鄉村的選舉的候選人。

Section 22 Who is eligible to be nominated as a candidate

(2) A person is eligible to be nominated as a candidate at an election for an Indigenous Village or a Composite Indigenous Village only if the person —

- (a) is an indigenous inhabitant of the Village;
- (b) has reached 21 years of age;
- (c) is registered, and eligible to be registered, as an elector for the Village;
- (d) is not disqualified from voting at the election;
- (e) is not disqualified from being nominated as a candidate at the election, or from being elected as an Indigenous Inhabitant Representative for the Village, by virtue of section 23 or any other law;
- (f) is a Hong Kong permanent resident; and
- (g) **ordinarily resides in Hong Kong.**

(4) A person is not eligible to be nominated as a candidate at an election for a Village if the person is currently nominated as a candidate at an election for another Village.

第23條：喪失獲提名為候選人及當選為村代表的資格的情況

- (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有關鄉村的村代表的資格 —
- (a) 他是司法人員；
 - (b) 他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) 未服該刑罰或主管當局用以替代該刑罰的其他懲罰；而亦
 - (ii) 未獲赦免¹；
 - (c) 他已被裁定犯叛逆罪；
 - (d) 在獲提名當日或選舉當日，他正因服刑而受監禁；
 - (e) 在不局限 (b) 段的原則下，他被裁定或曾被裁定犯以下罪行，而該選舉於或將於他被定罪的日期後的 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過 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）；
 - (ii) 作出舞弊或非法行為；
 - (iii) 《防止賄賂條例》(第 201 章) 第 II 部所訂的罪行；或
 - (iv) 選管會規例所訂明的任何罪行；
 - (f) 他因本條例或任何其他法律的施行而沒有資格在該選舉中擔任候選人或當選為該村的村代表；
 - (g) 他是香港以外地方的政府的代表或該政府的受薪政府人員；
 - (h) 他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) 他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達成《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，即喪失在選舉中獲提名為候選人的資格；但根據本款喪失資格的人如在其後根據該條例獲裁斷為已有能力處理和管理其財產和事務，即有資格在選舉中獲提名為候選人。
- (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，即喪失當選為村代表的資格；但根據本款喪失資格的人如在其後根據該條例獲裁斷為已有能力處理和管理其財產和事務，即有資格當選為村代表。

¹原訟法庭於 2012 年 6 月 21 日就黃軒瑋訴律政司司長(高院憲法及行政法訴訟 2012 年第 51 號)及梁國雄訴律政司司長(高院憲法及行政法訴訟 2012 年第 54 號)給予書面判詞，裁定《立法會條例》第 39(1)(b)條(與《村代表選舉條例》第 23(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。日後的村代表選舉會按當時生效的法例進行。任何人士如欲在村代表選舉獲提名為候選人，並對他的提名資格有疑問，他可徵詢獨立法律意見。

Section 23 *When a person is disqualified from being nominated as a candidate and from being elected as a Village Representative*

- (1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a Village Representative for a Village, if the person —
 - (a) is a judicial officer;
 - (b) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not —
 - (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
 - (c) has been convicted of treason;
 - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment;
 - (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;
 - (ii) of having engaged in corrupt or illegal conduct;
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
 - (iv) of any offence prescribed by the EAC Regulations;
 - (f) is ineligible to be a candidate at the election, or to be elected as a Village Representative for the Village, because of the operation of this Ordinance or any other law;
 - (g) is a representative or a salaried functionary of the government of a place outside Hong Kong;
 - (h) is a member of any national, regional or municipal legislature, assembly or council of a 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 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 property and affairs, but a person disqualified under this subsection is eligible to be nominated as a candidate at an election if it is subsequently found under that Ordinance that the person has become capable of managing and administering his property and affairs.
- (3) A person is disqualified from being elected as a Village Representative 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 property and affairs, but a person disqualified under this subsection ceases to be disqualified if it is subsequently found under that Ordinance that the person has become capable of managing and administering his property and affairs.

¹ The Court of First Instance delivered written judgment on 21 June 2012 on *Wong Hin Wai v Secretary for Justice* (HCAL 51/2012) and *Leung Kwok Hung v Secretary for Justice* (HCAL 54/2012) and declared section 39(1)(b) of the Legislative Council Ordinance (which is similar to section 23(1)(b) of VRE Ord) to be unconstitutional. On 12 July 2012, the Administration announced its decision not to appeal against the judgment. The future VR Election will be organised in accordance with the prevalent electoral laws. Any person who would like to be nominated as a candidate for VR Election and is doubtful about his eligibility for nomination may seek independent legal advice where appropriate.

17. 請注意下列有關填報個人資料的說明 —

Please note the following with regard to the personal data supplied in connection with this form —

(a) **資料用途**

就此提名提供的個人及其他有關的資料，會供民政事務總署及有關的選舉主任用於與選舉有關的用途。

Purpose of Collection

The personal data and other related information supplied in connection with this nomination will be used by the Home Affairs Department and the Returning Officer concerned for election-related purposes.

(b) **資料轉介**

提名表格會供公眾查閱。在展示前，表格內所有身分證明文件號碼將會被遮蓋。有關此表格內的資料可能會提供予其他獲授權的部門／機構／人士，用於與選舉有關的用途。

Transfer of Information

The nomination form will be made available for public inspection. All identity document numbers in the form will be covered before display. The information concerned may also be provided to other authorized departments/agencies/persons for election-related purposes.

(c) **索閱個人資料**

任何人有權根據《個人資料（私隱）條例》（第 486 章）的條文要求索閱及改正他在提名表格所提供的個人資料。

Access to Personal Data

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

(d) **保障個人資料原則**

請注意，候選人在收集第三者的個人資料以填寫有關表格時，須遵守《個人資料（私隱）條例》（第 486 章）附表 1 的資料保障原則，特別是第 4 原則，即採取所有切實可行的步驟，以確保資料受到保障而不受未獲准許的或意外的查閱和處理。

Personal Data Protection Principle

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

(e) **查詢**

如欲查詢透過本提名表格收集的個人資料（包括索閱及改正個人資料），應向民政事務總署署長提出（地址：香港灣仔軒尼詩道 130 號修頓中心 30 樓）。

Enquiry

Enquiries concerning the personal data collected by means of this nomination form (including requests for access to and corrections of personal data) should be addressed to the Director of Home Affairs at 30/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong.