

立法會  
*Legislative Council*

立法會 CB(2)1369/98-99 號文件

檔 號： CB2/BC/16/98  
電 話： 2869 9253  
日 期： 1999 年 3 月 1 日  
發 文 者： 法案委員會秘書  
受 文 者： 何秀蘭議員  
何鍾泰議員  
李永達議員  
李啓明議員  
吳亮星議員  
吳清輝議員  
吳靄儀議員  
周梁淑怡議員  
馬逢國議員  
張文光議員  
陸恭蕙議員  
陳智思議員  
陳榮燦議員  
陳鑑林議員  
梁智鴻議員  
梁耀忠議員  
程介南議員  
單仲偕議員  
黃宏發議員  
黃容根議員  
楊孝華議員  
楊 森議員  
楊耀忠議員  
劉江華議員  
劉皇發議員  
劉健儀議員  
劉漢銓議員  
劉慧卿議員  
鄧兆棠議員  
蔡素玉議員  
譚耀宗議員

《1999年立法會（修訂）條例草案》

委員會

謹此附上《立法會條例》的文本（立法會 CB(2)1369/98-99(01) 號文件），供議員參閱。條例草案的已標明修訂文本已隨立法會 CB(2)1334/98-99 號文件送交議員參閱。

2. 謹請議員帶備上述文件出席法案委員會日後各次會議。

法案委員會秘書

（馬朱雪履女士）

連附件

副本致： 夏佳理議員（主席）  
涂謹申議員（非委員的議員）  
法律顧問  
助理法律顧問 4

立法會  
*Legislative Council*

LC Paper No. CB(2)1369/98-99

Ref : CB2/BC/16/98  
Tel : 2869 9253  
Date: 1 March 1999  
From : Clerk to Bills Committee  
To : Hon Cyd HO Sau-lan  
Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Wing-tat  
Hon LEE Kai-ming, JP  
Hon NG Leung-sing  
Prof Hon NG Ching-fai  
Hon Margaret NG  
Hon Mrs Selina CHOW, JP  
Hon MA Fung-kwok  
Hon CHEUNG Man-kwong  
Hon Christine LOH  
Hon Bernard CHAN  
Hon CHAN Wing-chan  
Hon CHAN Kam-lam  
Dr Hon LEONG Che-hung, JP  
Hon LEUNG Yiu-chung  
Hon Gary CHENG Kai-nam  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Hon WONG Yung-kan  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung  
Hon LAU Kong-wah  
Hon LAU Wong-fat, GBS, JP  
Hon Mrs Miriam LAU Kin-yea, JP  
Hon Ambrose LAU Hon-chuen, JP  
Hon Emily LAU Wai-hing, JP  
Dr Hon TANG Siu-tong, JP  
Hon CHOY So-yuk  
Hon TAM Yiu-chung, JP

**Bills Committee on  
Legislative Council (Amendment) Bill 1999**

I attach a copy of the Legislative Council Ordinance for members' reference (LC Paper No. CB(2)1369/98-99(01)). A marked-up copy of the Bill has been issued to members vide LC Paper No. CB(2)1334/98-99.

2. Please bring these along to future meetings of the Bills Committee.

(Mrs Percy MA)  
Clerk to Bills Committee

Encl

c.c. Hon Ronald ARCULLI, JP (Chairman)  
Hon James TO Kun-sun (Non-Bills Committee Member)  
LA  
ALA4

立法會條例

**LEGISLATIVE COUNCIL  
ORDINANCE**

## 立法會條例

## LEGISLATIVE COUNCIL ORDINANCE

## 目錄

## CONTENTS

條次

頁次

Section

Page

第 I 部  
導言PART I  
PRELIMINARY

1.	簡稱 .....	A444
2.	條例的目的 .....	A444
3.	釋義 .....	A444

1.	Short title .....	A445
2.	Purpose of Ordinance .....	A445
3.	Interpretation .....	A445

第 II 部  
立法會的組成及其議員PART II  
CONSTITUTION AND MEMBERSHIP OF LEGISLATIVE COUNCIL

4.	立法會的任期 .....	A450
5.	行政長官須指明舉行首屆換屆選舉的日期 .....	A452
6.	行政長官須指明舉行第二屆及其後各屆換屆選舉的日期 .....	A452
7.	行政長官在立法會解散時須指明換屆選舉的日期 .....	A454
8.	可為不同類別的選舉指明不同日期 .....	A454
9.	行政長官須召開立法會的一般會期 .....	A454
10.	立法會首屆任期的首次會議 .....	A454
11.	立法會緊急會議 .....	A456
12.	議員任期 .....	A456
13.	接受議員席位 .....	A456
14.	議員辭去席位的方式 .....	A458
15.	議員何時不再擔任席位 .....	A458
16.	議員有資格再當選 .....	A460
17.	立法會的程序不受議席空缺影響 .....	A460

4.	Terms of office of Legislative Council .....	A451
5.	Chief Executive to specify date for holding first general election .....	A453
6.	Chief Executive to specify dates for holding second and subsequent general elections .....	A453
7.	Chief Executive to specify date for general election on dissolution of Legislative Council .....	A455
8.	Different dates may be specified for different classes of elections .....	A455
9.	Chief Executive to convene ordinary sessions of Legislative Council .....	A455
10.	First meeting of first term of office of Legislative Council .....	A455
11.	Emergency sessions of Legislative Council .....	A457
12.	How long Members are to hold office .....	A457
13.	Acceptance of office as a Member .....	A457
14.	How Member can resign .....	A459
15.	When Member ceases to hold office .....	A459
16.	Member to be eligible for re-election .....	A461
17.	Proceedings of Legislative Council not affected by vacancy in membership .....	A461

第 III 部  
選區或選舉界別的設立PART III  
ESTABLISHMENT OF CONSTITUENCIES

18.	地方選區的設立 .....	A460
19.	地方選區所須選出的議員人數 .....	A462
20.	功能界別的設立 .....	A462
21.	功能界別所須選出的議員人數 .....	A462

18.	Establishment of geographical constituencies .....	A461
19.	Number of Members to be returned for geographical constituency .....	A463
20.	Establishment of functional constituencies .....	A463
21.	Number of Members to be returned for functional constituency .....	A463

第 IV 部  
選舉委員會的組成PART IV  
CONSTITUTION OF ELECTION COMMITTEE

22.	選舉委員會的設立 .....	A464
-----	----------------	------

22.	Establishment of Election Committee .....	A465
-----	---	------

A438 條次	1997 年第 134 號條例	立法會條例	頁次	Section	LEGISLATIVE COUNCIL	Ord. No. 134 of 1997	A439 Page
23.	選舉委員會所須選出的議員人數 .....		A 464	23.	Number of Members to be returned by Election Committee .....		A465
	第 V 部				PART V		
	選民登記				REGISTRATION OF ELECTORS		
24.	登記為地方選區選民的資格 .....		A 464	24.	Who is eligible to be registered as an elector: geographical constituencies .....		A465
25.	登記為功能界別選民的資格 .....		A 466	25.	Who is eligible to be registered as an elector: functional constituencies.....		A467
26.	團體選民須有獲授權代表 .....		A 468	26.	Corporate elector to have authorized representative .....		A469
27.	選民須為香港永久性居民 .....		A 470	27.	Elector to be permanent resident of Hong Kong .....		A471
28.	選民須在香港居住 .....		A 470	28.	Elector to reside in Hong Kong .....		A471
29.	選民須年滿 18 歲 .....		A 470	29.	Elector to be 18 years of age.....		A471
30.	申請登記為選民的人須持有身分證明文件 .....		A 472	30.	Applicant for registration as elector to be in possession of identity document .....		A473
31.	喪失登記為選民的資格的情況 .....		A 472	31.	When person is disqualified from being registered as an elector.....		A473
32.	選舉登記主任須編製和發表選民登記冊 .....		A 474	32.	Electoral Registration Officer to compile and publish electoral registers .....		A475
33.	正式選民登記冊的生效時間 .....		A 476	33.	When final register is to take effect.....		A477
34.	針對選舉登記主任的決定向審裁官提出上訴的權利 .....		A 476	34.	Right of appeal to Revising Officer against decisions of Electoral Registration Officer.....		A477
	第 VI 部				PART VI		
	選舉的進行				CONDUCT OF ELECTIONS		
35.	立法會議席空缺須予宣布 .....		A 476	35.	Vacancy in membership of Legislative Council to be declared.....		A477
36.	舉行補選以填補立法會議席空缺 .....		A 478	36.	By-election to be held to fill vacancy in membership of Legislative Council.....		A479
37.	獲提名為候選人的資格 .....		A 478	37.	Who is eligible to be nominated as a candidate .....		A479
38.	地方選區的提名名單 .....		A 480	38.	Nomination lists for geographical constituencies .....		A481
39.	喪失獲提名為候選人或當選為議員的資格的情況 .....		A 484	39.	When person is disqualified from being nominated as a candidate and from being elected as a Member .....		A485
40.	獲提名的候選人須遵從的規定 .....		A 488	40.	What requirements are to be complied with by persons nominated as candidates .....		A489
41.	不得就多於一個選區或選舉界別獲得提名 .....		A 490	41.	Person not to be nominated for more than one constituency .....		A491
42.	候選人提名的撤回 .....		A 492	42.	Withdrawal of candidate's nomination .....		A493
43.	候選人有權免付郵資而向選民寄出信件 .....		A 492	43.	Candidates entitled to send letters to electors free of postage .....		A493
44.	換屆選舉押後的情況 .....		A 492	44.	When general election can be postponed or adjourned.....		A493
45.	選舉程序終止的情況 .....		A 494	45.	When election proceedings are terminated.....		A495
46.	獲提名的候選人數目不足時須採取的行動 .....		A 494	46.	What is to happen if insufficient candidates are nominated .....		A495
47.	選舉進行方式 .....		A 496	47.	How election is to be conducted.....		A497
48.	有權在選舉中投票的人 .....		A 496	48.	Who is entitled to vote at an election .....		A497
49.	地方選區的投票及點票的制度 .....		A 498	49.	System of voting and counting of votes: geographical constituencies .....		A499
50.	附表 1 第 1 及 2 部所指明的功能界別的投票及點票制度 .....		A 502	50.	System of voting and counting of votes: functional constituencies specified in Parts 1 and 2 of Schedule 1.....		A503

條次	頁次	Section	Page
51.	A 502	51. System of voting and counting of votes: functional constituencies specified in Part 3 of Schedule 1	A503
52.	A 504	52. System of voting and counting of votes: Election Committee	A505
53.	A 506	53. When an elector is disqualified from voting at an election	A507
54.	A 508	54. Consequences of non-compliance with requirements of this Ordinance	A509
55.	A 510	55. Misnomer or inaccuracy not to affect operation of election document	A511
56.	A 510	56. Election to be presumed to be valid	A511
57.	A 510	57. Election not to be questioned only because of defect in the appointment of an electoral officer	A511
58.	A 512	58. Returning Officer to publish result of election	A511
59.	A 512	59. Offences by electoral officers with respect to conduct of election	A513
60.	A 512	60. Elector not to be required to disclose how vote was cast	A513
第 VII 部			
選舉呈請			
61.	A 512	61. Election may be questioned only by election petition made on specified grounds	A513
62.	A 514	62. Who may lodge election petition	A515
63.	A 514	63. Who may be made respondent to election petition	A515
64.	A 516	64. Court to have jurisdiction to determine election petitions	A515
65.	A 516	65. Period within which election petition is to be lodged	A517
66.	A 516	66. Court may direct security to be given for costs	A517
67.	A 518	67. Court to determine election petition	A517
68.	A 520	68. What happens if election petition is withdrawn	A519
69.	A 520	69. When an election petition is terminated	A521
70.	A 522	70. When respondent can withdraw from election proceedings and be substituted	A521
71.	A 522	71. Acts of person not invalid if declared not to be elected	A523
72.	A 522	72. What is to happen if Member is determined not to have been duly elected	A523
第 VIII 部			
其他法律程序			
73.	A 522	73. Proceedings against persons on grounds of disqualification	A523
74.	A 524	74. Period within which complaint or information is to be laid	A525
第 IX 部			
人員的委任及職能			
75.	A 526	75. Appointment of Electoral Registration Officer and assistants	A527
76.	A 526	76. Electoral Registration Officer may specify forms	A527



條次		頁次	Section	Page
77.	審裁官的委任 .....	A 526	77. Appointment of Revising Officer .....	A527
78.	選舉主任及助理的委任 .....	A 528	78. Appointment of Returning Officers and assistants.....	A529
79.	妨礙或阻撓選舉事務主任的罪行 .....	A 528	79. Offence to obstruct or hinder electoral officers.....	A529
80.	行政長官可就選舉事務主任的行使職能或履行職責給予指示 .....	A 530	80. Chief Executive may give directions as to exercise or performance of electoral officers' functions and duties .....	A531
81.	選舉事務主任去世或無行為能力並不終止權限 .....	A 530	81. Death or incapacity of electoral officer not to terminate authority .....	A531
	第 X 部			
	附屬法例			
82.	行政長官會同行政會議可訂立規例 .....	A 530		
83.	行政長官會同行政會議可修訂附表 1 及 2.....	A 532	82. Chief Executive in Council may make regulations A531	
	第 XI 部		83. Chief Executive in Council may amend Schedules 1 and 2 A533	
	雜項條文			
84.	保留及過渡性條文 .....	A 532		
85.	其他條例的相應修訂 .....	A 532		
附表 1	功能界別 .....	A 534		
附表 2	選舉委員會的組成 .....	A 570		
附表 3	保留及過渡性條文 .....	A 604		
附表 4	其他條例的相應修訂 .....	A 608		
			84. Savings and transitional provisions .....	A533
			85. Consequential amendment of other Ordinances.....	A533
			Schedule 1 Functional constituencies .....	A535
			Schedule 2 Constitution of Election Committee.....	A571
			Schedule 3 Savings and transitional provisions .....	A605
			Schedule 4 Consequential amendment of other Ordinances.....	A609

香港特別行政區

1997 年第 134 號條例

印章位置

行政長官  
董建華  
1997 年 9 月 30 日

本條例旨在就香港特別行政區立法會的組成、召開及解散，以及立法會議員的選舉及有關事宜訂定條文。

[ 1997 年 10 月 3 日 ]

由臨時立法會制定。

第 I 部

導言

1. 簡稱

本條例可引稱為《立法會條例》。

2. 條例的目的

本條例的目的是實施《基本法》中關於立法會的規定。

3. 釋義

- (1) 在本條例中，除文意另有所指外——
- “正式選民登記冊”(final register)指按照本條例編製和發表的——
- (a) 地方選區或功能界別의正式選民登記冊；或
- (b) 選舉委員會的正式委員登記冊；
- “立法會”(Legislative Council)指《基本法》第六十六條所提述的香港特別行政區立法會；

L.S.

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 134 OF 1997

TUNG Chee-hwa  
Chief Executive  
30 September 1997

An Ordinance to provide for the constitution, convening and dissolution of the Legislative Council of the Hong Kong Special Administrative Region; to provide for the election of Members of that Council; and to provide for related matters.

[3 October 1997]

Enacted by the Provisional Legislative Council.

PART I

PRELIMINARY

1. Short title

This Ordinance may be cited as the Legislative Council Ordinance.

2. Purpose of Ordinance

The purpose of this Ordinance is to give effect to the provisions of the Basic Law relating to the Legislative Council.

3. Interpretation

- (1) In this Ordinance, unless the context otherwise requires-
- "authorized representative"(獲授權代表), in relation to a corporate elector, means the person authorized by the corporate elector to cast its vote at an election;
- "body"(團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest;

“立法會秘書”(Clerk to the Legislative Council)包括任何獲委任在立法會秘書缺勤期間或在立法會秘書職位懸空期間署理該職位的人；

“主席”(President)指立法會主席；

“功能界別”(functional constituency)指附表 1 指明的功能界別；

“地方選區”(geographical constituency)指按照第 III 部宣布為地方選區的地區；

“任期”(term of office)就立法會而言，指第 4 條所提述的任期；

“身分證文件”(identity document)指——

(a) 根據《人事登記條例》(第 177 章)向某人發出的身分證；或

(b) 在根據該條例訂立並正有效的規例下向某人發出，並證明該人獲豁免而無須根據該條例登記的文件；或

(c) 向某人發出而可獲選舉登記主任接受為該人的身分證的任何其他文件；

“非法行爲”(illegal practice)具有《舞弊及非法行爲條例》(第 288 章)給予該詞的涵義；

“指明表格”(specified form)指根據第 76 條指明的表格；

“香港永久性居民”(permanent resident of Hong Kong)指《香港特別行政區護照條例》(1997 年第 127 號)第 2 條所界定的香港特別行政區永久性居民；

“高級人員”(officer)就法人團體而言，包括該團體的董事或行政人員或任何其他關涉該團體的管理的人；

“原訟法庭”(Court)指高等法院原訟法庭；

“候選人”(candidate)指獲提名供選任議員的候選人；

“《規例》”(the regulations)指根據本條例訂立並正有效的規例；

“費用”、“訟費”(costs)包括收費及支出；

“提名名單”(nomination list)指根據第 38(2)條呈交的參與地方選區議員選舉的人士的名單；

“換屆選舉”(general election)指為新一屆立法會任期選出議員而舉行的選舉；

“補選”(by-election)指並非通過換屆選舉而選出一名或多於一名議員的選舉；

“登記”(registered)指已根據本條例登記為選民；

“當然委員”(ex-officio member)就選舉委員會而言，指附表 2 第 1(8)條所提述的該委員會的委員；

"by-election" (補選) means an election to return a Member or Members otherwise than at a general election;

"candidate" (候選人) means a candidate nominated for election as a Member;

"Clerk to the Legislative Council" (立法會秘書) includes any person appointed to act in place of the Clerk when the Clerk is absent or when the office of Clerk is vacant;

"constituency" (選區或選舉界別) means-

(a) a geographical constituency; or

(b) a functional constituency;

"corporate elector" (團體選民) means a body that is an elector for a functional constituency;

"corporate member" (團體成員), in relation to a corporate elector, means a body that is a member of the corporate elector;

"corrupt practice" (舞弊行爲) has the meaning given by the Corrupt and Illegal Practices Ordinance (Cap. 288);

"costs" (費用、訟費) includes charges and expenses;

"Court" (原訟法庭) means the Court of First Instance;

"election" (選舉) means an election to elect a Member at a general election or a by-election to elect a Member, but, except in section 82 and Schedule 2, does not include an Election Committee subsector election;

"Election Committee" (選舉委員會) means the Election Committee constituted in accordance with Part IV;

"Election Committee subsector" (選舉委員會界別分組) means a subsector represented on the Election Committee as provided by section 1(4) of Schedule 2;

"election petition" (選舉呈請、選舉呈請書) means an election petition lodged under Part VII;

"elector" (選民) means a person who is registered in a final register in accordance with this Ordinance and who is not disqualified from being registered or from voting at an election;

"Electoral Affairs Commission" (選舉管理委員會) means the Electoral Affairs Commission established by section 3 of the Electoral Affairs Commission Ordinance (129 of 1997);

"electoral officer" (選舉事務主任) includes a Returning Officer, an Assistant Returning Officer, the Electoral Registration Officer, or any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (129 of 1997) to exercise functions or perform duties at or in connection with an election;

"Electoral Registration Officer" (選舉登記主任) means the person holding office as Electoral Registration Officer under section 75, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

"ex-officio member" (當然委員), in relation to the Election Committee, means a member of that Committee referred to in section 1(8) of Schedule 2;

“舞弊行爲”(corrupt practice)具有《舞弊及非法行爲條例》(第 288 章)給予該詞的涵義；

“團體”(body)指屬法團或不屬法團的團體，亦包括商號或透過共同有關利益而互相聯結的一組人士(可包括屬法團或不屬法團的團體)；

“團體成員”(corporate member)就團體選民而言，指屬該團體選民成員或會員的團體；

“團體選民”(corporate elector)指屬功能界別選民的團體；

“審裁官”(Revising Officer)指根據第 77 條委任的審裁官，並包括獲委任在審裁官缺勤期間或在審裁官職位懸空期間署理該職位的人；

“選民”(elector)指任何按照本條例在正式選民登記冊內登記而沒有喪失登記資格或在選舉中投票的資格的人；

“選區或選舉界別”(constituency)指——

(a) 地方選區；或

(b) 功能界別；

“選舉”(election)指在換屆選舉中選出議員的選舉或選出議員的補選，但(除在第 82 條及附表 2 的情況下)並不包括選舉委員會界別分組選舉；

“選舉主任”(Returning Officer)指根據第 78 條擔任選舉主任的人，並包括獲委任在擔任選舉主任職位的人缺勤期間或在該職位懸空期間署理該職位的人；

“選舉呈請”、“選舉呈請書”(election petition)指根據第 VII 部提出的選舉呈請或提交的選舉呈請書；

“選舉委員會”(Election Committee)指按照第 IV 部組成的選舉委員會；

“選舉委員會界別分組”(Election Committee subsector)指按附表 2 第 1(4)條規定在選舉委員會有代表席位的界別分組；

“選舉事務主任”(electoral officer)包括選舉主任、助理選舉主任、選舉登記主任或任何其他根據本條例或《選舉管理委員會條例》(1997 年第 129 號)獲委任以在選舉中行使職能或履行職責(或就選舉而行使職能或履行職責)的人；

“選舉登記主任”(Electoral Registration Officer)指根據第 75 條擔任選舉登記主任的人，並包括獲委任在擔任該選舉登記主任職位的人缺勤期間或在該職位懸空期間署理該職位的人；

“選舉管理委員會”(Electoral Affairs Commission)指根據《選舉管理委員會條例》(1997 年第 129 號)第 3 條設立的選舉管理委員會；

“臨時選民登記冊”(provisional register)指按照本條例為地方選區或功能界別而編製的臨時選民登記冊；

"final register" (正式選民登記冊) means-

(a) a final register of electors for geographical constituencies or functional constituencies; or

(b) a final register of members of the Election Committee;

as compiled and published in accordance with this Ordinance;

"function" (職能) includes a power and an authority;

"functional constituency" (功能界別) means a functional constituency specified in Schedule 1;

"general election" (換屆選舉) means elections to elect persons to be the Members for a new term of office of the Legislative Council;

"geographical constituency" (地方選舉) means an area declared to be a geographical constituency in accordance with Part III;

"identity document" (身分證明文件) means-

(a) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177); or

(b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or

(c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;

"illegal practice" (非法行爲) has the meaning given by the Corrupt and Illegal Practices Ordinance (Cap. 288);

"Legislative Council" (立法會) means the Legislative Council of the Hong Kong Special Administrative Region referred to in Article 66 of the Basic Law;

"Member" (議員) means a person elected as a Member of the Legislative Council;

"nomination list" (提名名單) means a list of persons standing for election as Members for a geographical constituency, submitted under section 38(2);

"officer" (高級人員), in relation to a body corporate, includes a director or executive, or any other person concerned in the management, of the body;

"permanent resident of Hong Kong" (香港永久性居民) means a permanent resident of the Hong Kong Special Administrative Region as defined by section 2 of the Hong Kong Special Administrative Region Passports Ordinance (127 of 1997);

"President" (主席) means the President of the Legislative Council;

"provisional register" (臨時選民登記冊) means a provisional register of electors for geographical constituencies or functional constituencies as compiled in accordance with this Ordinance;

"registered" (登記) means registered under this Ordinance as an elector;

"the regulations" (《規例》) means regulations made and in force under this Ordinance;

"Returning Officer" (選舉主任) means a person holding office as a Returning Officer under section 78, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

“獲授權代表”(authorized representative)就團體選民而言，指獲該團體選民授權在選舉中投下該團體選民的選票的人；

“職能”(function)包括權力及權限；

“議員”(Member)指獲選為立法會議員的人。

(2) 就本條例而言——

(a) 某人與某團體有密切聯繫的情況包括(但不限於)為該團體的成員、會員、合夥人、僱員或(如該團體是法人團體)高級人員或(如該團體不是法人團體)人員；及

(b) 某人與某功能界別有密切聯繫的情況包括(但不限於)——

(i) 為該功能界別的團體選民的成員、會員、合夥人、僱員或(如該團體是法人團體)高級人員或(如該團體不是法人團體)人員，或為該團體選民的團體成員；或

(ii) 屬於指明為該功能界別的團體選民的某類別人士；及

(c) 某人與某選舉委員會界別分組有密切聯繫的情況包括(但不限於)為列入該界別分組的團體的成員、會員、合夥人、僱員或(如該團體是法人團體)高級人員或(如該團體不是法人團體)人員，或為該團體的團體成員的成員、會員、合夥人、僱員或(如該團體是法人團體)高級人員或(如該團體不是法人團體)人員。

(3) 於不同日期宣布的換屆選舉結果或選舉委員會界別分組選舉結果，就本條例而言，視為在該等日期中最後的日期宣布。

(4) 在本條例文本中的附註只供備知，而並無立法效力。

## 第 II 部

### 立法會的組成及其議員

#### 4. 立法會的任期

(1) 立法會的任期為《基本法》第四章訂明的任期。

(2) 首屆立法會的任期於1998年7月1日開始。

(3) 除第(4)款另有規定外，其後每屆立法會的任期於行政長官會同行政會議藉於憲報刊登的公告指明的日期開始。

"Revising Officer" (審裁官) means a Revising Officer appointed under section 77, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;

"specified form" (指明表格) means a form specified under section 76;

"term of office" (任期), in relation to the Legislative Council, means a term of office referred to in section 4.

(2) For the purposes of this Ordinance-

(a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and

(b) the circumstances in which a person has a substantial connection with a functional constituency include, but are not limited to -

(i) being a member, partner, officer or employee of a corporate elector of the constituency or a corporate member of such a corporate elector; or

(ii) belonging to a class of persons specified as being corporate electors of the constituency; and

(c) the circumstances in which a person has a substantial connection with an Election Committee subsector include, but are not limited to, being a member, partner, officer or employee of a body included in the subsector or of a corporate member of such a body.

(3) Results of a general election, or the results of Election Committee subsector elections, that are declared on different dates are, for the purposes of this Ordinance, taken to have been declared on the later or latest of those dates.

(4) A note located in the text of this Ordinance is provided for information only and has no legislative effect.

## PART II

### CONSTITUTION AND MEMBERSHIP OF LEGISLATIVE COUNCIL

#### 4. Terms of office of Legislative Council

(1) The term of office of the Legislative Council is as prescribed by Chapter IV of the Basic Law.

(2) The first term of office of the Legislative Council is to begin on 1 July 1998.

(3) Subject to subsection (4), each subsequent term of office of the Legislative Council is to begin on a date to be specified by the Chief Executive in Council by notice published in the Gazette.

(4) 如立法會在其任期中由行政長官按照《基本法》解散，新一屆立法會的任期於行政長官會同行政會議藉憲報公告指明的日期開始；而其後每屆立法會的任期於如此指明的日期開始。

(5) 第(3)及(4)款所提述的日期必須是在選出有關任期的議員的換屆選舉結果宣布的日期後的 30 天之內。

(6) 立法會如沒有由行政長官按照《基本法》提早解散，則在緊接其任期完結之後解散。

#### 5. 行政長官須指明舉行首屆換屆選舉的日期

(1) 行政長官必須藉憲報公告指明舉行選出首屆立法會議員的換屆選舉的日期。

(2) 藉公告指明的日期必須是在首屆立法會任期開始前的 60 天至首屆立法會任期開始前的 15 天的期間內。

#### 6. 行政長官須指明舉行第二屆及其後各屆換屆選舉的日期

(1) 行政長官必須藉憲報公告指明舉行選出第二屆及其後各屆立法會議員的換屆選舉的日期。

(2) 藉公告指明的日期必須是在新一屆立法會任期開始前的 60 天至新一屆立法會任期開始前的 15 天的期間內。

(3) 為使上述的換屆選舉得以舉行，行政長官可在立法會任期完結前中止立法會會期，以終止立法會的運作。

(4) 如立法會會期將會根據第(3)款中止，行政長官必須在憲報刊登立法會會期中止的日期。

(4) If the Legislative Council is dissolved by the Chief Executive in accordance with the Basic Law during its term of office, the new term of office of the Legislative Council is to begin on a date to be specified by the Chief Executive in Council by notice published in the Gazette and each subsequent term of office of that Council is to begin on a date to be so specified.

(5) A date referred to in subsections (3) and (4) must be within 30 days after the date on which the results of the general election to elect the Members for the relevant term of office are declared.

(6) The Legislative Council is, if not dissolved earlier by the Chief Executive in accordance with the Basic Law, dissolved immediately after its term of office ends.

#### 5. Chief Executive to specify date for holding first general election

(1) The Chief Executive must, by notice published in the Gazette, specify a date for holding a general election to elect the Members for the first term of office of the Legislative Council.

(2) The date specified in the notice must be not earlier than 60 days and not later than 15 days before the first term of office of the Legislative Council is to begin.

#### 6. Chief Executive to specify dates for holding second and subsequent general elections

(1) The Chief Executive must, by notice published in the Gazette, specify a date for holding a general election to elect the Members for the second and each subsequent term of office of the Legislative Council.

(2) The date specified in the notice must be not earlier than 60 days and not later than 15 days before the new term of office of the Legislative Council is to begin.

(3) To enable such a general election to be held, the Chief Executive may, before the end of a term of office of the Legislative Council, prorogue that Council to terminate its operation.

(4) If the Legislative Council is to be prorogued under subsection (3), the Chief Executive must publish in the Gazette the date from which that Council stands prorogued.

### 7. 行政長官在立法會解散時須指明換屆選舉的日期

(1) 在立法會按照《基本法》解散後的 30 天內，行政長官必須藉憲報公告指明舉行換屆選舉的日期。

(2) 為施行第(1)款而指明的日期必須是在立法會解散日期後的 3 個月內。

### 8. 可為不同類別的選舉指明不同日期

在符合本部的規定下，行政長官可為舉行換屆選舉選出以下每個或任何兩個類別的議員指明不同日期——

- (a) 地方選區選出的議員；及
- (b) 功能界別選出的議員；及
- (c) 選舉委員會選出的議員，

而根據本條指明的各個日期不得相距多於 7 天。

### 9. 行政長官須召開立法會的一般會期

(1) 行政長官必須自 1998 年開始，於每一公曆年最少召開一個立法會的一般會期。

(2) 行政長官必須在憲報公布立法會的一般會期開始及結束的日期。

(3) 已在某一公曆年開始的一般會期可在下一公曆年繼續。

(4) 任何條例草案或其他立法會事項的處理，不受會期結束的影響，可於任何其後的會議恢復處理，但當立法會任期完結或解散時，未完事項即告失效。

### 10. 立法會首屆任期的首次會議

(1) 行政長官必須藉憲報公告，指明立法會首屆任期的首次會議的日期及時間。

(2) 該公告所指明的日期及時間必須在立法會首屆任期開始後的 14 天內。

(3) 在首次會議中，在議員作出立法會誓言後，立法會處理的首項事務必須是由議員選出一名議員為選舉主席而主持該次會議。

### 7. Chief Executive to specify date for general election on dissolution of Legislative Council

(1) Within 30 days after the Legislative Council is dissolved in accordance with the Basic Law, the Chief Executive must, by notice published in the Gazette, specify a date for holding a general election.

(2) The date specified for the purposes of subsection (1) must be within 3 months after the date on which the Legislative Council was dissolved.

### 8. Different dates may be specified for different classes of elections

Subject to this Part, the Chief Executive may specify different dates for holding a general election to return each or any 2 of the following classes of Members-

- (a) the Members to be returned for geographical constituencies; and
- (b) the Members to be returned for functional constituencies; and
- (c) the Members to be returned by the Election Committee.

The dates specified under this section must not be more than 7 days apart.

### 9. Chief Executive to convene ordinary sessions of Legislative Council

(1) The Chief Executive must convene at least one ordinary session of the Legislative Council in each calendar year, beginning with the year 1998.

(2) The Chief Executive must publish in the Gazette the dates on which an ordinary session of the Legislative Council is to begin and end.

(3) An ordinary session begun in one calendar year may be continued in the next calendar year.

(4) The consideration of any bill or other business of the Legislative Council is not to be affected by the end of a session and may be resumed at any subsequent meeting, but is to lapse at the end of a term of office or on a dissolution of the Legislative Council.

### 10. First meeting of first term of office of Legislative Council

(1) The Chief Executive must, by notice published in the Gazette, specify a date and time for holding the first meeting of the first term of office of the Legislative Council.

(2) The date and time specified in the notice must be within 14 days after the first term of office of the Legislative Council begins.

(3) The first item of business at the first meeting, after the taking of the Legislative Council Oath by Members, must be the election of a Member to preside at that meeting for the purpose of electing the President.

(4) 根據第(3)款選出主持會議的議員須由出席首次會議的議員互選選出。立法會秘書必須為選出主持會議的議員而主持該次會議。

(5) 在首次會議中選出的主席必須在其獲選後主持該次會議。

#### 11. 立法會緊急會議

(1) 於立法會任期完結或解散後而於指明舉行選出立法會議員的換屆選舉的日期（如多於一日，則為首日）前的期間內，主席必須應行政長官的要求，召開立法會緊急會議。

(2) 只就第(1)款而言，於緊接緊急會議開始前的立法會任期內擔任議員的人，須當作為立法會議員。

#### 12. 議員任期

(1) 除第 13 及 15 條另有規定外，在換屆選舉中當選為議員的人，自該選舉後的首個立法會任期開始之時起任職，並於該任期完結時離任。

(2) 除第 13 及 15 條另有規定外，於在某屆立法會任期之中進行的補選中宣布當選為議員的人，由補選結果宣布之日起任職，並於該屆立法會任期完結時離任。

#### 13. 接受議員席位

(1) 除非當選為議員的人在憲報刊登其當選的公告的日期後的 7 天內，以書面通知立法會秘書不接受議員席位，否則他須視為已接受該席位。

(2) 不接受席位的通知須由有關的人簽署，否則不具效力。

(3) 不接受席位的通知於立法會秘書接獲該通知的日期生效，而給予該通知的人須視為已自該日起辭去議員席位。

(4) 如任何人按照本條給予通知，立法會秘書必須於接獲該通知後 14 天內在憲報刊登公告示明該人不接受議員席位。

(4) The presiding Member must be elected under subsection (3) by the Members present at the first meeting from amongst themselves. The Clerk to the Legislative Council must preside at that meeting for the purpose of electing the presiding Member.

(5) The President must, after his election at the first meeting, preside at that meeting.

#### 11. Emergency sessions of Legislative Council

(1) The President must, at the request of the Chief Executive, convene an emergency session of the Legislative Council during the period after the end of the term of office or the dissolution of the Legislative Council but, before the date (if more than one, the first date), specified for the holding of a general election for all the Members of the Legislative Council.

(2) For and only for the purpose of subsection (1), the persons holding office as Members of the Legislative Council during the term of office of the Legislative Council which immediately precedes the beginning of the emergency session shall be deemed to be Members of the Legislative Council.

#### 12. How long Members are to hold office

(1) Subject to sections 13 and 15, a person returned as a Member at a general election holds office from the beginning of the term of office of the Legislative Council next following the election and vacates office at the end of the term.

(2) Subject to sections 13 and 15, a person who is declared to be returned as a Member at a by-election holds office from the date on which the result of the by-election was declared and vacates office at the end of the term of office of the Legislative Council during which the by-election was held.

#### 13. Acceptance of office as a Member

(1) A person who is elected as a Member is to be regarded as having accepted office as such unless the person gives written notice to the Clerk to the Legislative Council of non-acceptance of office within 7 days after the date on which notification of the person's election is published in the Gazette.

(2) A notice of non-acceptance is not effective unless it is signed by the person concerned.

(3) A notice of non-acceptance takes effect on the date on which the notice is received by the Clerk to the Legislative Council and the person giving the notice is taken to have resigned from office as a Member from that date.

(4) If a person gives notice in accordance with this section, the Clerk to the Legislative Council must, within 14 days after receiving the notice, publish in the Gazette a notice to the effect that the person has not accepted office as a Members.



**14. 議員辭去席位的方式**

- (1) 任何議員可隨時藉向立法會秘書給予書面辭職通知而辭去議員席位。
- (2) 辭職通知須由有關議員簽署，否則不具效力。
- (3) 辭職通知——
- (a) 於立法會秘書接獲該通知的日期生效；或
- (b) 如指明一個較後的生效日期，則於該較後的日期生效。

**15. 議員何時不再擔任席位**

- (1) 如議員有以下情況，其席位即告懸空——
- (a) 按照第14條辭去席位或按照第13條被視為已辭去席位；或
- (b) 去世；或
- (c) 除第(2)款另有規定外，改變其根據第40(1)(b)(ii)條所聲明的國籍，或在其根據該條聲明的是否有中華人民共和國以外的國家的居留權的事實方面有所改變；或
- (d) 是主席及被法庭按照《精神健康條例》(第136章)裁斷為精神不健全而又無能力照顧自己和處理其事務，但如其後根據該條例裁斷該人的精神不健全的狀況已終止，則該人有再次當選的資格；或
- (e) 按照《基本法》第七十九條被宣告喪失立法會議員的資格。
- (2) 如某該議員是在第37(3)條指明的功能界別的選舉中選出的議員，則除非該議員已根據第40(1)(b)(ii)條聲明他有中國國籍或沒有中華人民共和國以外的國家的居留權，並於其後——
- (a) 取得中國國籍以外的國籍；或
- (b) 取得中華人民共和國以外的國家的居留權，
- 否則第(1)(c)款不適用於該議員。
- (3) 就第(1)(e)款而言，可根據《基本法》第七十九(七)條對議員作出譴責的行為不檢情況包括(但不限於)該議員違反根據第40(1)(b)(iii)條作出的誓言。

**14. How Member can resign**

- (1) A Member may, at any time, resign from office as a Member by giving written notice of resignation to the Clerk to the Legislative Council.
- (2) A notice of resignation is not effective unless it is signed by the Member concerned.
- (3) A notice of resignation takes effect-
- (a) on the date on which the notice is received by the Clerk to the Legislative Council; or
- (b) If a later date is specified in the notice, on that later date.

**15. When Member ceases to hold office**

- (1) A Member's office becomes vacant if the Member-
- (a) resigns in accordance with section 14 or is taken to have resigned from that office in accordance with section 13; or
- (b) dies; or
- (c) subject to subsection (2), alters either the Member's nationality or the fact as to whether the Member has a right of abode in a country other than the People's Republic of China as declared under section 40(1)(b)(ii); or
- (d) is the President and has been found by the court, in accordance with the Mental Health Ordinance (Cap. 136), to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection shall be eligible for re-election if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased; or
- (c) is declared in accordance with Article 79 of the Basic Law to be no longer qualified to hold that office.
- (2) Subsection (1)(c) does not apply to a Member elected at an election for a functional constituency specified in section 37(3) unless the Member has declared under section 40(1)(b)(ii) that he or she has Chinese nationality or has no right of abode in a country other than the People's Republic of China and subsequently he or she-
- (a) acquires a nationality other than Chinese nationality; or
- (b) acquires a right of abode in a country other than the People's Republic of China.
- (3) For the purposes of subsection (1)(e), the kind of misbehaviour for which a Member may be censured under Article 79(7) of the Basic Law includes (but is not limited to) a breach of an oath given under section 40(1)(b)(iii).

附註：《基本法》第七十九條內容如下：

香港特別行政區立法會議員如有下列情況之一，由立法會主席宣告其喪失立法會議員的資格：

- (一) 因嚴重疾病或其他情況無力履行職務；
- (二) 未得到立法會主席的同意，連續三個月不出席會議而無合理解釋者；
- (三) 喪失或放棄香港特別行政區永久性居民的身份；
- (四) 接受政府的委任而出任公務人員；
- (五) 破產或經法庭裁定償還債務而不履行；
- (六) 在香港特別行政區區內或區外被判犯有刑事罪行，判處監禁一個月以上，並經立法會出席會議的議員三分之二通過解除其職務；
- (七) 行為不檢或違反誓言而經立法會出席會議的議員三分之二通過譴責。

#### 16. 議員有資格再當選

任何人如不再是議員，他在符合第 39 條的規定下，有資格再當選為議員。

#### 17. 立法會的程序不受議席空缺影響

- (1) 立法會議席空缺並不影響立法會處理事務的權力。
- (2) 立法會議席空缺、議員選舉中的欠妥之處或任何人擔任議員的資格有欠妥之處，均不影響立法會程序的有效性。
- (3) 就本條而言，立法會議席空缺包括立法會在換屆選舉後首次開會時的議席空缺。

### 第 III 部

#### 選區或選舉界別的設立

#### 18. 地方選區的設立

- (1) 就首屆立法會的任期而言，為在選舉中選出地方選區的議員而劃定的地方選區的數目為 5 個選區。

Note: Article 79 of the Basic Law provides as follows:

The President of the Legislative Council of the Hong Kong Special Administrative Region shall declare that a member of the Council is no longer qualified for the office under any of the following circumstances:

- (1) When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;
- (2) When he or she, with no valid reason, is absent from meetings for three consecutive months without the consent of the President of the Legislative Council;
- (3) When he or she loses or renounces his or her status as a permanent resident of the Region;
- (4) When he or she accepts a government appointment and becomes a public servant;
- (5) When he or she is bankrupt or fails to comply with a court order to repay debts;
- (6) When he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Region and is relieved of his or her duties by a motion passed by two-thirds of the members of the Legislative Council present; and
- (7) When he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present.

#### 16. Member to be eligible for re-election

A person who ceases to be a Member is, subject to section 39, eligible for re-election as a Member.

#### 17. Proceedings of Legislative Council not affected by vacancy in membership

- (1) A vacancy in the membership of the Legislative Council does not affect its power to transact business.
- (2) Neither a vacancy in the membership of the Legislative Council nor a defect in the election of a Member, or as to the eligibility of a person to be a Member, affects the validity of its proceedings.
- (3) For the purposes of this section, a vacancy in the membership of the Legislative Council includes a vacancy in its membership when it first meets after a general election.

### PART III

#### ESTABLISHMENT OF CONSTITUENCIES

#### 18. Establishment of geographical constituencies

- (1) For the first term of office of the Legislative Council, there are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies.

(2) 行政長官會同行政會議可藉在憲報刊登的命令——

(a) 宣布香港的地區為地方選區；及

(b) 為該等選區命名。

(3) 在根據本條作出命令時，行政長官會同行政會議必須顧及選舉管理委員會為該命令所關乎的換屆選舉的目的，而在其按照《選舉管理委員會條例》（1997 年第 129 號）第 18 條提交的該委員會的最後報告中作出的建議。

(4) 如本條所指的命令提述界定地方選區的範圍的地圖，選舉登記主任必須確保最少有一份該地圖備存於選舉登記主任的辦事處，供公眾人士在該辦事處的通常辦公時間內查閱。

(5) 欲查閱該地圖的公眾人士無須繳費。

(6) 經選舉登記主任核證為界定地方選區的範圍的地圖的真確副本，是該選區的範圍的不可推翻的證據。

### 19. 地方選區所須選出的議員人數

(1) 在本條例制定後的首次換屆選舉中，須為所有地方選區選出總共 20 名議員。

(2) 在首次換屆選舉中，須為每個地方選區選出的議員的人數不得少於 3 名，亦不得多於 5 名，該人數在按照第 18(2) 條宣布作為地方選區的地區的命令中指明。

### 20. 功能界別的設立

就首屆立法會的任期而言，為施行本條例而設立的功能界別為附表 1 第 1 欄所指明者。

### 21. 功能界別所須選出的議員人數

須為——

(a) 每個功能界別（勞工界功能界別除外）選出的議員的人數為 1 名；及

(b) 勞工界功能界別選出的議員的人數為 3 名。

(2) The Chief Executive in Council may, by order published in the Gazette

(a) declare areas of Hong Kong to be geographical constituencies; and

(b) give names to those constituencies.

(3) When making an order under this section, the Chief Executive in Council must have regard to the recommendations made by the Electoral Affairs Commission in the last report of the Commission submitted in accordance with section 18 of the Electoral Affairs Commission Ordinance (129 of 1997) for the purposes of the general election to which the order relates.

(4) If an order under this section refers to a map that defines the area of a geographical constituency, the Electoral Registration Officer must ensure that at least one copy of the map is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office.

(5) No charge is payable by a member of the public who wishes to inspect a copy of the map.

(6) A map certified by the Electoral Registration Officer as a true copy of a map that defines the area of a geographical constituency is conclusive evidence of the area of the constituency.

### 19. Number of Members to be returned for geographical constituency

(1) Twenty Members are to be returned for all geographical constituencies at the first general election after the enactment of this Ordinance.

(2) The number of Members to be returned for each geographical constituency at the first general election is to be a number, not less than 3 nor greater than 5, specified in the order declaring the area of the constituency in accordance with section 18(2).

### 20. Establishment of functional constituencies

For the first term of office of the Legislative Council, the functional constituencies to be established for the purposes of this Ordinance are those specified in column 1 of Schedule 1.

### 21. Number of Members to be returned for functional constituency

The number of Members to be returned for a functional constituency is-

(a) 1 Member for each constituency other than the labour functional constituency; and

(b) 3 Members for the labour functional constituency.

## 第 IV 部

## 選舉委員會的組成

**22. 選舉委員會的設立**

(1) 現就首屆立法會的任期，為施行本條例而設立一個名為選舉委員會的委員會。

(2) 選舉委員會按附表 2 的規定組成。

**23. 選舉委員會所須選出的議員人數**

在本條例制定後的首次換屆選舉中，選舉委員會須選出 10 名議員。

## 第 V 部

## 選民登記

**24. 登記為地方選區選民的資格**

(1) 在符合本部的規定下，符合以下情況的人方有資格登記為地方選區選民——

(a) 已在當時已有的地方選區正式選民登記冊內登記為選民；或

(b) 按照本部申請登記為地方選區選民並有權如此登記。

(2) 凡選舉登記主任有合理理由信納，在現有的地方選區正式選民登記冊內登記為選民的人——

(a) 在如此登記之後不再是通常在香港居住的；或

(b) 不再居於該登記冊內在該人的姓名相對之處所記錄的住址，而選舉登記主任並不知道該人在香港的新的主要住址（如有的話），

則該人無權憑藉在現有的地方選區正式選民登記冊內登記為選民而在任何其後的地方選區選民登記冊內登記為選民。

## PART IV

## CONSTITUTION OF ELECTION COMMITTEE

**22. Establishment of Election Committee**

(1) For the first term of office of the Legislative Council, a committee, to be known as the Election Committee, is established for the purposes of this Ordinance.

(2) The Election Committee is constituted as provided by Schedule 2.

**23. Number of Members to be returned by Election Committee**

Ten Members are to be returned by the Election Committee at the first general election after the enactment of this Ordinance.

## PART V

## REGISTRATION OF ELECTORS

**24. Who is eligible to be registered as an elector: geographical constituencies**

(1) Subject to this Part, a person is eligible to be registered as an elector for a geographical constituency only if the person-

(a) is already registered as an elector in the then existing final register of geographical constituencies; or

(b) applies in accordance with this Part to be registered as such an elector and is entitled to be so registered.

(2) A person is not, by virtue of being registered as an elector in an existing final register of geographical constituencies, entitled to be included as an elector in any subsequent register of geographical constituencies if the Electoral Registration Officer is satisfied on reasonable grounds that the person-

(a) has since ceased to ordinarily reside in Hong Kong; or

(b) no longer resides at the residential address recorded against the person's name in that existing register and that Officer does not know the person's new principal residential address (if any) in Hong Kong.

**25. 登記為功能界別選民的資格**

- (1) 在符合本部的規定下，以下人士方有資格登記為功能界別選民——
- (a) 附表 1 第 2 欄中在該功能界別相對之處指明的人；及
  - (b) 符合以下其中一種情況的自然人——
    - (i) 已根據本部登記為地方選區選民；或
    - (ii) 有資格根據本部登記為地方選區選民並已提出如此登記的申請。
- (2) 任何如非因本款本有資格在多於一個功能界別登記的人只可在該等功能界別中該人所自行選擇的一個功能界別登記。
- (3) 儘管第(2)款另有規定——
- (a) 有資格登記為市政局功能界別選民的人，如非因本段本有資格登記為該人所自行選擇的另一功能界別的選民，則該人只可在市政局功能界別中登記，而不可在該另一功能界別中登記；及
  - (b) 有資格登記為區域市政局功能界別選民的人，如非因本段本有資格登記為該人所自行選擇的另一功能界別的選民，則該人只可在區域市政局功能界別中登記，而不可在該另一功能界別中登記；及
  - (c) 在不抵觸(a)及(b)段的規定下，有資格登記為鄉議局功能界別選民的人，如非因本段本有資格登記為該人所自行選擇的另一功能界別的選民，則該人只可在鄉議局功能界別中登記，而不可在該另一功能界別中登記；及
  - (d) 在不抵觸(a)、(b)及(c)段的規定下，有資格登記為漁農界功能界別、或保險界功能界別或航運交通界功能界別選民的人，如非因本段本有資格登記為該人所自行選擇的另一功能界別的選民，則該人只可在漁農界功能界別、保險界功能界別或航運交通界功能界別中登記，而不可在該另一功能界別中登記。

**25. Who is eligible to be registered as an elector: functional constituencies**

- (1) Subject to this Part, a person is eligible to be registered as an elector for a functional constituency only if the person-
- (a) is a person specified opposite that constituency in column 2 of Schedule 1; and
  - (b) if a natural person, is either-
    - (i) registered as an elector under this Part for a geographical constituency; or
    - (ii) eligible to be registered as an elector under this Part for a geographical constituency and has made an application to be so registered.
- (2) A person who, but for this subsection, would be eligible to be registered in 2 or more functional constituencies may be registered in only one of those constituencies of that person's choice.
- (3) Despite subsection (2)-
- (a) a person eligible to be registered as an elector for the Urban Council functional constituency and who would, but for this paragraph, be eligible to be registered as an elector for another functional constituency of that person's choice may be registered only for the Urban Council functional constituency and not for that other functional constituency; and
  - (b) a person eligible to be registered as an elector for the Regional Council functional constituency and who would, but for this paragraph, be eligible to be registered as an elector for another functional constituency of that person's choice may be registered only for the Regional Council functional constituency and not for that other functional constituency; and
  - (c) subject to paragraphs (a) and (b), a person eligible to be registered as an elector for the Heung Yee Kuk functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for the Heung Yee Kuk functional constituency and not for that other functional constituency; and
  - (d) subject to paragraphs (a), (b) and (c), a person eligible to be registered as an elector for the agriculture and fisheries, the insurance or the transport functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for that functional constituency and not for that other functional constituency.

(4) 如附表 1 第 5、14、15(3)或(4)、22、24(2)、(4)、(5)、(69)或(70)、25(2)至(5)或 26(5)至(6)或 28(12)項所指明的團體，在緊接其提出登記為有關功能界別中的團體選民的申請前的 12 個月內維持運作，該團體方有資格登記為該功能界別中的團體選民。

(5) 如附表 1 第 4(1)、(2)、(44)至(49)、15(1)、16 至 21、23、24(1)或(6)至(8)、25(1)、26(1)或(2)、27 或 28(11)項所指明的團體的團體成員在緊接其提出登記為有關功能界別中的團體選民的申請前的 12 個月內一直是該團體的團體成員並一直維持運作，該團體成員方有資格登記為該功能界別中的團體選民。

(6) 任何自然人如是附表 1 第 2 或 3 部所指明的團體的成員或會員(該附表第 7(2)、8(1)或(2)、11(2)或(8)、12(2)、13(2)、(3)、(5)或(7)或 28(1)至(10)項所指明的團體除外)，則該人必須在緊接其提出登記為有關功能界別中的選民的申請前的 12 個月內一直是該團體的成員或會員，方有資格登記為該功能界別中的選民。

(7) 本條提述的 12 個月的期間可自本條生效之前或之後開始。

## 26. 團體選民須有獲授權代表

(1) 團體選民須挑選一名合資格的人作為其獲授權代表以在選舉中投下該團體選民的選票。

(2) 符合以下條件的人方有資格作為某功能界別的團體選民的獲授權代表——

- (a) 已登記為地方選區選民，或有資格登記為地方選區選民並已申請如此登記；及
- (b) 與該團體選民有密切聯繫；及
- (c) 並無登記為該功能界別的選民，亦無申請如此登記；及
- (d) 並無根據第 31 或 53 條喪失登記或投票的資格。

(3) 任何人如屬某團體選民的獲授權代表，則無資格被挑選為另一團體選民的獲授權代表。

(4) 任何人除非經選舉登記主任登記為團體選民的獲授權代表，否則不能以該團體選民的獲授權代表的身分行事。

(5) 團體選民可不時在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的情況下，以該等規例所訂明的方式更換其獲授權代表。上述更換必須經選舉登記主任登記方可生效。

(4) A body specified in item 5, 14, 15(3) or (4), 22, 24(2), (4), (5), (69) or (70), 25(2) to (5), 26(5) to (6) or 28(12) of Schedule 1 is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been operating for the 12 months immediately before making its application for registration as an elector.

(5) A body that is a corporate member of a body specified in item 4(1), (2), (44) to (49), 15(1), 16 to 21, 23, 24(1) or (6) to (8), 25(1), 26(1) or (2), 27 or 28(11) of Schedule 1 is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been a corporate member of the second-mentioned body and has been operating for the 12 months immediately before making its application for registration as an elector.

(6) A natural person who is a member of a body specified in Part 2 or 3 of Schedule 1 (other than a body specified in item 7(2), 8(1) or (2), 11(2) or (8), 12(2), 13(2), (3), (5) or (7) or 28(1) to (10) of that Schedule) is eligible to be registered as an elector for the relevant functional constituency only if the person has been a member of the body for the 12 months immediately before making an application for registration as an elector.

(7) It does not matter that a period of 12 months referred to in this section may have begun before the commencement of this section.

## 26. Corporate elector to have authorized representative

(1) A corporate elector is required to select one eligible person to be its authorized representative for the purposes of casting its vote at an election.

(2) A person is eligible to be an authorized representative of a corporate elector for a functional constituency only if the person—

- (a) is registered, or is eligible to be and has applied to be registered, as an elector for a geographical constituency; and
- (b) has a substantial connection with the corporate elector; and
- (c) is not registered, and has not applied to be registered, as an elector for the constituency; and
- (d) is not disqualified from being registered or voting under section 31 or 53.

(3) A person who is an authorized representative of a corporate elector is not eligible to be selected as the authorized representative of another corporate elector.

(4) A person cannot act as an authorized representative of a corporate elector unless the person is registered as such a representative by the Electoral Registration Officer.

(5) A corporate elector may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997). The replacement does not have effect until it is registered by the Electoral Registration Officer.

(6) 為第(1)或(5)款的目的提出的申請可由有關的團體選民按照根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例向選舉登記主任提出。上述申請必須以書面並用指明表格提出。

(7) 選舉登記主任只可以申請書所指明的獲授權代表沒有作為獲授權代表的資格或已喪失該資格為理由，拒絕根據第(6)款提出的申請。

## 27. 選民須為香港永久性居民

任何自然人必須屬香港永久性居民方有資格登記為選區或選舉界別的選民。

## 28. 選民須在香港居住

(1) 如某自然人申請登記為地方選區選民登記冊中的選民，則該人在提出該申請時，必須令選舉登記主任信納以下事項，方有資格如此登記——

- (a) 該人通常在香港居住；及
- (b) 在該人的登記申請中呈報的住址是他在香港唯一或主要的居所。

(2) 選舉登記主任如有合理理由而信納有以下情況，可從地方選區的正式選民登記冊內將任何選民的姓名略去——

- (a) 該選民不再通常在香港居住；或
- (b) 最後向該主任呈報的住址，不再是該選民在香港的唯一或主要居所。

(3) 在本條中，提述某人在香港的唯一或主要居所，即提述該人所居住的並屬該人唯一或主要家居的在香港的居住地方。

## 29. 選民須年滿 18 歲

除非符合以下條件，否則自然人沒有資格登記為選民——

- (a) 他年滿 18 歲；或
- (b) 他的 18 歲生辰是在他申請登記後的首個 3 月 31 日之前。

(6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) by the corporate elector concerned. The application must be in writing and be in the specified form.

(7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be, or disqualified from being, such a representative.

## 27. Elector to be permanent resident of Hong Kong

A natural person is not eligible to be registered as an elector for a constituency unless the person is a permanent resident of Hong Kong.

## 28. Elector to reside in Hong Kong

(1) A natural person is not eligible to be registered as an elector in the register of geographical constituencies unless, at the time of applying for registration, the person satisfies the Electoral Registration Officer-

- (a) that the person ordinarily resides in Hong Kong; and
- (b) that the residential address notified in the person's application for registration is the person's only or principal residence in Hong Kong.

(2) The Electoral Registration Officer may omit from the final register of geographical constituencies the name of an elector if satisfied on reasonable grounds-

- (a) that the elector no longer ordinarily resides in Hong Kong; or
- (b) that the residential address last notified to that Officer is no longer the elector's only or principal residence in Hong Kong.

(3) In this section, a reference to a person's only or principal residence in Hong Kong is a reference to a dwelling-place in Hong Kong at which the person resides and which constitutes the person's sole or main home.

## 29. Elector to be 18 years of age

A natural person is not eligible to be registered as an elector unless-

- (a) the person has reached 18 years of age; or
- (b) the person's eighteenth birthday falls on or before 31 March next following the person's application for registration.

**30. 申請登記為選民的人須持有身分證明文件**

- (1) 自然人除非在申請登記為選民時令選舉登記主任信納——
- (a) 他持有身分證明文件；或
- (b) 他已——
- (i) 申請新的身分證明文件；或
- (ii) 要求更改該身分證明文件或發出新的身分證明文件，

以取代在此之前發給他的身分證明文件，並將該份文件的識別號碼（如有的話）通知選舉登記主任，否則沒有資格登記為選民。

(2) 即使某人若非有本條規定則本會有資格登記為選民，本條仍具效力。

**31. 喪失登記為選民的資格的情況**

(1) 任何自然人如有以下情況，即喪失登記為選區或選舉界別選民的資格——

- (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；或
- (b) 在申請登記之日正因服刑而受監禁；或
- (c) 在不局限(a)段的原則下，被裁定或曾被裁定犯下述罪行，而選舉於或將於自其被定罪的日期起計的3年內舉行——
- (i) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》（第288章）第19條而構成的非法行為除外；或
- (ii) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊或非法行為；或
- (iii) 《防止賄賂條例》（第201章）第II部所訂的任何罪行；或
- (iv) 根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例所訂明的任何罪行；或

**30. Applicant for registration as elector to be in possession of identity document**

(1) A natural person is not eligible to be registered as an elector unless, at the time of applying to be registered, the person satisfies the Electoral Registration Officer that the person-

- (a) holds an identity document; or
- (b) has
- (i) applied for a new identity document; or
- (ii) requested the alteration of the identity document or the issue of a new identity document,

in replacement of the identity document previously issued to the person, and informs that Officer of the document's identifying number (if any).

(2) This section has effect even though a person would otherwise be eligible to be registered as an elector.

**31. When person is disqualified from being registered as an elector**

(1) A natural person is disqualified from registered as an elector for a constituency if the person-

- (a) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
- (ii) received a free pardon; or
- (b) on the date of application for registration, is serving a sentence of imprisonment; or
- (c) without limiting paragraph (a), where the election is to be held or is held within 3 years from the date of the person's conviction, is or has been convicted-
- (i) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
- (ii) of a corrupt or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt or illegal practices; or
- (iii) of any offence under 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 (129 of 1997); or



- (d) 被原訟法庭根據《精神健康條例》(第 136 章)裁斷為精神不健全而又無能力照顧自己和處理自己的事務；或
- (e) 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) 本條適用於團體選民的獲授權代表，適用方式一如其適用於屬自然人的選民。

### 32. 選舉登記主任須編製和發表選民登記冊

- (1) 選舉登記主任必須——
  - (a) 在 1998 年 2 月 15 日或之前和其後每年在 2 月 15 日或之前編製——
    - (i) 地方選區的臨時選民登記冊；及
    - (ii) 功能界別的臨時選民登記冊；及
  - (b) 在 1998 年 3 月 15 日或之前及其後每年在 3 月 31 日或之前，按照根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例，編製和發表——
    - (i) 地方選區的正式選民登記冊；及
    - (ii) 功能界別的正式選民登記冊。
- (2) 選舉登記主任必須在選舉委員會界別分組選舉結果按照附表 2 公布後 7 天內，按照根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例，編製和發表選舉委員會正式委員登記冊。
- (3) 選舉登記主任可修訂臨時選民登記冊或正式選民登記冊，以更正任何文書上或印刷上的錯誤，或選民登記冊所記錄的人的任何不正確姓名或名稱、地址或其他個人詳情。
- (4) 選舉登記主任在編製臨時選民登記冊時——
  - (a) 如有合理理由信納任何人不再有資格名列該登記冊，則必須剔除其姓名或名稱及其他有關詳情；及
  - (b) 必須將該等人的姓名或名稱及其他有關詳情載入遭剔除者名單；及
  - (c) 必須在該登記冊上，加入在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例為施行本段而訂明的日期後申請登記，並有資格名列該登記冊的人的姓名或名稱及其他有關詳情。

- (d) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (e) is a member of the armed forces of the Central People's Government or any other country or territory.

(2) This section applies to an authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person.

### 32. Electoral Registration Officer to compile and publish electoral registers

- (1) The Electoral Registration Officer must—
  - (a) not later than 15 February 1998 and not later than 15 February in each subsequent year, compile—
    - (i) a provisional register of geographical constituencies; and
    - (ii) a provisional register of functional constituencies; and
  - (b) not later than 15 March 1998 and not later than 31 March in each subsequent year, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997)—
    - (i) a final register of geographical constituencies; and
    - (ii) a final register of functional constituencies.
- (2) The Electoral Registration Officer must, within 7 days after the results of the Election Committee subsector elections are published in accordance with Schedule 2, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) a final register of members of the Election Committee.
- (3) The Electoral Registration Officer may amend a provisional or final register so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.
- (4) In compiling a provisional register, the Electoral Registration Officer must
  - (a) strike out the names and other relevant particulars of all those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; and
  - (b) enter the names and other relevant particulars of those persons on an omissions list; and
  - (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) and who are eligible to have their names included in the register.

(5) 選舉登記主任在遵從第(4)款後，必須在切實可行的範圍內盡快—

- (a) 在憲報；及
- (b) 在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的其他刊物(如有的話)，

刊登公告，示明不再有資格名列該登記冊的人的姓名或名稱及其他有關詳情已載入遭剔除者名單，並指明可於何時及何地查閱該遭剔除者名單。

(6) 選舉登記主任必須在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例為施行本款而訂明的期間——

- (a) 在其辦事處備存有有關的遭剔除者名單；及
- (b) 在該辦事處的通常辦公時間內，免費讓公眾人士查閱該名單。

### 33. 正式選民登記冊的生效時間

正式選民登記冊在發表當日生效並繼續有效，直至下一份正式選民登記冊發表為止。

### 34. 針對選舉登記主任的決定向審裁官提出上訴的權利

(1) 對選舉登記主任為施行本條例而作出的決定感到不滿的人，可針對該決定向審裁官提出上訴。

(2) 審裁官就上訴作出的裁定是最終裁定。

(3) 選舉登記主任或助理選舉登記主任須在上訴聆訊中以答辯人身份出席。

(4) 在上訴的聆訊中，上訴人或任何其他與上訴有關的人有權親自出席，而上訴人不論是否親自出席，均有權由一名法律執業者或任何其他人士代表。

## 第 VI 部

### 選舉的進行

### 35. 立法會議席空缺須予宣布

(1) 立法會秘書必須在知悉立法會議席出現空缺後 21 天內，藉憲報公告宣布立法會議席出現空缺。

(5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer must publish-

- (a) in the Gazette; and
- (b) in such other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997),

a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.

(6) The Electoral Registration Officer must, for the period prescribed for the purposes of this subsection by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997)-

- (a) keep the omissions list at that Officer's office; and
- (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

### 33. When final register is to take effect

A final register takes effect on the date of its publication and continues to have effect until the publication of the next final register.

### 34. Right of appeal to Revising Officer against decisions of Electoral Registration Officer

(1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Ordinance may appeal against the decision to a Revising Officer.

(2) The determination of a Revising Officer on such an appeal is final.

(3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.

(4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

## PART VI

### CONDUCT OF ELECTIONS

### 35. Vacancy in membership of Legislative Council to be declared

(1) The Clerk to the Legislative Council must, by notice published in the Gazette, declare the existence of a vacancy in the membership of that Council within 21 days after becoming aware of the vacancy.

(2) 在不局限第(1)款的原則下，如在選舉投票結束後，有在選舉中當選的候選人在其獲宣布如此當選為議員之前死亡，則立法會秘書在知悉此事後，須根據該款宣布立法會議席出現空缺。

### 36. 舉行補選以填補立法會議席空缺

(1) 選舉管理委員會必須在以下情況而不得在其他情況下，按照根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例，安排舉行一項補選——

- (a) 在立法會秘書根據第 35 條宣布立法會議席出現空缺時；
- (b) 在選舉主任根據第 45 條宣布選區或選舉界別的選舉程序或選舉委員會的選舉程序已經終止時；
- (c) 在選舉主任根據第 46(2)條宣布某選區或選舉界別的選舉或選舉委員會的選舉因以下原因而無法進行時：無候選人獲有效提名參加選舉或獲有效提名參加選舉的人數少於該選區或選舉界別須選出的議員人數或少於該委員會須選出的議員人數；
- (d) 在原訟法庭根據第 67 條裁定當選受質疑的當選人並非妥為選出，但又沒有裁定另一人是妥為選出時。

(2) 然而填補立法會議席空缺的補選——

- (a) 不得在立法會現屆任期結束前的 4 個月內舉行；及
- (b) 不得在行政長官已按照《基本法》在憲報刊登解散立法會的命令的情況下舉行。

### 37. 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或選舉委員會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

(2) Without limiting subsection (1), the Clerk to the Legislative Council must declare the existence of a vacancy under that subsection after becoming aware that, after the close of polling for an election, a candidate returned at the election has died before that candidate is declared to be elected as a Member at the election.

### 36. By-election to be held to fill vacancy in membership of Legislative Council

(1) The Electoral Affairs Commission must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), arrange for a by-election to be held in the following circumstances and not otherwise—

- (a) on the making of a declaration as to the existence of a vacancy in the membership of the Legislative Council under section 35;
- (b) on the making of a declaration under section 45 that the proceedings for the election for a constituency or by the Election Committee have been terminated;
- (c) on the making of a declaration under section 46(2) that an election for a constituency or by the Election Committee has failed because no candidates were validly nominated for election or because the number validly nominated for election was less than the number of Members to be returned for the constituency or by that Committee;
- (d) on the Court's making a determination under section 67 that a person whose election is questioned was not duly elected without determining that some other person was duly elected instead.

(2) However, a by-election to fill a vacancy occurring in the membership of the Legislative Council is not to be held—

- (a) within the 4 months preceding the end of that Council's current term of office; or
- (b) if the Chief Executive has published in the Gazette an order dissolving that Council in accordance with the Basic Law.

### 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, or for election by the Election Committee, 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) 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) 已登記為該功能界別的選民並有資格登記為該功能界別的選民，或令選舉登記主任信納他與該功能界別有密切聯繫的；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；
- (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、測量及都市規劃界功能界別；
- (e) 地產及建造界功能界別；
- (f) 旅遊界功能界別；
- (g) 僑界（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。
- (4) 議員並無資格在補選中獲提名為候選人。

### 38. 地方選區的提名名單

- (1) 在本條中——
- “獲提名人” (nominee) 指姓名被列入提名名單內作為候選人的人。

- (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) is both registered and eligible to be registered as an elector for such a constituency or satisfies the Electoral Registration Officer 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 and planning 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.
- (4) A Member is not eligible to be nominated as a candidate at a by- election.

### 38. Nomination lists for geographical constituencies

- (1) In this section
- "nominee" (獲提名人) means a person whose name is included in a nomination list as a candidate.

- (2) 在地方選區參加議員選舉的候選人的提名，須採用向選舉主任呈交名單的方式作出，該名單須載有——
- (a) 以組合形式在該地方選區的選舉中競選的多於一名人士的姓名；或
- (b) 以單一候選人身分在該項選舉中競選的人的姓名。
- (3) 提名名單必須——
- (a) 按照以下規定呈交——
- (i) 以符合根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例的提名表格呈交；
- (ii) 由名列該提名名單的獲提名人呈交；
- (iii) 於提名期內呈交；及
- (iv) 按上述規例訂明的方式呈交；
- (b) 附有名列該提名名單的每一名獲提名人以指明表格作出的同意書；及
- (c) 載有根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例所規定的任何其他詳情。
- (4) 如為某組合呈交的提名名單載有多於一名人士的姓名，則該等姓名必須按該組合中的人士的優先次序排列。
- (5) 選舉主任必須裁定提名名單上的每名獲提名人是否獲有效提名。
- (6) 如——
- (a) 選舉主任裁定任何獲提名人不獲有效提名；
- (b) 任何獲提名人的提名被撤回；或
- (c) 任何獲提名人去世，
- 則選舉主任必須自提名名單剔除該獲提名人的姓名，而名列該名單的獲提名人的姓名的優先次序亦須據此調整。
- (7) 如按照第(6)款將獲提名人的姓名從提名名單上作出剔除後，該名單上再無任何姓名，則選舉主任必須拒絕接納該名單。
- (8) 在提名名單呈交選舉主任後——
- (a) 名列於該名單的獲提名人的姓名次序不能改動；
- (b) 不能將其他人的姓名加入該名單；及
- (c) 已在該名單內的人的姓名亦不能刪除。
- (9) 如在提名期結束後，仍在提名名單上的獲提名人的人數多於有關選區須選出的議員的人數，則選舉主任須顧及該等獲提名人於該名單上的排列次序，而將多出的獲提名人的姓名從名單上除去，使仍在該名單上的獲提名人的人數與該選區須選出的議員的人數相同。

- (2) The nomination of candidates for election as Members for a geographical constituency is to be by a list submitted to the Returning Officer containing either-
- (a) the names of 2 or more persons contesting the election for that geographical constituency as a group; or
- (b) the name of a person contesting that election as a single candidate.
- (3) A nomination list must-
- (a) be submitted-
- (i) on a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997);
- (ii) by a nominee on the nomination list concerned;
- (iii) within the nomination period; and
- (iv) in the manner prescribed by those regulations; and
- (b) be accompanied by the written consent, made on the nomination form, of each nominee on the nomination list; and
- (c) contain any other particulars required by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).
- (4) If a nomination list contains the names of 2 or more persons, the names are to be ranked in the order of priority of the group for which the nomination list is submitted.
- (5) The Returning Officer must determine, for each nominee whose name appears on the nomination list, whether or not the nominee is validly nominated.
- (6) If
- (a) the Returning Officer determines that a nominee is not validly nominated; or
- (b) a nominee's nomination is withdrawn; or
- (c) a nominee dies,
- that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.
- (7) If, after striking out names from a nomination list in accordance with subsection (6), no name remains on the list, the Returning Officer must reject the list.
- (8) After a nomination list has been submitted to a Returning Officer-
- (a) the order in which names of nominees appear in the list cannot be altered;
- (b) the names of other persons cannot be added to the list; and
- (c) the names of persons already on the list cannot be deleted.
- (9) If, after the close of nominations, the names of more nominees remain on a nomination list than the number of Members to be returned for the constituency concerned, the Returning Officer must, having regard to the

(10) 選舉主任在根據第(6)及(9)款剔除獲提名人的姓名後，仍在提名名單上的獲提名人須按其姓名列於該名單上的同一優先次序排列（如有多於一名所餘獲提名人），而為第 49 條的目的，該名單即視作為候選人名單。

### 39. 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（包括臨時立法會）的人員或立法會管理委員會（包括臨時立法會管理委員會）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；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，曾被裁定犯以下罪行，而選舉於或將於自其被定罪的日期起計的 5 年內舉行——
  - (i) 在香港或任何其他地方所犯的任何罪行，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) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》（第 288 章）第 19 條而構成的非法行為除外；或
  - (iii) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊或非法行為；或

order in which the nominees names appear on the list, exclude from the list the names of the surplus nominees so that only a number of nominees equal to the number of Members to be returned for the constituency remain on the list.

(10) The nominees whose names remain on a nomination list after the Returning Officer has taken the action referred to in subsections (6) and (9) (as arranged in the order of priority indicated on the nomination list if there are 2 or more such remaining nominees) are taken as constituting a list of candidates for the purposes of section 49.

### 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 (including the Provisional Legislative Council) or a member of staff of The Legislative Council Commission (including The Provisional 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; 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 from the date of the person's conviction, is or has been convicted-
  - (i) of any offence in Hong Kong or any other place in respect of 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 a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (iii) of a corrupt or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt or illegal practices; or



- (iv) 《防止賄賂條例》(第201章)第II部所訂的任何罪行；或
- (v) 根據《選舉管理委員會條例》(1997年第129號)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、作出自願安排或與其債權人達成債務重整協議的人。

(2) 任何人如被原訟法庭按照《精神健康條例》(第136章)裁斷為精神不健全而又無能力照顧自己和處理其事務的，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裁斷該人的精神不健全的狀況已終止，則該人有獲提名為候選人的資格。

(3) 任何人如被原訟法庭按照《精神健康條例》(第136章)裁斷為精神不健全而又無能力照顧自己和處理其事務的，即喪失當選為議員的資格，但如在其後根據該條例裁斷該人的精神不健全的狀況已終止，則該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《公務員敘用委員會條例》(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) 公務員敘用委員會主席；
- (b) 廉政專員、副廉政專員及擔任在《總督特派廉政專員公署條例》(第204章)下的任何其他職位的人；

- (iv) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
- (v) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997); 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 composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.

(2) A person is also disqualified from being nominated as a candidate at an election if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her 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's unsoundness of mind has ceased.

(3) A person is also disqualified from being elected as a Member if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.

(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



- (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) 選舉管理委員會委員；
- (e) 金融管理局的行政總裁及該局的高層管理人員，包括科主任、行政總監及該局僱用的經理及律師；或
- (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。

#### 40. 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或為選舉委員會選舉的候選人——

- (a) 該人已以或已由他人代其以根據《選舉管理委員會條例》(1997 年第 129 號)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會引致他——
    - (A) 成為——
      - (I) 第 39(5)條所指的訂明的公職人員；或
      - (II) 立法會（包括臨時立法會）的人員或立法會管理委員會（包括臨時立法會管理委員會）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；

- 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;
- (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau.

#### 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, or by the Election Committee, unless-

- (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), 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 would result 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 (including the Provisional Legislative Council) or a member of staff of The Legislative Council Commission (including The Provisional Legislative Council Commission);
    - (B) being sentenced to death in Hong Kong or any other place;
    - (C) being convicted of treason;

- (D) 被裁定犯——
- (I) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》(第 288 章) 第 19 條而構成的非法行為除外；或
- (II) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊或非法行為；或
- (III) 《防止賄賂條例》(第 201 章) 第 II 部所訂的任何罪行；或
- (IV) 根據《選舉管理委員會條例》(1997 年第 129 號) 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。

#### 41. 不得就多於一個選區或選舉界別獲得提名

(1) 任何人——

- (a) 在已獲提名為某地方選區的候選人之時，他沒有資格同時獲提名為選舉委員會或另一地方選區或任何功能界別選舉的候選人；而任何人在已獲提名為某功能界別的選舉的候選人之時，他沒有資格同時獲提名為選舉委員會或另一功能界別或任何地方選區的選舉的候選人；或

- (D) being convicted-
- (I) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
- (II) of a corrupt or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt or illegal practices; or
- (III) of any offence under 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 (129 of 1997);
- (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.

#### 41. Person not to be nominated for more than one constituency

(1) A person is not eligible to be nominated-

- (a) as a candidate for a constituency if the person is currently nominated either as a candidate for another constituency or as a candidate for election by the Election Committee; or

(b) 在已獲提名為選舉委員會的選舉的候選人之時，他沒有資格同時獲提名為任何地方選區或功能界別的選舉的候選人。

(2) 已名列某地方選區的提名名單的人，在同一選舉中，沒有資格名列該選區的另一獲提名候選人名單。

#### 42. 候選人提名的撤回

(1) 某項選舉中的候選人可在該項選舉的提名期結束前的任何時間（但不得在其他情況下），撤回其在該項選舉中的提名。

(2) 某項選舉中的候選人的提名的撤回須以書面作出並由該候選人簽署，且須符合根據《選舉管理委員會條例》（1997 年第 129 號）為施行本條而訂立並正有效的規例，否則不具效力。

#### 43. 候選人有權免付郵資而向選民寄出信件

(1) 就地方選區獲有效提名的每份候選人名單上的候選人，可免付郵資而向該選區的每名選民寄出或由他人代為如此寄出（以每份名單計）兩封信件。

(2) 就功能界別獲有效提名的每名候選人，可免付郵資而向該功能界別每名選民寄出（或由他人代為如此寄出）兩封信件。

(3) 就選舉委員會選舉獲有效提名的每名候選人，可免付郵資而向選舉委員會的每名委員寄出（或由他人代為如此寄出）兩封信件。

(4) 每封信件必須是關乎有關的選舉，並必須符合《規例》及根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例所訂明的規定及限制（如有的話）。

(5) 為使各候選人或每份候選人名單上的候選人能夠行使本條所訂的權利而應付予郵政署署長的費用，須從政府一般收入中撥付。

#### 44. 換屆選舉押後的情況

(1) 如在換屆選舉舉行前，行政長官認為該項選舉相當可能受騷亂或公開暴力或任何危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將該項選舉押後。

(b) as a candidate for election by the Election Committee if the person is currently nominated as a candidate for a constituency.

(2) The name of a person whose name is included in a nomination list for a geographical constituency is not, at the same election, eligible to be included in another list of candidates nominated for the constituency.

#### 42. Withdrawal of candidate's nomination

(1) A candidate may withdraw the candidate's nomination for election at any time before the close of nominations for the election and not otherwise.

(2) The withdrawal of a candidate's nomination has effect only if it is in writing signed by the candidate and complies with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) for the purposes of this section.

#### 43. Candidates entitled to send letters to electors free of postage

(1) Two letters, addressed to each elector for the geographical constituency for which a list of candidates is validly nominated, may be sent free of postage by or on behalf of the list of candidates.

(2) Two letters, addressed to each person who is an elector for the functional constituency for which a candidate is validly nominated may be sent free of postage by or on behalf of the candidate.

(3) Two letter, addressed to each member of the Election Committee, may be sent free of postage by or on behalf of each candidate validly nominated for election by that Committee.

(4) Each letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by the regulations and by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(5) The cost to the Postmaster General of enabling candidates or a list of candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

#### 44. When general election can be postponed or adjourned

(1) The Chief Executive may, by order, direct the postponement of a general election if, before the holding of the election, the Chief Executive is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(2) 如在就換屆選舉進行投票或點票期間，行政長官認為投票或點票相當可能受騷亂或公開暴力或任何危害公安的事故妨礙、干擾、破壞或嚴重影響，或正受上述騷亂、公開暴力或危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將該項投票或點票押後。

(3) 有關的選舉主任在獲通知根據本條作出的指示後，必須在切實可行的範圍內盡快執行該項指示。

(4) 如行政長官根據本條指示將換屆選舉或換屆選舉的投票或點票押後，行政長官必須藉憲報公告指明一個日期舉行選舉、投票或點票，以代替已押後的選舉、投票或點票。該日期不得遲於自若非有該項指示則該項選舉、投票或點票本會進行的日期起計的 14 天。

#### 45. 選舉程序終止的情況

如在宣布選舉結果之前，有關的選舉主任得悉獲有效提名的候選人於選舉提名結束後但在選舉投票結束前去世或喪失獲選資格，該選舉主任必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例的規定，公開宣布該項選舉的程序終止。

#### 46. 獲提名的候選人數目不足時須採取的行動

(1) 如在某選區或選舉界別的選舉或選舉委員會的選舉中，在候選人提名期結束後，獲有效提名的候選人的數目不多於該選區或選舉界別或選舉委員會委員須選出的議席數目，則選舉主任必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例，公開宣布該名或該等候選人為妥為選出的議員。

(2) 如在某選區或選舉界別的選舉或選舉委員會的選舉中，在候選人提名期結束後，沒有獲有效提名的候選人或獲有效提名的人數少於該選區或選舉界別或選舉委員會須選出的議席數目，則選舉主任必須藉憲報公告，宣布該項選舉無法進行，或在獲有效提名的候選人人數少於須選出的議員人數的範圍內無法進行（視屬何情況而定）。

(2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes in respect of a general election if, during the polling or counting of votes in respect of the election, the Chief Executive is of the opinion that the polling or counting of votes is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(3) The Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.

(4) If a general election, or the polling or counting of votes at a general election, is directed to be postponed or adjourned under this section, the Chief Executive must, by notice published in the Gazette, specify a date for the holding of an election, or a poll or the counting of votes, in place of the postponed election or the adjourned polling or counting. That date must not be later than 14 days from the date on which the election, poll or count would have taken place but for the direction.

#### 45. When election proceedings are terminated

If, before declaring the result of an election, the Returning Officer concerned becomes aware that a validly nominated candidate has, after the close of nominations for an election but before the close of polling for the election, died or become disqualified from being elected, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), publicly declare that the proceedings for the election are terminated.

#### 46. What is to happen if insufficient candidates are nominated

(1) If, after the close of nomination of candidates for election for a constituency or by the Election Committee, no more candidates have been validly nominated than the number of Members to be returned for the constituency, or to be elected by the Election Committee, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), publicly declare the candidate or candidates to be duly elected as a Member or as Members.

(2) If, after the close of nomination of candidates for election for a constituency or by the Election Committee, no candidates were validly nominated or the number validly nominated was less than the number of Members to be returned for the constituency or by that Committee, the Returning Officer must, by notice published in the Gazette, declare the election to have failed or, as the case may be, to have failed to the extent that the number of candidates validly nominated was less than the number of Members to be returned.

**47. 選舉進行方式**

(1) 在每項有競逐的選區或選舉界別選出議員的選舉或有競逐的選舉委員會選出議員的選舉中——

- (a) 選區或選舉界別的選民或選舉委員會委員須進行投票；及
- (b) 投票須以不記名投票方式進行。

(2) 投票須按照《規例》及根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例進行。

(3) 就某選區或選舉界別或就選舉委員會委任的選舉主任負責按照本條例及《選舉管理委員會條例》（1997年第129號）監督該選區或選舉界別的選舉或選舉委員會的選舉。

**48. 有權在選舉中投票的人**

(1) 已登記為某選區或某選舉界別的選民的人方有權在該選區或該選舉界別選出議員的選舉中投票。

(2) 已登記為選舉委員會委員的人方有權在選舉委員會的選舉中投票。

(3) 選舉委員會委員如已登記為某功能界別選民，則無權在該功能界別選出議員的選舉中投票。

(4) 除非本條例另有明文規定，否則任何已登記為某選區或某選舉界別的選民的人在該選區或該選舉界別選出議員的選舉中，只有權投一次票。

(5) 任何已登記為某選區或某選舉界別的選民的人不得僅因其本不應名列為該選區或該選舉界別製備的正式選民登記冊，而無權在選舉中投票。

(6) 選舉委員會委員不得僅因其本不應名列為該委員會製備的正式選民登記冊，而無權在該委員會的選舉中投票。

(7) 第(5)及(6)款並不一一

- (a) 阻止原訟法庭根據第67條作出裁定；或
- (b) 影響該人被控和被裁定犯與上述選舉的投票有關的罪行的法律責任。

(8) 團體選民在選舉中只可透過其獲授權代表投票。

**47. How election is to be conducted**

(1) At every contested election to return a Member for a constituency or for the Election Committee

- (a) a poll is to be taken of the electors of the constituency or of the members of that Committee; and
- (b) the voting at the poll is to be by secret ballot.

(2) A poll is to be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(3) The Returning Officer appointed for a constituency or for the Election Committee is responsible for supervising an election for the constituency or by that Committee in accordance with this Ordinance and the Electoral Affairs Commission Ordinance (129 of 1997).

**48. Who is entitled to vote at an election**

(1) A person is entitled to vote at an election to return a Member for a constituency only if the person is registered as an elector for the constituency.

(2) A person is entitled to vote at an election by the Election Committee only if the person is registered as a member of that Committee.

▪(3) A member of the Election Committee who is registered as an elector for a functional constituency is not entitled to vote at an election to return a Member for the constituency.

(4) An elector registered for a constituency is entitled to vote only once at an election to return a Member for a constituency, unless otherwise expressly provided by this Ordinance.

(5) A person registered as an elector for a constituency may not be prevented from voting at an election only because the person's name should not have been included in the final register prepared for the constituency.

(6) A member of the Election Committee may not be prevented from voting at an election by that Committee only because the member's name should not have been included in the final register prepared for that Committee.

(7) Subsections (5) and (6) do not-

- (a) preclude the Court from making a determination under section 67; or
- (b) affect the person's liability to be charged with, and convicted of, an offence relating to voting at the election concerned.

(8) A corporate elector may vote at an election only by its authorized representative.

## 49. 地方選區的投票及點票的制度

(1) 在本條中——

“名單”(list)指第38(10)條所提述的候選人名單；

“指明議席數目”(specified number)就某地方選區而言，指根據第19(2)條作出的命令所指明的須自該選區選出的議員人數；

“票”(votes)指有效票。

(2) 選出地方選區議員的選舉須按照稱為比例代表名單制的投票制度進行。

(3) 在地方選區的選舉中，選民有權投票予某一名單(票上所示者)，而沒有權投票予任何個別候選人。

(4) 在換屆選舉中，候選人中誰人當選為地方選區的議員須按本條的規定決定。本條經必要的變通後適用於選出地方選區議員的補選。

(5) 除本條另有規定外，凡投予某一名單的票達到基數，該名單上的一名候選人即當選為有關地方選區的議員，每當餘票再達到基數，則該名單上再有一名候選人當選為該地方選區的議員。

(6) 就第(5)款而言，基數須按照以下的公式計算——

$$Q=V/N$$

在以上公式中——

Q代表基數(計算所得數目的任何部分如屬分數，則無須理會)；

V代表在選舉中投予所有名單的票的總數；

N代表有關的選區的指明議席數目。

(7) 如在點票後——

(a) 可憑藉第(5)款當選為議員的人數少於指明議席數目；或

(b) 按基數計算，無一候選人能夠當選為議員，

則該地方選區的仍有待選出的議員人數或符合指明議席數目的議員須按第(8)款規定的最大餘數的公式選出。

(8) 除第(9)及(11)款另有規定外，最大餘數公式須按以下方式應用——

49. System of voting and counting of votes:  
geographical constituencies

(1) In this section-

"list" (名單) means a list of candidates referred to in section 38(10);

"specified number" (指明議席數目), in relation to a geographical constituency, means the number of Members to be returned for the constituency, as specified in an order made under section 19(2);

"votes" (票) means valid votes.

(2) The election of Members for a geographical constituency is to be conducted in accordance with the voting system known as the list system of proportional representation.

(3) At an election for a geographical constituency, an elector is entitled to cast a single vote for a list (as shown on the ballot paper) and not for an individual candidate.

(4) The candidates to be returned as Members for a geographical constituency at a general election are to be determined as provided by this section. This section applies with any necessary modifications to by-elections for a geographical constituency.

(5) Subject to this section, for every quota of votes cast for a list, a candidate whose name appears on the list is to be returned as a Member for the relevant geographical constituency.

(6) For the purposes of subsection (5), a quota is to be calculated as follows--

$$Q=V/N$$

where

Q represents the quota (with any part of the number resulting from the calculation that is a fraction to be disregarded);

V represents the total number of votes cast at the election for all of the lists;

N represents the specified number for the constituency concerned.

(7) If, after all of the votes are counted-

(a) the number of Members that can be returned by virtue of subsection (5) is less than the specified number; or

(b) none of the specified number of Members can be returned by applying the quota,

the number of Members remaining to be returned, or the specified number of Members to be returned, for the constituency is to be determined by applying the largest remainder formula as provided by subsection (8).

(8) Subject to subsections (9) and (11), the largest remainder formula is to be applied as follows-

- (a) 在尚有餘票的名單(即得票超逾基數並已從得票中扣減基數或基數的倍數的名單(如有的話))以及得票少於取得基數所需的名單中,決定何者為取得最多餘下票數的名單;
- (b) 根據(a)段決定為取得最多餘下票數的名單有權有一名候選人當選;
- (c) 如沒有符合指明議席數目的議員根據第(5)款及(b)段當選,須就餘下票數按(a)及(b)段的規定繼續進行有關程序,直至就有關選區選出符合指明議席數目的議員為止。
- (9) 如授予某一名單的票數,令到該名單上的候選人或該名單上的所有候選人均按第(5)款的規定當選後,尚有餘票可令該名單有權有更多的候選人當選為議員,則——
- (a) 該名單上的該候選人或該等候選人即當選為議員;及
- (b) 該名單視為並無餘票。
- (10) 在根據第(9)(a)款決定該候選人或該等候選人當選後,為選出餘下數目的議員,須就第(8)款決定取得最多餘下票數的名單及(如有需要的話)取得其次的最多餘下票數的名單,而有關程序須繼續進行,直至就該選區選出符合指明議席數目的議員為止。
- (11) 如在決定誰人當選為議員的任何階段中,發覺(凡有重新點票,則指於重新點票後發覺)——
- (a) 有多於一份名單同得最多餘下票數;及
- (b) 該等名單的數目,超逾在該階段仍有待選出的議員人數,則選舉主任必須以抽籤方式決定在當中的哪份名單選出議員。
- (12) 如根據某一名單有多於一名候選人按照本條當選,則須按照候選人排列在名單上的優先次序,由名列首位者開始,按遞降次序決定誰人當選為議員。
- (13) 在決定地方選區的選舉結果後,選舉主任必須在切實可行的範圍內盡快公開宣布在選舉中勝出的候選人當選。

- (a) the list with the largest remaining number of votes is determined from among the lists that have any remaining votes (that is, lists, if any, for which more votes were cast than is necessary to obtain a quota and from which the quota, or a multiple of the quota if more than one is obtained, has been deducted), and lists for which fewer votes were cast than is necessary to obtain a quota;
- (b) a candidate is returnable for the list that has the largest remaining number of votes as determined under paragraph (a);
- (c) if the specified number of Members is not returned in accordance with subsection (5) and paragraph (b), the process is to be continued with the remaining votes as provided by paragraphs (a) and (b) until the specified number of Members is returned for the constituency.
- (9) If the number of votes cast for a list is such that, after the candidate, or all of the candidates, on that list are elected as provided by subsection (5), votes remain that would entitle a further candidates or further candidates to be returned in respect of the list-
- (a) the candidate whose name appears, or the candidates whose names appear, on the list are to be returned as Members; and
- (b) the list is taken to have no votes remaining.
- (10) After the candidate or candidates are determined as being returned as provided by subsection (9)(a), in order to return the remaining number of Members, the list having the largest remaining number of votes, and if necessary, the next largest, is determined for the purposes of subsection (8) and the process is to continue until the specified number of Members is returned for the constituency.
- (11) If, at any stage in determining the Members to be returned, it is found (after a re-count, where a re-count takes place) that-
- (a) 2 or more lists have the largest number of remaining votes; and
- (b) the number of those lists exceeds the number of Members remaining to be returned at that stage,
- the Returning Officer must determine by the drawing of lots, the list or lists from which the Member is, or the Members are, to be returned.
- (12) When, in accordance with this section, 2 or more candidates are to be returned in respect of a list, which of the candidates are to be returned as Members is to be determined according to the order of priority in which their names appear on the list, beginning with the first (at the top of the list) and then proceeding in descending order.
- (13) As soon as practicable after determining the result of an election for a geographical constituency, the Returning Officer must publicly declare as elected the candidates who were successful at the election.

**50. 附表 1 第 1 及 2 部所指明的功能界別的  
投票及點票制度**

- (1) 本條適用於附表 1 第 1 及 2 部所指明的功能界別。
- (2) 在選出本條適用的功能界別的議員的選舉中進行的投票及點票，須按照按選擇次序淘汰投票制進行。
- (3) 有權在選出本條適用的功能界別的議員的選舉中投票的選民有權投單票。該票可在獲提名參選的候選人之間轉移，選民須在選票上按遞降次序就一名或多於一名候選人填劃一項或多於一項的選擇次序。
- (4) 候選人必須獲得絕對多數票才可當選。
- (5) 如無候選人在點票的某個階段獲得絕對多數票，則——
  - (a) 得票最少的一名候選人或同得最少票的多於一名候選人須在該階段被淘汰；及
  - (b) 上述被淘汰的候選人的得票須按照選票上填劃的下一項可用的選擇轉移予餘下的候選人。

該項程序須繼續，直至有一名候選人相比於餘下的一名或多於一名候選人獲得絕對多數票為止。

- (6) 如在本條適用的功能界別選舉點票的最後階段後，餘下的候選人獲相同的票數，選舉主任必須以抽籤的方式決定選舉結果。
- (7) 在本條適用的功能界別選舉結果決定後，選舉主任必須在切實可行的範圍內盡快公開宣布在選舉中勝出的候選人當選。

**51. 附表 1 第 3 部所指明的功能界別的  
投票及點票制度**

- (1) 本條適用於附表 1 第 3 部所指明的功能界別的選舉。

**50. System of voting and counting of votes:  
functional constituencies specified in  
Parts 1 and 2 of Schedule 1**

(1) This section applies to elections for functional constituencies specified in Parts 1 and 2 of Schedule 1.

(2) Voting and counting of votes at a poll for the return of a Member for a functional constituency to which this section applies is to be conducted in accordance with the preferential elimination system of voting.

(3) An elector entitled to vote at an election to return a Member for a functional constituency to which this section applies is entitled to cast a single vote. That vote is transferable amongst the candidates nominated for election, with the elector marking the elector's preference or preferences for those candidates on the ballot paper against one or more of those candidates in descending order.

(4) In order to be elected, a candidate must obtain an absolute majority of the votes.

(5) If no candidate obtains an absolute majority of the votes at a particular stage of the counting of votes-

- (a) the candidate with the least number of votes, or the candidates with the least number of votes if 2 or more such candidates have an equal number of votes, is to be eliminated at that stage; and
- (b) that candidate's votes, or those candidates' votes, are to be transferred to the candidates then remaining in accordance with the next available preferences marked on the ballot papers.

This process is to continue until one candidate obtains an absolute majority over the other candidate or candidates then remaining.

(6) If, after the final stage of counting of votes at an election for a functional constituency to which this section applies, the remaining candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots.

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate who was successful at the election.

**51. System of voting and counting of votes:  
functional constituencies specified in  
Part 3 of Schedule 1**

(1) This section applies to election for functional constituencies specified in Part 3 of Schedule 1.



(2) 在選出本條適用的功能界別的議員的選舉中進行的投票及點票，須按照簡單或相對多數選舉制（亦稱為“得票最多者當選”投票制）進行；根據該制度，選民可投票選取的候選人數目，須少於或相等於議席空缺的數目。

(3) 如有關選舉屬一個單議席功能界別而有多於1名候選人競逐，則取得最多票數的候選人當選為議員。

(4) 如有關選舉屬一個三議席功能界別而有多於3名候選人競逐，則得票最多的3名候選人當選為議員。

(5) 第(4)款經必要的變通後，適用於一項須選出少於3名議員的三議席功能界別的補選。

(6) 如在本條適用的某功能界別的選舉點票結束後，該功能界別尚須選出不少於一名議員而多於一名候選人同得最多票數，則選舉主任必須以抽籤的方式決定選舉結果。

(7) 在本條所適用的功能界別選舉結果決定後，選舉主任必須在切實可行的範圍內盡快公開宣布在選舉中勝出的候選人當選。

## 52. 選舉委員會的投票及點票制度

(1) 在由選舉委員會選出議員的選舉中的投票及點票，須按照簡單或相對多數選舉制（亦稱為“得票最多者當選”投票制）進行，根據這種選舉制，選民可投票選取的候選人數目，須少於或相等於議席空缺的數目。

(2) (a) 在第一次換屆選舉中，選舉委員會的每名委員有權投十票予獲提名而等待該委員會選舉的候選人。由選舉委員會選出的議員產生空缺時，選舉委員會的每名成員在補選中有權投下與須補選議員數目相同的票數。

(b) 選舉委員會成員在第一次換屆選舉或補選中，必須投下相等於(a)段中其有權投票數目的全部票數，否則其選票無效。

(2) Voting and counting of votes at a poll for the return of a Member or Members for a functional constituency to which this section applies is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" voting system) whereby an elector may vote for as many candidates as there are vacancies and no more.

(3) If the election is for a single-member functional constituency that is contested by 2 or more candidates, the candidate to be returned as a Member is the candidate who obtains the greater or greatest number of votes.

(4) If the election is for a triple-member functional constituency that is contested by 4 or more candidates at a general election, the candidates to be returned as Members are the 3 candidates who obtain the greatest and next 2 greatest numbers of votes.

(5) Subsection (4) applies with any necessary modifications to a by-election to return fewer than 3 Members for a triple-member constituency.

(6) If, after the counting is finished at an election for a functional constituency to which this section applies, a Member or Members is still to be returned for the constituency and the most successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots.

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

## 52. System of voting and counting of votes:

### Election Committee

(1) Voting and counting of votes at a poll for the return of a Member by the Election Committee is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" voting system) whereby an elector may vote for as many candidates as there are vacancies and no more.

(2) (a) At the first general election a member of the Election Committee is entitled to cast 10 votes for candidates nominated for election by that Committee. At a by-election during the first term of office of the Legislative Council to fill a vacancy among the Members returned by the Election Committee, a member of that Committee is entitled to cast the same number of votes as the number of Members to be returned at the by-election.

(b) In order for his votes to be valid at the first general election or by-election during the first term of office of the Legislative Council, a member of the Election Committee must cast all the votes under his entitlement in paragraph (a).

(3) 在首次換屆選舉中當選為由選舉委員會選出的議員的候選人，為得票最多的 10 名候選人。

(4) 第(3)款經必要的變通後，適用於由選舉委員會舉行以填補由該委員會選出的議員議席空缺的補選。

(5) 如在由選舉委員會舉行的選舉中點票結束後，尚須選出不少於一名議員而得票最多的候選人獲相同的票數，則選舉主任必須以抽籤的方式決定選舉結果。

(6) 在選舉委員會的選舉結果決定後，選舉主任必須在切實可行的範圍內盡快公開宣布在選舉中勝出的候選人當選。

### 53. 選民喪失在選舉中投票的資格的情況

(1) 已登記為選民的人如有以下情況，即喪失在選舉中投票的資格——

(a) 就地方選區而言，該人已不再有資格登記為該地方選區的選民；或

(b) 就功能界別而言，該人已不再是附表 1 所指明的人。

(2) 選舉委員會的委員（當然委員除外）如有以下情況，即喪失在選舉中投票的資格——

(a) 該委員已不再有資格登記為地方選區的選民；或

(b) 該委員不再與有關的界別分組有密切聯繫。

(3) 選舉委員會的當然委員如有以下情況，即喪失在選舉中投票的資格——

(a) 該委員不再有資格登記為地方選區的選民；或

(b) 該委員並無登記為地方選區的選民或不再是如此登記的選民。

(4) 團體選民的獲授權代表如有以下情況，即喪失在選舉中以獲授權代表的身分投票的資格——

(a) 該人已不再有資格作為該選民的獲授權代表；或

(b) 該人並無經選舉登記主任登記為獲授權代表。

(5) 任何選民（包括選舉委員會的委員）如有以下情況，即喪失在選舉中投票的資格——

(3) The candidates to be returned as Members by the Election Committee at the first general election are the 10 candidates who obtain the greatest and next 9 greatest numbers of votes.

(4) Subsection (3) applies with any necessary modifications to a by-election to be held by the Election Committee to return Members to fill vacancies among the Members to be elected by that Committee.

(5) If, after the counting is finished at an election by the Election Committee, a Member or Members is still to be returned and the most successful candidates remaining have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots.

(6) As soon as practicable after determining the result of an election by the Election Committee, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

### 53. When an elector is disqualified from voting at an election

(1) A person registered as an elector is disqualified from voting at an election if the person-

(a) in the case of a geographical constituency, has ceased to be eligible to be registered as an elector for such a constituency; or

(b) in the case of a functional constituency, has ceased to be a person specified in Schedule 1.

(2) A member of the Election Committee (other than an ex-officio member) is disqualified from voting at an election if the member-

(a) has ceased to be eligible to be registered as an elector for a geographical constituency; or

(b) ceases to have a substantial connection with the relevant subsector.

(3) An ex-officio member of the Election Committee is disqualified from voting at an election if the member

(a) has ceased to be eligible to be registered as an elector for a geographical constituency; or

(b) is not registered or has ceased to be registered as an elector for a geographical constituency.

(4) A person is disqualified from voting at an election as the authorized representative of a corporate elector if the person-

(a) is no longer eligible to be the authorized representative of the elector; or

(b) is not registered as such a representative by the Electoral Registration Officer.

(5) An elector (including a member of the Election Committee) is also disqualified from voting at an election if the elector-

- (a) 該選民已在香港或任何其他地方被判處死刑或監禁(不論如何稱述),但——
- (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰;而
- (ii) 亦未獲赦免;或
- (b) 在選舉當日,該選民正因服刑而受監禁;或
- (c) 在不局限(a)段的原則下,曾被裁定犯以下罪行,而選舉於或將於自其被定罪的日期起計的3年內舉行——
- (i) 舞弊行爲或非法行爲(違反《舞弊及非法行爲條例》(第288章)第19條而構成的非法行爲除外);或
- (ii) 對舞弊或非法行爲訂下懲罰規定的任何其他成文法則所指的舞弊或非法行爲;或
- (iii) 《防止賄賂條例》(第201章)第II部所訂的任何罪行;或
- (iv) 根據《選舉管理委員會條例》(1997年第129號)訂立並正有效的規例所訂的任何罪行;或
- (d) 被原訟法庭按照《精神健康條例》(第136章)裁斷為精神不健全而又無能力照顧自己和處理自己的事務;或
- (e) 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。

(6) 第(5)款適用於團體選民的獲授權代表,適用方式一如其適用於屬自然人的選民。

#### 54. 不遵從本條例規定的後果

在為質疑選舉的有效性而提出的任何法律程序中,如原訟法庭覺得該項選舉按照本條例及《選舉管理委員會條例》(1997年第129號)所定的原則進行,而——

- (a) 《規例》或根據《選舉管理委員會條例》(1997年第129號)訂立並正有效的規例未獲遵從;或
- (b) 在使用提名表格方面有錯誤,

並沒有影響該項選舉的結果,則原訟法庭不得僅因該項不遵從或錯誤而宣布該項選舉無效。

- (a) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
- (ii) received a free pardon; or
- (b) on the date of the election, is serving a sentence of imprisonment; or
- (c) without limiting paragraph (a), where the election is to be held or is held within 3 years from the date of the elector's conviction, is or has been convicted-
- (i) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288); or
- (ii) of a corrupt or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt or illegal practices; or
- (iii) of any offence under 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 (129 of 1997); or
- (d) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (e) is a member of the armed forces of the Central People's Government or any other country or territory.

(6) Subsection (5) applies to the authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person.

#### 54. Consequences of non-compliance with requirements of this Ordinance

In any proceedings brought to question the validity of an election, the Court must not declare the election to be invalid only because of-

- (a) a failure to comply with the regulations or with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997); or
- (b) a mistake in the use of a nomination form,

if it appears to the Court that the election was conducted in accordance with the principles laid down in this Ordinance and the Electoral Affairs Commission Ordinance (129 of 1997) and that the failure to comply or mistake did not affect the result of the election.

**55. 姓名或名稱失當或不準確描述  
並不影響選舉文件的效力**

(1) 如本條適用的文件所指明的人、所指明的人的身分證明文件或所指明的地方的姓名或名稱失當，或對該人、身分證明文件或地方的描述不準確，而對該人、身分證明文件或地方的描述屬眾所周知，則該失當的姓名或名稱或不準確描述並不限制該文件就該人、身分證明文件或地方具有十足效力。

(2) 本條適用於為選舉而製備的登記冊、提名書、選票、公告或其他文件。

**56. 選舉須推定為有效**

除非有人在第 65 條准許的期限內以選舉呈請質疑選舉，而原訟法庭在聆訊呈請後裁定該項選舉無效，否則該項選舉須當作有效。

**57. 選舉不得僅因選舉事務主任的委任  
欠妥而受質疑**

獲委任為選舉事務主任的人如在有關時間在選舉中擔任或署理其職位，則該項選舉不得僅因該人的委任有欠妥之處而受質疑。

**58. 選舉主任須刊登選舉結果**

(1) 負責選出地方選區議員的選舉的選舉主任必須在憲報刊登公告，宣布在該地方選區的選舉中當選的候選人是該地方選區的妥為選出的議員。

(2) 負責選出功能界別議員的選舉的選舉主任必須在憲報刊登公告，宣布在該功能界別的選舉中當選的候選人是該功能界別的妥為選出的議員。

(3) 負責選舉委員會的選舉的選舉主任必須在憲報刊登公告，宣布在選舉委員會的選舉中當選的候選人是該委員會的妥為選出的議員。

(4) 有關的選舉主任必須確保本條所規定的刊登及公告符合根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例。

**55. Misnomer or inaccuracy not to affect  
operation of election document**

(1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.

(2) This section applies to a register, nomination paper, ballot paper, notice or other document prepared for the purposes of an election.

**56. Election to be presumed to be valid**

Every election is presumed to be valid until it is questioned by an election petition within the period permitted by section 65 and the Court, on the hearing of the petition, determines that the election is invalid.

**57. Election not to be questioned only because of defect  
in the appointment of an electoral officer**

An election is not to be questioned only because of a defect in the appointment of a person as an electoral officer if the person was at the relevant time holding office or acting as such an officer at the election.

**58. Returning Officer to publish result of election**

(1) The Returning Officer for an election to return Members for a geographical constituency must publish in the Gazette a notice declaring that the candidates returned at the election are the Members duly elected for the constituency.

(2) The Returning Officer for an election to return a Member or Members for a functional constituency must publish in the Gazette a notice declaring that the candidate or candidates returned at the election is or are the Members duly elected for the constituency.

(3) The Returning Officer for an election by the Election Committee must publish in the Gazette a notice declaring that the candidates returned at the election are the Members duly elected by the Committee.

(4) The Returning Officer concerned must ensure that the publication and notice required by this section comply with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

**59. 選舉主任就選舉的進行所犯的罪行**

(1) 在某項選舉中擔任選舉主任職位的人，如忽略履行或拒絕履行該職位在該項選舉中的職能或職責，即屬犯罪，一經定罪，可處第 2 級罰款。

(2) 就本條所訂罪行提出檢控必須獲律政司司長同意。

(3) 除非指稱該罪行的申訴或告發是於指稱犯罪的日期後 3 個月內提出，否則不得根據本條將任何人定罪。

**60. 選民無須披露如何投票**

(1) 選民在被要求披露其在選舉中投票所選的候選人的姓名或關於該候選人的任何詳情時，無須回答有關的問題。

(2) 任何人如無合法權限，則不得規定或看來是規定選民披露其在選舉中投票所選的候選人的姓名或關於該候選人的任何詳情。

(3) 在本條中，“選民”(elector)包括團體選民的獲授權代表。

(4) 任何人違反第(2)款，即屬犯罪，一經定罪，可處第 2 級罰款。

## 第 VII 部

## 選舉呈請

**61. 只可藉基於指明理由提出的選舉呈請而質疑選舉**

(1) 選出議員的選舉只可基於以下理由而受質疑——

(a) 選舉主任按照根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例宣布在該項選舉中當選的人，因以下理由而並非妥為選出——

(i) 該人沒有在該項選舉中作為候選人的資格或已喪失該資格；或

**59. Offences by electoral officers with respect to conduct of election**

(1) Any person holding office as an electoral officer at an election who neglects or refuses to perform the functions or duties of that office in relation to the election commits an offence and is liable on conviction to a fine at level 2.

(2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.

(3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

**60. Elector not to be required to disclose how vote was cast**

(1) An elector who is asked to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at the election is not required to answer the question.

(2) A person must not, without lawful authority, require, or purport to require, an elector to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at an election.

(3) In this section, "elector" (選民) includes an authorized representative of a corporate elector.

(4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.

## PART VII

## ELECTION PETITIONS

**61. Election may be questioned only by election petition made on specified grounds**

(1) An election to return a Member may be questioned only on the following grounds-

(a) the ground that the person declared by the Returning Officer in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) to have been elected as a Member at the election was not duly elected because-

(i) the person was ineligible to be, or was disqualified from being, a candidate at the election; or

- (ii) 該人在該項選舉中或與該項選舉有關連的事宜中作出或有人就該人在該項選舉中或該等事宜中作出舞弊行為或非法行為；或
  - (iii) 在該項選舉中或與該項選舉有關連的事宜中普遍存在舞弊行為或非法行為；或
  - (iv) 有任何關乎該項選舉或該項選舉的投票或點票的具關鍵性的欠妥之處；或
- (b) 任何其他成文法則所指明的令人能夠質疑選舉的理由。
- (2) 選出議員的選舉只可藉根據第 62 條提交的選舉呈請書予以質疑。
- (3) 在本條中，“選舉”(election)包括提名程序及選舉主任或任何助理選舉主任的決定。

#### 62. 可提交選舉呈請書的人

- (1) 就選區或選舉界別的選舉而言，選舉呈請書可——
  - (a) 由 10 名或多於 10 名有權在該項選舉中投票的選民提交；或
  - (b) 由一名聲稱曾是該項選舉的候選人的人提交。
- (2) 就選舉委員會的選舉而言，選舉呈請書可——
  - (a) 由 10 名或多於 10 名選舉委員會委員提交；或
  - (b) 由一名聲稱曾是該項選舉的候選人的人提交。

#### 63. 可列為選舉呈請答辯人的人

- (1) 凡某人的當選遭人藉選舉呈請質疑，則該當選的人以及有關選舉的選舉主任，均可列為該呈請的答辯人。
- (2) 某項選舉的多於一名的候選人，可列為同一選舉呈請的答辯人，其案件可同時審理；但為施行本部及就提供訟費保證金的任何命令而言，該呈請須視為分別針對每一答辯人的選舉呈請。

#### 64. 原訟法庭有裁定選舉呈請的司法管轄權

- (1) 原訟法庭就選舉呈請所具有的司法管轄權及職能，與原訟法庭就在其司法管轄權以內的一般訴訟因由所具有的相同。
- (2) 選舉呈請可在公開法庭進行審訊，而除非終審法院首席法官另有指示，否則審訊須在一名法官席前進行。

- (ii) a corrupt or illegal practice was engaged in by or in respect of that person at or in connection with the election; or
  - (iii) corrupt or illegal practices were generally prevalent at or in connection with the election; or
  - (iv) material irregularity occurred in relation to the election, or to the polling or counting of votes at the election; or
- (b) a ground specified in any other enactment that enables an election to be questioned.

(2) An election to return a Member may be questioned only by an election petition lodged under section 62.

(3) In this section, "election" (選舉) includes nomination proceedings and the decisions of the Returning Officer or any Assistant Returning Officer.

#### 62. Who may lodge election petition

- (1) An election petition may be lodged, in the case of an election for a constituency-
  - (a) by 10 or more electors entitled to vote at the election; or
  - (b) by a person claiming to have been a candidate in the election.
- (2) An election petition may be lodged, in the case of an election by the Election Committee-
  - (a) by 10 or more members of that Committee; or
  - (b) by a person claiming to have been a candidate in the election.

#### 63. Who may be made respondent to election petition

- (1) Any person whose election is questioned by an election petition and the Returning Officer in respect of the election may be made a respondent to the petition.
- (2) Two or more candidates at an election may be made respondents to the same election petition and their cases may be tried at the same time, but for the purposes of this Part, and in relation to any order for giving security for costs, the petition is taken to be a separate election petition against each respondent.

#### 64. Court to have jurisdiction to determine election petitions

- (1) The Court has the same jurisdiction and the same functions in respect of an election petition as it has in respect of an ordinary cause of action within its jurisdiction.
- (2) An election petition is triable in open court and, unless the Chief Justice otherwise directs, before one judge.

(3) 終審法院首席法官可訂立規則，就施行本部和規管關乎選舉呈請書的製備、提交和送達、選舉呈請的審訊和撤回的事宜，和關乎選舉呈請的訟費（包括就訟費提供保證金）的事宜，以及關乎該等呈請的審訊的實務和程序，作出規定。

#### 65. 提交選舉呈請書的限期

質疑選舉的選舉呈請書，必須於選舉主任在憲報刊登該項選舉的結果的日期後的2個月內提交。

#### 66. 原訟法庭可指示就訟費提供保證金

(1) 呈請人必須在向原訟法庭提交選舉呈請書後的5天之內或原訟法庭所指示的其他限期內，就他可能須付給在法律程序中為他提供證據的證人或任何答辯人的所有訟費提供保證金。

(2) 根據本條須提供的保證金的款額須為原訟法庭所指示者，但不得超逾\$20,000。該款額須按原訟法庭指示的方式及形式提供。

(3) 如本條不獲遵從，選舉呈請即視為已被撤回。

#### 67. 原訟法庭須對選舉呈請作裁定

(1) 選舉呈請如與無競逐的選舉有關，則在該呈請的審訊完結時，原訟法庭必須裁定選舉主任就某項提名的有效性所作的決定是否正確，如該決定不正確，則須裁定被選舉主任宣布為在該項選舉中當選的人是否妥為選出。

(2) 選舉呈請如與有競逐的選舉有關，則在該呈請的審訊完結時，原訟法庭必須裁定其當選受質疑的人是否妥為選出，如非妥為選出，則須裁定是否有另一人妥為選出。

(3) 原訟法庭必須在審訊完結時，以書面核證法庭的裁定。主審法官必須在證明書上簽署，並確保該證明書蓋有原訟法庭印章，而經核證的裁定即為關於該選舉呈請的受爭議事宜的最終裁定。

(4) 高等法院司法常務官必須安排將原訟法庭的證明書的文本一份，交付政制事務局局長、選舉管理委員會及立法會秘書。

(3) The Chief Justice may make rules providing for giving effect to this Part and for regulating matters relating to the preparation, lodgement, service, trial and withdrawal of election petitions and costs in respect of those petitions (including the giving of security for costs), and the practice and procedure concerning the trial of those petitions.

#### 65. Period within which election petition is to be lodged

An election petition questioning an election may be lodged only during the period of 2 months following the date on which the Returning Officer has published the result of the election in the Gazette.

#### 66. Court may direct security to be given for costs

(1) Within 5 days after lodging an election petition in the Court, or within such other period as the Court directs, the petitioner must give security for all costs that may become payable by the petitioner to any witness who gives evidence in the proceedings on the petitioner's behalf or to any respondent.

(2) The amount of security to be given under this section is to be of such amount, not exceeding \$20,000, as the Court directs. That amount is to be provided in such manner and form as the Court directs.

(3) An election petition is taken to have been withdrawn if this section is not complied with.

#### 67. Court to determine election petition

(1) At the end of the trial of an election petition that relates to an election that was not contested, the Court must determine whether any decision of the Returning Officer as to the validity of a nomination was correct and, if not correct, determine whether the person declared by that Officer to have been elected in that election was or was not duly elected.

(2) At the end of the trial of an election petition in relation to an election that was contested, the Court must determine whether the person whose election is questioned was or was not duly elected and, if not duly elected, determine whether some other person was duly elected instead.

(3) At the end of the trial, the Court must certify the determination of the Court in writing. The judge must sign the certificate and ensure that the seal of the Court is applied to the certificate. The determination as certified is final as to the matters at issue concerning the election petition.

(4) The Registrar of the High Court must arrange for a copy of the certificate of the Court to be delivered to the Secretary for Constitutional Affairs, the Electoral Affairs Commission and the Clerk to the Legislative Council.

(5) 原訟法庭如認為應該就在選舉呈請的審訊過程中出現的任何事宜提交報告，可主動向政制事務局局長、或選舉管理委員會或立法會秘書提交報告。

(6) 原訟法庭必須遵從政制事務局局長或選舉管理委員會的任何要求，就在選舉呈請的審訊中出現的任何指明事宜提交報告。

#### 68. 選舉呈請被撤回時的情況

(1) 除非獲原訟法庭許可，否則呈請人不得撤回或放棄或停止進行有關的選舉呈請。

(2) 在第(1)款所提述的許可申請的聆訊中——

(a) 任何本可就有關選舉提交選舉呈請書的人或律政司司長，均可向原訟法庭申請代入為呈請人；及

(b) 原訟法庭如認為適當，可據此將該人或律政司司長代入。

(3) 原訟法庭如認為任何撤回、放棄或停止進行任何選舉呈請的申請，是由有舞弊成分的協定或給予或要約給予有舞弊成分的代價所誘使的，則可指示代原來呈請人所提供的保證金，須保留作為代入呈請人所招致的訟費的保證金。原來呈請人及其擔保人（如有的話）有法律責任支付代入呈請人的訟費，但以原訟法庭指示的款額為限。

(4) 如原訟法庭並無如此指示，則代入的呈請人在進行被代入的選舉呈請之前，必須親自或由他人代為提供保證金，款額與原有呈請提出時根據第66條所須提供的相同，並且須按原訟法庭所指示的方式及形式和在原訟法庭所指示的限期內提供。本款不適用於律政司司長。

(5) 在符合第(3)及(4)款的規定下，代入的呈請人所處位置與原來的呈請人相同。

(6) 如原來的呈請人被另一呈請人代入，則原來的呈請人必須向該代入的呈請人提供他可用的所有關於繼續進行該選舉呈請的證據。

(7) 如呈請人——

(a) 撤回或放棄選舉呈請；或

(b) 停止進行呈請，

則呈請人有法律責任支付答辯人的訟費。

(5) The Court may, on its own initiative, provide the Secretary for Constitutional Affairs, or the Electoral Affairs Commission or the Clerk to the Legislative Council with a report on any matter arising in the course of the trial of an election petition if in its opinion the matter should be reported.

(6) The Court must comply with any request made by the Secretary for Constitutional Affairs or the Electoral Affairs Commission to provide a report on any specified matter arising from the trial of an election petition.

#### 68. What happens if election petition is withdrawn

(1) A petitioner must not withdraw or abandon, or cease to prosecute, an election petition unless the petitioner has obtained the leave of the Court.

(2) At the hearing of an application for leave referred to in subsection (1)

(a) any person who could have lodged an election petition in respect of the election concerned, or the Secretary for Justice, may apply to the Court to be substituted as petitioner; and

(b) the Court may, if it thinks appropriate, accordingly substitute that person or the Secretary for Justice.

(3) If an application to withdraw or abandon, or to cease to prosecute, an election petition is, in the opinion of the Court, induced by a corrupt bargain or the offer or giving of corrupt consideration, the Court may direct that the security given on behalf of the original petitioner is to remain as security for any costs that are incurred by the substituted petitioner. To the extent of such sum as the Court may direct, the original petitioner (and that original petitioner's sureties, if any) is to be liable to pay the costs of the substituted petitioner.

(4) If the Court does not so direct, then before the substituted petitioner may proceed with the substituted election petition, security of the same amount as would be required to be given under section 66 in the case of an original petition must be given by or on behalf of that petitioner in the same manner and form, and within such period, as the Court directs. This subsection does not apply to the Secretary for Justice.

(5) Subject to subsections (3) and (4), a substituted petitioner stands in the same position as the original petitioner.

(6) If a petitioner is substituted for the original petitioner, the original petitioner must provide the substituted petitioner with all evidence available to the original petitioner and relevant to the continued prosecution of the election petition.

(7) The petitioner is liable to pay the costs of the respondent if-

(a) the election petition is withdrawn or abandoned; or

(b) the petitioner ceases to prosecute the petition.



(8) 如有多於一名呈請人，則必須得到所有呈請人的同意，才可提出撤回、放棄或停止進行選舉呈請的申請。

(9) 任何人——

(a) 違反第(1)款；或

(b) 不遵從第(6)款而無合理辯解，

即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。

#### 69. 選舉呈請終止的時間

(1) 如選舉呈請是由一名自然人提出而該人去世，則該呈請即告終止。

(2) 如選舉呈請是由多於一名呈請人提出的，該呈請於該等呈請人中最後尚存者——

(a) (如該人是一名自然人)去世時；或

(b) (如該人是一個團體)不再存在時，

即告終止。

(3) 選舉呈請根據本條終止，並不影響已故呈請人的遺產或任何其他入須支付在呈請終止之前已招致的訟費的法律責任。

(4) 在選舉呈請根據本條終止時，高等法院司法常務官必須在憲報刊登終止公告。任何本可就有關的選舉提出呈請的人，均可於該公告刊登後的 14 天內，以書面向原訟法庭申請代入為呈請人。原訟法庭在接獲該等申請時，原訟法庭如認為適當，可將申請人代入原來的呈請人。

(5) 代入的呈請人須親自或由他人代其提供的保證金，必須與原來的呈請人須親自或由他人代其提供的相同。

#### 70. 答辯人何時可退出選舉程序和由他人代入

(1) 如在任何選舉呈請的審訊開始前，答辯人(選舉主任除外)——

(a) 去世、辭職或在其他情況下停任與該呈請有關的席位；或

(b) 通知高等法院司法常務官他不擬反對該項呈請，

司法常務官必須在憲報刊登關於此事的公告。

(8) If there are 2 or more petitioners, an application to withdraw or abandon, or to cease to prosecute, the election petition can be made only with the consent of all the petitioners.

(9) Any person who-

(a) contravenes subsection (1); or

(b) without reasonable excuse, fails to comply with subsection (6), commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

#### 69. When an election petition is terminated

(1) If an election petition is lodged by a natural person, the petition is terminated by the person's death.

(2) If an election petition is lodged by 2 or more petitioners, the petition is terminated if the last remaining petitioner-

(a) (where that petitioner is a natural person) dies; or

(b) (where that petitioner is a body) ceases to exist.

(3) The termination of an election petition under this section does not affect the liability of the estate of the deceased petitioner, or the liability of any other person, for the payment of costs previously incurred.

(4) On the termination of an election petition under this section, the Registrar of the High Court must publish in the Gazette a notice of the termination. Within 14 days after the publication of the notice, any person who could have lodged a petition in respect of the election concerned may apply to the Court in writing to be substituted as a petitioner. On receiving such an application, the Court may, if it thinks appropriate, substitute the applicant for the original petitioner.

(5) The same security must be given by or on behalf of the substituted petitioner as would be required to be given by or on behalf of the original petitioner.

#### 70. When respondent can withdraw from election proceedings and be substituted

(1) If, before the trial of an election petition, a respondent other than a Returning Officer-

(a) dies, resigns or otherwise ceases to hold the office to which the petition relates; or

(b) gives the Registrar of the High Court notice that the respondent does not intend to oppose the petition,

that Registrar must publish in the Gazette a notice of that fact.

(2) 在上述公告刊登後的14天內，任何本可就有關的選舉提出選舉呈請的人，均可以書面向原訟法庭申請代入為答辯人以反對該項呈請。原訟法庭在接獲該項申請後，必須命令將申請人代入為該項呈請的答辯人。

(3) 已根據第(1)(b)款給予通知的答辯人，不得出席或參與選舉呈請的法律程序以反對該項呈請。

#### 71. 被宣布為並非當選並不令作為失效

如原訟法庭就根據第67條作出的裁定發出證明書，證明任何本已被宣布為在選舉中當選的人並非妥為選出，該證明書並不令看來是由該人在政制事務局局長、選舉管理委員會或立法會秘書接獲該證明書之前以議員身分作出的作為失效。

#### 72. 議員被裁定並非妥為選出時出現的情況

(1) 如原訟法庭在聆訊選舉呈請時，裁定任何本已被宣布為在選舉中當選議員的人並非妥為選出，則該人即不再是議員，而其議員席位在不抵觸第(2)款的規定下自該項裁定的日期起即告懸空。

(2) 如原訟法庭在聆訊選舉呈請時，裁定某人是妥為選出以取代原訟法庭裁定並非為在選舉中妥為選出的人，則前者自該項裁定的日期起成為議員。

### 第 VIII 部

#### 其他法律程序

#### 73. 以喪失資格為理由針對任何人提出法律程序

(1) 選民或律政司司長可針對任何以議員身分行事或聲稱有權以該身分行事的人，以該人已喪失以該身分行事的資格為理由，在原訟法庭提出法律程序。

(2) Within 14 days after the publication of such a notice, any person who could have lodged an election petition in respect of the election concerned may apply to the Court in writing to be substituted as a respondent to oppose the election petition. On receiving such an application, the Court must order the applicant to be substituted as respondent to the petition.

(3) A respondent who has given notice under subsection (1)(b) cannot appear or participate in the proceedings on the election petition in opposition to that petition.

#### 71. Acts of person not invalid if declared not to be elected

The certification by the Court of a determination under section 67 that a person who was originally declared to have been elected at an election has not been duly elected does not invalidate acts purporting to have been done by the person as a Member before the certificate is received by the Secretary for Constitutional Affairs, the Electoral Affairs Commission or the Clerk to the Legislative Council.

#### 72. What is to happen if Member is determined not to have been duly elected

(1) If, on the hearing of an election petition, the Court determines that a person who was originally declared to have been elected as a Member at an election was not duly elected, that person ceases to be a Member and, subject to subsection (2), that person's office as a Member becomes vacant from the date of the determination.

(2) If, on the hearing of an election petition, the Court determines that a person was duly elected as a Member in place of a person that the Court has determined not to have been duly elected at the election, the first-mentioned person becomes a Member from the date of the determination.

### PART VIII

#### OTHER LEGAL PROCEEDINGS

#### 73. Proceedings against persons on grounds of disqualification

(1) An elector, or the Secretary for Justice, may bring proceedings in the Court against any person who is acting, claims to be entitled to act, as a Member on the ground that the person is disqualified from acting as such.

(2) 本條所指的法律程序，不得在自有關的人以議員身分行事或聲稱有權以該身分行事的日期起計的6個月後提出。

(3) 如在根據本條提出的法律程序中，證明被告人在喪失以議員身分行事的資格期間以該身分行事，原訟法庭可——

- (a) 作出示明此事的宣布；及
- (b) 授予禁制令，制止被告人如此行事；及
- (c) 命令被告人向政府繳付一筆原訟法庭認為適當的款項，款項須按該人在喪失資格的情況下如此行事的次數計算，就每次而言款額不得超逾\$5,000。

(4) 如在根據本條提出的法律程序中，證明被告人在喪失以議員身分行事的資格期間聲稱有權以該身分行事，原訟法庭可——

- (a) 作出示明此事的宣布；及
- (b) 授予禁制令，制止被告人如此行事。

(5) 由並非律政司司長的人根據本條提出的法律程序，在該人就他可能被命令向在法律程序中為他提供證供的證人或向被告人支付的所有訟費提供保證金之前，須予擱置。

(6) 根據本條提供的保證金——

- (a) 款額由原訟法庭釐定，但不得超逾\$20,000；及
- (b) 須按原訟法庭所指示的方式及形式提供。

(7) 以某人在喪失以議員身分行事的資格期間以該身分行事或聲稱有權以該身分行事為理由而提出的法律程序，只可按照本條提出。

(8) 就本條而言，任何人如有以下情況，即喪失以議員身分行事的資格——

- (a) 他不符合或已喪失作為議員的資格；或
- (b) 他已停任議員。

#### 74. 提出申訴或告發的限期

除本條例另有規定外，指稱有人犯本條例所訂罪行的申訴或告發，必須在自所指稱的犯罪的日期起計的3年內提出。

(2) Proceedings under this section may not be brought after 6 months from the date on which the person concerned acted, or claimed to be entitled to act, as a Member.

(3) If, in proceedings brought under this section, it is proved that the defendant acted as a Member while disqualified from acting in that office, the Court may—

- (a) make a declaration to that effect; and
- (b) grant an injunction restraining the defendant from so acting; and
- (c) order the defendant to pay to the Government such sum as the Court thinks appropriate, not exceeding \$5,000 for each occasion on which the person so acted while disqualified.

(4) If, in proceedings brought under this section, it is proved that the defendant claimed to be entitled to act as a Member while disqualified from acting in that office, the Court may

- (a) make a declaration to that effect; and
- (b) grant an injunction restraining the defendant from so acting.

(5) Proceedings brought under this section by a person other than the Secretary for Justice are to be stayed until the person has given security for all costs that the person may be ordered to pay to any witness giving evidence in the proceedings on that person's behalf or to a defendant.

(6) The amount of security to be given under this section—

- (a) is to be determined by the Court, but must not exceed \$20,000; and
- (b) is to be in such manner and form as the Court directs.

(7) Proceedings against a person on the ground that the person has, while disqualified from acting as, or claimed to have been entitled to act, as a Member may be brought only in accordance with this section.

(8) For the purposes of this section, a person is disqualified from acting as a Member if the person—

- (a) is not qualified to be, or is disqualified from being, a Member; or
- (b) has ceased to hold office as a Member.

#### 74. Period within which complaint or information is to be laid

Except as otherwise provided by this Ordinance, a complaint or information alleging the commission of an offence against this Ordinance must be laid within 3 years from the date of the alleged commission.

## 第 IX 部

## 人員的委任及職能

**75. 選舉登記主任及助理的委任**

(1) 行政長官必須為登記某些人為選民以在選舉中選出議員以及為登記某些人在選舉委員會界別分組選舉中作為投票人，委任一名選舉登記主任及符合行政長官覺得需有的數目的助理選舉登記主任。

(2) 選舉登記主任具有本條例或根據本條例賦予他的職能及委予他的職責。

(3) 助理選舉登記主任可在選舉登記主任的授權下，行使和履行選舉登記主任的職能及職責。

(4) 政制事務局局長必須在憲報刊登關於委任某人為選舉登記主任和該人的地址的公告。

(5) 政府必須確保選舉登記主任獲提供他根據本條例行使其職能和履行其職責所需的職員。

(6) 選舉登記主任在根據本條例或《選舉管理委員會條例》（1997 年第 129 號）行使其職能或履行其職責時所正當招致的支出，須由政府一般收入撥付。

**76. 選舉登記主任可指明格式**

選舉登記主任可指明施行第 V 部或附表 2 所需的申請表、通知書、報表、紀錄或其他文件的格式。

**77. 審裁官的委任**

(1) 終審法院首席法官可為施行本條例委任任何裁判官或《律政人員條例》（第 87 章）所指的任何律政人員為審裁官。

(2) 如並無根據第(1)款作出的委任，則高等法院司法常務官須視為審裁官。

(3) 審裁官具有本條例或根據本條例賦予他的職能及委予他的職責。

## PART IX

## APPOINTMENT AND FUNCTIONS OF OFFICERS

**75. Appointment of Electoral Registration Officer and assistants**

(1) The Chief Executive must appoint an Electoral Registration Officer and such number of Assistant Electoral Registration Officers as appears to the Chief Executive to be necessary for the purposes of registering persons as electors at elections to return Members and as voters at Election Committee subsector elections.

(2) The Electoral Registration Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, exercise and perform the functions and duties of Electoral Registration Officer.

(4) The Secretary for Constitutional Affairs must publish in the Gazette notice of the appointment of a person as Electoral Registration Officer and the Officer's address.

(5) The Government must ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to exercise and perform that Officer's functions and duties under this Ordinance.

(6) Expenses properly incurred by the Electoral Registration Officer in the exercise or performance of that Officer's functions or duties under this Ordinance or the Electoral Affairs Commission Ordinance (129 of 1997) are a charge on, and are payable from, the general revenue.

**76. Electoral Registration Officer may specify forms**

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of Part V or Schedule 2.

**77. Appointment of Revising Officer**

(1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap. 87), to be a Revising Officer for the purposes of this Ordinance.

(2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.

(3) A Revising Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(4) 審裁官在行使其職能或履行其職責時，具有裁判官根據《裁判官條例》（第227章）第21、22、99、125及126條具有的權力及豁免權。

#### 78. 選舉主任及助理的委任

(1) 選舉管理委員會必須為使選舉能在每個選區或選舉界別舉行或由選舉委員會進行，而為每個選區或選舉界別以及為選舉委員會委任一名選舉主任及符合選舉管理委員會覺得需有的數目的助理選舉主任。

(2) 選舉管理委員會必須為選出該界別分組的委員（當然委員除外），而為每個選舉委員會界別分組委任一名選舉主任及符合選舉管理委員會覺得需有的數目的助理選舉主任。

(3) 選舉主任具有本條例或根據本條例賦予他的職能或委予他的職責。

(4) 助理選舉主任可在有關的選舉主任的授權下，行使選舉主任的職能和履行選舉主任的職責。

(5) 選舉管理委員會必須在憲報刊登關於委任選舉主任和該名主任的地址的公告。

(6) 政府的行政機關必須確保每名選舉主任均獲提供他根據本條例行使其職能和履行其職責所需的職員。

(7) 選舉主任在根據本條例或《選舉管理委員會條例》（1997年第129號）行使其職能或履行其職責時所正當招致的支出，須由政府一般收入撥付。

#### 79. 妨礙或阻撓選舉事務主任的罪行

任何人無合理辯解而妨礙、阻撓或干擾選舉事務主任行使本條例或根據本條例賦予的職能，或妨礙、阻撓或干擾選舉事務主任履行本條例或根據本條例委予的職責，即屬犯罪，一經定罪，可處第2級罰款。

(4) A Revising Officer has, when exercising or performing the Officer's functions and duties, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

#### 78. Appointment of Returning Officers and assistants

(1) The Electoral Affairs Commission must appoint for each constituency and for the Election Committee a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable an election to be held in the constituency and by that Committee.

(2) The Electoral Affairs Commission must appoint for each Election Committee subsector a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable members (other than ex-officio members) to be returned for the subsector.

(3) A Returning Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(4) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, exercise and perform the functions and duties of Returning Officer.

(5) The Electoral Affairs Commission must publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.

(6) The executive authorities of the Government must ensure that each Returning Officer is provided with such staff as that Officer requires in order to exercise and perform that Officer's functions and duties under this Ordinance.

(7) Expenses properly incurred by a Returning Officer in the exercise or performance of that Officer's functions or duties under this Ordinance or the Electoral Affairs Commission Ordinance (129 of 1997) are a charge on, and are payable from, the general revenue.

#### 79. Offence to obstruct or hinder electoral officers

A person who, without reasonable excuse, obstructs or hinders, or interferes with, an electoral officer in the exercise of a function conferred, or the performance of a duty imposed, by or under this Ordinance commits an offence and is liable on conviction to a fine at level 2.

### 80. 行政長官可就選舉事務主任的行使職能或履行職責給予指示

(1) 行政長官可一般地或在任何特定情況下，就選舉事務主任行使或履行他根據本條例具有的舉行或進行選舉的職能或職責給予指示。該等指示在與本條例或《選舉管理委員會條例》（1997年第129號）抵觸的範圍內無效。

(2) 選舉事務主任在行使或履行根據本條例具有的職能或職責時，必須遵從行政長官根據本條就行使該職能或履行職責而給予的任何指示。

### 81. 選舉事務主任去世或無行為能力並不終止權限

選舉事務主任去世或無行為能力，並不終止他為施行本條例而賦予的權限。

## 第 X 部

### 附屬法例

### 82. 行政長官會同行政會議可訂立規例

- (1) 行政長官會同行政會議可為更佳地施行本條例而訂立規例。  
 (2) 根據本條訂立的規例，尤其可就所有或任何以下事項作出規定——

- (a) 須為任何候選人或任何一份候選人名單上的候選人填寫提名書的簽署人數目或資格；及
- (b) 任何候選人或任何一份候選人名單上的候選人在選舉中須繳存的按金款額；及
- (c) 在該候選人或該份候選人名單上的候選人於選舉中如不能取得訂明比例數目的票數的情況下沒收按金，以及在取得該比例數目的票數的情況下發還該按金；及
- (d) 審裁官的職能及職責；及
- (e) 向審裁官提出上訴。

### 80. Chief Executive may give directions as to exercise or performance of electoral officers' functions and duties

(1) The Chief Executive may give directions, either generally or in any particular case, with respect to the exercise or performance by an electoral officer of any of the officer's functions or duties under this Ordinance with respect to the holding or conduct of an election. The directions have no effect to the extent that they are inconsistent with this Ordinance or the Electoral Affairs Commission Ordinance (129 of 1997).

(2) An electoral officer must, when exercising or performing a function or duty under this Ordinance, comply with any direction given by the Chief Executive under this section with respect to the exercise or performance of the function or duty.

### 81. Death or incapacity of electoral officer not to terminate authority

Death or incapacity of an electoral officer does not terminate any authority conferred by the officer for the purposes of this Ordinance.

## PART X

### SUBSIDIARY LEGISLATION

### 82. Chief Executive in Council may make regulations

(1) The Chief Executive in Council may make regulations for the better carrying out of the purposes of this Ordinance.

- (2) In particular, a regulation under this section may provide for all or any of the following—
- (a) the number or qualifications of subscribers required to complete a nomination paper for a candidate or a list of candidates; and
  - (b) the amount that a candidate or a list of candidates is required to lodge as a deposit at an election; and
  - (c) the forfeiture of the deposit if the candidate or list of candidates fail to obtain a prescribed proportion of the votes cast at the election and for the return of the deposit if the candidate or list of candidates obtain that proportion of votes at the election; and
  - (d) the functions and duties of a Revising Officer; and
  - (e) appeals to a Revising Officer.

(3) 規例的條文可訂明任何人違反該規例的條文，即屬犯罪，可處不超過第 2 級的罰款。

(4) 規例——

(a) 可就不同情況訂立不同條文，並可就特定個案或某類特定個案作出規定；及

(b) 的訂立情況可使其僅適用於指明的情況；及

(c) 就規例的施行而訂明費用。

(5) 在本條中提述選舉包括提述選舉委員會界別分組選舉，而提述候選人包括提述在該選舉中的候選人。

### 83. 行政長官會同行政會議可 修訂附表 1 及 2

(1) 行政長官會同行政會議可在得立法會同意後藉憲報刊登命令，以修訂附表 1 及 2。

(2) 在本條中，“立法會”(Legislative Council)包括臨時立法會。

## 第 XI 部

### 雜項條文

### 84. 保留及過渡性條文

附表 3 具有效力。

### 85. 其他條例的相應修訂

(1) 《防止賄賂條例》(第 201 章)按附表 4 第 1 部所示予以修訂。

(2) 《總督特派廉政專員公署條例》(第 204 章)按附表 4 第 2 部所示予以修訂。

(3) 《舞弊及非法行為條例》(第 288 章)按附表 4 第 3 部所示予以修訂。

(4) 《香港工業總會條例》(第 321 章)按附表 4 第 4 部所示予以修訂。

(3) A provision of a regulation may make it an offence, punishable by a fine not exceeding level 2, for a person to contravene a provision of the regulation.

(4) A regulation may—

(a) make different provisions for different circumstances and provide for a particular case or class of cases; and

(b) be made so as to apply only in specified circumstances; and

(c) prescribe fees for the purposes of the regulation.

(5) In this section, a reference to an election includes a reference to an Election Committee subsector election and a reference to a candidate includes a reference to a candidate at such an election.

### 83. Chief Executive in Council may amend Schedules 1 and 2

(1) The Chief Executive in Council may, subject to the approval of the Legislative Council, by order published in the Gazette, amend Schedules 1 and 2.

(2) In this section, "Legislative Council" (立法會) includes the Provisional Legislative Council.

## PART XI

### MISCELLANEOUS

### 84. Savings and transitional provisions

Schedule 3 has effect.

### 85. Consequential amendment of other Ordinances

(1) The Prevention of Bribery Ordinance (Cap. 201) is amended as indicated in Part 1 of Schedule 4.

(2) The Independent Commission Against Corruption Ordinance (Cap. 204) is amended as indicated in Part 2 of Schedule 4.

(3) The Corrupt and Illegal Practices Ordinance (Cap. 288) is amended as indicated in Part 3 of Schedule 4.

(4) The Federation of Hong Kong Industries Ordinance (Cap. 321) is amended as indicated in Part 4 of Schedule 4.

附表 1 [第 3、20、25、50、51、53 及 83 條及  
附表 2]

## SCHEDULE 1

[ss. 3, 20, 25, 50, 51, 53 &  
83 & Sch. 2]

功能界別  
第 1 部

FUNCTIONAL CONSTITUENCIES  
PART 1

第 1 欄  
選舉界別

第 2 欄  
選民

1. 市政局功能界別
2. 區域市政局功能界別
3. 鄉議局功能界別

臨時市政局議員。  
臨時區域市政局議員。

鄉議局主席及副主席，以及該局議員大會的當然議員、特別議員及增選議員。

Column 1  
Constituency

Column 2  
Electors

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Urban Council functional constituency</li> <li>2. Regional Council functional constituency</li> <li>3. Heung Yee Kuk functional constituency</li> </ol> | <p>Members of the Provisional Urban Council.</p> <p>Members of the Provisional Regional Council.</p> <p>Chairman and Vice-Chairmen of the Heung Yee Kuk and Ex Officio, Special and Co-opted Councillors of the Full Council of the Kuk.</p> |
|---|--|

## PART 2

第 1 欄  
選舉界別

第 2 部

第 2 欄  
選民

4. 漁農界功能界別

- (1) 新界蔬菜產銷合作社有限責任聯合總社之屬會。
- (2) 港九新界養豬合作社有限責任聯合總社之屬會。
- (3) 粉嶺軍地村農民水利有限責任合作社。
- (4) 香港農牧職工會。
- (5) 香港禽畜業聯會。
- (6) 香港新界養鴨鵝同業互助會。
- (7) 香港豬會有限公司。
- (8) 藍地農業貸款有限責任合作社。
- (9) 南丫島(北段)村民節約貸款有限責任合作社。
- (10) 梅窩農業產銷貸款有限責任合作社。
- (11) 新界養雞同業會有限公司。
- (12) 新界花農聯誼會有限公司。
- (13) 優質肉雞發展促進會。
- (14) 西貢農業產銷貸款有限責任合作社。
- (15) 山唐蔬菜產銷有限責任合作社。
- (16) 上水藝園新村養豬有限責任合作社。
- (17) 大埔馬窩村養豬有限責任合作社。
- (18) 世界家禽學會香港分會。
- (19) 烏蛟騰村農業貸款有限責任合作社。

Column 1

Column 2

Electors

- |   |   |
|---|---|
| <p>Constituency</p> <ol style="list-style-type: none"> <li>4. Agriculture and fisheries functional</li> </ol> | <ol style="list-style-type: none"> <li>(1) Member societies of the Federation of Vegetable Marketing Co-operative Societies, Limited.</li> <li>(2) Member societies of the Federation of Pig Raising Co-operative constituency Societies of Hong Kong, Kowloon and New Territories, Ltd.</li> <li>(3) The Fanling Kwun Ti Village Farmers' Irrigation Co-operative Society, Ltd.</li> <li>(4) Hong Kong Graziers Union.</li> <li>(5) Hong Kong Livestock Industry Association.</li> <li>(6) Hong Kong N.T. Poultry-Culture (Geese &amp; Ducks) Mutual Association.</li> <li>(7) Hong Kong Pigfarm Association Limited.</li> <li>(8) The Lam Ti Agricultural Credit Co-operative Society, Limited.</li> <li>(9) The Lamma Island (North) Villagers' Thrift and Loan Co-operative Society Limited.</li> <li>(10) The Mui Wo Agricultural Products Marketing &amp; Credit Co-operative Society, Ltd.</li> <li>(11) The New Territories Chicken Breeders Association, Ltd.</li> <li>(12) New Territories Florist Association, Ltd.</li> <li>(13) Quality Broiler Development Association.</li> <li>(14) The Sai Kung Agricultural Products Marketing &amp; Credit Co-operative Society, Ltd.</li> <li>(15) The Shan Tong Vegetable Marketing Co-operative Society, Ltd.</li> <li>(16) The Sheung Shui Ngai Yuen Sun Tsuen Pig Raising Co-operative Society, Ltd.</li> <li>(17) The Tai Po Ma Wo Village Pig Raising Co-operative Society, Ltd.</li> <li>(18) The World Poultry Science Association, Hong Kong Branch.</li> <li>(19) The Wu Kau Tang Village Agricultural Credit Co-operative Society, Limited.</li> </ol> |
|---|---|



## 第1欄

## 選舉界別

## 第2欄

## 選民

- (20) 坑口農牧業協會。
- (21) 北區花卉協會。
- (22) 農牧協進會。
- (23) 屯門農牧同業促進會。
- (24) 元朗農業生產促進會。
- (25) 香港花卉業總會。
- (26) 大埔花卉園藝協會。
- (27) 沙田花卉業聯會。
- (28) 離島區漁農副業協會。
- (29) 漁業發展聯會(香港)有限公司。
- (30) 南丫島蘆荻灣養殖業協會。
- (31) 青山漁民信用無限責任合作社。
- (32) 青山機動拖船漁民信用無限責任合作社。
- (33) 長洲漁業聯合會。
- (34) 長洲漁民福利協進會。
- (35) 香港水上居民聯誼總會。
- (36) 港九水上漁民福利促進會。
- (37) 港九漁民聯誼會有限公司。
- (38) 香港漁民互助社。
- (39) 香港機動漁船船東協進會有限公司。
- (40) 香港新界養魚協進會。
- (41) 香港釣網養殖漁民聯會。
- (42) 香港漁民近岸作業協會。
- (43) 馬灣漁業權益協會有限公司。
- (44) 香港漁民聯會的屬會。
- (45) 香港水產養殖業總會的屬會。
- (46) 筲箕灣區漁民合作社有限責任聯社的屬會。
- (47) 新界大埔區漁民合作社有限責任聯合總社的屬會。
- (48) 西貢區漁民合作社有限責任聯社的屬會。
- (49) 南區漁民合作社有限責任聯社的屬會。
- (50) 梅窩漁民聯誼會。
- (51) 新界流浮山蠔業總會。
- (52) 新界蠔業水產聯合會。
- (53) 新界漁民聯誼會有限公司。
- (54) 離島區養魚業協進會(長洲)。
- (55) 坪洲漁民協會有限公司。
- (56) 西貢北約深灣養魚協進會。
- (57) 西貢漁民互助會有限公司。
- (58) 西貢布袋澳養魚業協會。
- (59) 西貢大頭洲養魚業協會。
- (60) 沙頭角區養魚業協會。
- (61) 沙頭角小釣及刺網艇漁民信用無限責任合作社。

Column 1  
ConstituencyColumn 2  
Electors

- (20) Hang Hau Grazier Association.
- (21) North District Florists Association.
- (22) The Guild of Graziers.
- (23) Tuen Mun Agricultural Association.
- (24) The Yuen Long Agriculture Productivity Association.
- (25) Hong Kong Florists Association.
- (26) Tai Po Florists and Horticulturists Association.
- (27) Shatin Florists Association.
- (28) Fish Farming and Stuff Association.
- (29) Fishery Development Association (Hong Kong) Limited.
- (30) 南丫島蘆荻灣養殖業協會。
- (31) The Castle Peak Fishermen's Credit Co-operative Society, Unlimited.
- (32) The Castle Peak Mechanized Trawler Fishermen's Credit Co-operative Society, Unlimited.
- (33) Cheung Chau Fisheries Joint Association.
- (34) Cheung Chau Fishermen's Welfare Promotion Association.
- (35) Fraternal Association of The Floating Population of Hong Kong.
- (36) Hong Kong & Kowloon Floating Fishermen Welfare Promotion Association.
- (37) Hong Kong and Kowloon Fishermen Association Ltd.
- (38) Hong Kong Fishermen's Association.
- (39) Hong Kong Fishing Vessel Owners Association, Ltd.
- (40) Hong Kong N.T. Fish Culture Association.
- (41) Hong Kong Netting, Cultivation and Fisherman Association.
- (42) Hong Kong Off-shore Fishermen's Association.
- (43) Ma Wan Fisheries Rights Association Ltd.
- (44) Member associations of the Joint Associations of Hong Kong Fishermen.
- (45) Member societies of Federation of Hong Kong Aquaculture Associations.
- (46) Member societies of the Federation of Fishermen's Co-operative Societies of Shau Kei Wan District, Limited.
- (47) Member societies of the Federation of Fishermen's Co-operative Societies of Tai Po District, N.T., Limited.
- (48) Member societies of the Federation of Fishermen's Co-operative Societies of Sai Kung District Limited.
- (49) Member societies of the Federations of Fishermen's Co-operative Societies of Southern District Limited.
- (50) Mui Wo Fishermen Fraternity Society.
- (51) N.T. Lau Fau Shan Oyster Industry Association.
- (52) N.T. Oyster and Aquatic Products Industries United Association.
- (53) The New Territories Fishermen Fraternity Association Ltd.
- (54) Outlying Islands Mariculture Association (Cheung Chau).
- (55) Peng Chau Fishermen Association Ltd.
- (56) Sai Kung (North) Sham Wan Marine Fish Culture Business Association.
- (57) Sai Kung Fishermen Association Limited.
- (58) Sai Kung Po Toi O Fish Culture Business Association.
- (59) Sai Kung Tai Tau Chau Fish Culture Business Association.
- (60) Sha Tau Kok Marine Fish Culture Association.
- (61) The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited.

第1欄  
選舉界別第2欄  
選民

- (62) 大埔漁民信用無限責任合作社。  
 (63) 青龍頭手釣漁民信用無限責任合作社。  
 (64) 荃灣漁民信用無限責任合作社。  
 (65) 荃灣網艇漁民信用無限責任合作社。  
 (66) 東龍洲海魚養殖業協會。  
 (67) 油麻地罌仔漁民信用無限責任合作社。  
 (68) 榕樹凹養魚業協會。  
 (69) 荃灣葵青漁民會。  
 (70) 香港漁民漁業發展協會。  
 (71) 香港仔漁民聯誼會。  
 (72) 香港釣網漁民互助會。  
 (73) 蒲台島漁民協會。  
 (74) 筲箕灣漁民聯誼會。  
 (75) 西貢大湖角漁民協會。  
 (76) 香港新界水上居民聯合會。  
 (77) 大澳漁民近岸作業協會。  
 (78) 沙田漁民福利會。  
 (79) 青衣水陸居民聯誼會。  
 (80) 大嶼山水陸居民聯合會。  
 (81) 荃灣居民聯誼會(漁民組)。  
 (82) 大埔罌仔小釣漁民信用無限責任合作社。

## 5. 保險界功能界別

根據《保險公司條例》(第41章)獲授權或視為獲授權的保險人。

## 6. 航運交通界功能界別

- (1) 中華汽車有限公司。  
 (2) 城巴有限公司。  
 (3) 九龍巴士(一九三三)有限公司。  
 (4) 龍運巴士有限公司。  
 (5) 新大嶼山巴士(1973)有限公司。  
 (6) 香港電車有限公司。  
 (7) 山頂纜車有限公司。  
 (8) 九廣鐵路公司。  
 (9) 香港地下鐵路公司。  
 (10) 中國道路管理有限公司。  
 (11) 香港隧道有限公司。  
 (12) 新香港隧道有限公司。  
 (13) 信佳(策劃管理)有限公司。  
 (14) 大老山隧道有限公司。  
 (15) 香港西區隧道有限公司。  
 (16) 三號幹線(郊野公園段)有限公司。  
 (17) 青馬管理有限公司。  
 (18) 全利電召的士聯會有限公司。  
 (19) 城市的士車司機聯會有限公司。  
 (20) 友聯的士車主聯誼會。

Column 1  
Constituency5. Insurance functional  
constituency6. Transport functional  
constituencyColumn 2  
Electors

- (62) The Tai Po Fishermen's Credit Co-operative Society, Unlimited.  
 (63) The Tsing Lung Tau Hand Liner Fishermen's Credit Co-operative Society, Unlimited.  
 (64) The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited.  
 (65) The Tsuen Wan Gill Net Fishermen's Credit Co-operative Society, Unlimited.  
 (66) Tung Lung Chau Mariculture Association.  
 (67) The Yaumati Purse Seiner Fishermen's Credit Co-operative Society, Unlimited.  
 (68) Yung Shue Au Marine Fish Culture Business Association.  
 (69) 荃灣葵青漁民會。  
 (70) The Hong Kong Fisheries Development Association.  
 (71) The Aberdeen Fishermen Friendship Association.  
 (72) The Hong Kong Liner & Gillnetting Fisherman Association.  
 (73) Fisherman's Association of Po Toi Island.  
 (74) Shau Kei Wan Fishermen Friendship Association.  
 (75) Sai Kung Tai Wu Kok Fishermen's Association.  
 (76) Hong Kong New Territories Boat People Association.  
 (77) Tai O Fishermen (Coastal Fishery) Association.  
 (78) 沙田漁民福利會。  
 (79) 青衣水陸居民聯誼會。  
 (80) 大嶼山水陸居民聯誼會。  
 (81) 荃灣居民聯誼會(漁民組)。  
 (82) The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited.  
 Insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap. 41).  
 (1) China Motor Bus Co., Ltd.  
 (2) Citybus Ltd.  
 (3) Kowloon Motor Bus Company (1933) Ltd.  
 (4) Long Win Bus Holdings Limited.  
 (5) New Lantao Bus Co., (1973) Ltd.  
 (6) Hong Kong Tramways Ltd.  
 (7) Peak Tramways Co., Ltd.  
 (8) Kowloon-Canton Railway Corporation.  
 (9) Mass Transit Railway Corporation.  
 (10) China Tollways Co., Ltd.  
 (11) Cross Harbour Tunnel Co., Ltd.  
 (12) New Hong Kong Tunnel Co., Ltd.  
 (13) Serco Guardian (F.M.) Ltd.  
 (14) Tate's Cairn Tunnel Co., Ltd.  
 (15) Western Harbour Tunnel Co. Ltd.  
 (16) Route 3 (CPS) Company Limited.  
 (17) Tsing Ma Management Limited.  
 (18) Chuen Lee Radio Taxis Association Ltd.  
 (19) CTOD Association Company Ltd.  
 (20) Fraternity Taxi Owners Association.

## 第1欄

## 第2欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- (21) 港九電召的士車主聯會有限公司。
- (22) 港九的士總商會。
- (23) 香港九龍的士貨車商會有限公司。
- (24) 香港無線電的士聯誼會。
- (25) 九龍的士車主聯會有限公司。
- (26) 大嶼山的士聯會。
- (27) 新界的士車主司機同業總會。
- (28) 新界的士商會。
- (29) 四海的士車主司機聯會有限公司。
- (30) 環保的士車主聯會有限公司。
- (31) 新興的士電召聯會。
- (32) 新界港九合眾的士聯誼會有限公司。
- (33) 的士車行車主協會有限公司。
- (34) 的士司機從業員總會有限公司。
- (35) 的士同業聯會有限公司。
- (36) 新界電召的士聯會有限公司。
- (37) 聯友的士同業聯會有限公司。
- (38) 聯合無線電的上貨車聯會有限公司。
- (39) 市區的士司機聯委會有限公司。
- (40) 偉發的士車主聯會有限公司。
- (41) 惠益港九及新界的士車主聯會。
- (42) 的士商會聯盟。
- (43) 榮泰車主及司機聯會有限公司。
- (44) 益新電召客車聯會有限公司。
- (45) 榮利無線電車商會有限公司。
- (46) 港九利萊無線電召車中心有限公司。
- (47) 港聯的士車主聯會有限公司。
- (48) 交通城的士聯會有限公司。
- (49) 車馬樂的士聯會有限公司。
- (50) 新界的士商業聯誼會。
- (51) 西貢的士工商聯誼會有限公司。
- (52) 營業車聯誼會。
- (53) 西北區的士司機從業員總會。
- (54) 新界無線電召的士聯會。
- (55) 北區的士商會。
- (56) 香港專線小巴持牌人協會。
- (57) 香港九龍新界公共專線小型巴士聯合總商會。
- (58) 漢華小巴商會有限公司。
- (59) 香港公共及專線小巴同業聯會。
- (60) 九龍鳳凰小巴商工總會有限公司。
- (61) 藍田惠海小巴商會有限公司。
- (62) 鯉魚門高超道公共小巴商會有限公司。
- (63) 新界新田公共小型巴士(17)商會。

- (21) Hong Kong & Kowloon Radio Car Owners Association Ltd.
- (22) Hong Kong & Kowloon Taxi Companies Association Ltd.
- (23) Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
- (24) Hong Kong Tele-call Taxi Association.
- (25) Kowloon Taxi Owners Association Ltd.
- (26) Lantau Taxi Association.
- (27) N.T. Taxi Owners & Drivers Fraternal Association.
- (28) N.T. Taxi Merchants Association Ltd.
- (29) Quadripartite Taxi Service Association Ltd.
- (30) Rambo Taxi Owners Association Ltd.
- (31) Sun Hing Taxi Radio Association.
- (32) Tang's Taxi Companies Association Ltd.
- (33) Taxi Dealers & Owners Association Ltd.
- (34) Taxi Drivers & Operators Association Ltd.
- (35) The Taxi Operators Association Ltd.
- (36) Association of N.T. Radio Taxicabs Ltd.
- (37) United Friendship Taxi Owners & Drivers Association Ltd.
- (38) United Radio Taxi & Goods Vehicle Association Ltd.
- (39) Urban Taxi Drivers Association Joint Committee Co. Ltd.
- (40) Wai Fat Taxi Owners Association Ltd.
- (41) Wai Yik HK & Kln & NT Taxi Owners Association.
- (42) Taxi Associations Federation.
- (43) Wing Tai Car Owners & Drivers Association Ltd.
- (44) Yik Sun Radiocabs Operators Association Ltd.
- (45) Wing Lee Radio Car Traders Association Ltd.
- (46) Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
- (47) Taxicom Vehicle Owners Association Ltd.
- (48) T.C. Taxi United Association Ltd.
- (49) Happy Taxi Operator's Association Ltd.
- (50) The Fraternity Association of N.T. Taxi Merchants.
- (51) Sai Kung Taxi Operators Association Ltd.
- (52) Public Vehicle Merchants Fraternity Association.
- (53) N.W. Area Taxi Drivers & Operators Association.
- (54) N.T. Taxi Radio Service General Association.
- (55) North District Taxi Merchants Association.
- (56) Hong Kong Scheduled (GMB) Licensee Association.
- (57) Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
- (58) Hon Wah Public Light Bus Association Ltd.
- (59) Hong Kong Public & Maxicab Light Bus United Associations.
- (60) Kowloon Fung Wong Public Light Bus Merchants & Workers Association Ltd.
- (61) Lam Tin Wai Hoi Public Light Bus Merchants Association Ltd.
- (62) Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
- (63) N.T. San Tin PLB (17) Owners Association.

## 第1欄

## 選舉界別

## 第2欄

## 選民

- (64) 公共小型巴士總商會。  
 (65) 九龍公共小型巴士潮籍工商聯誼會。  
 (66) 荃灣公共小型巴士商會有限公司。  
 (67) 屯門公共小型巴士商會。  
 (68) 香港公共小型巴士同業聯會。  
 (69) 學童私家小巴協會有限公司。  
 (70) 褸姆司機協會有限公司。  
 (71) 汽車駕駛教授商會有限公司。  
 (72) 港九教授貨車大小巴士同業會有限公司。  
 (73) 香港汽車駕駛教師聯會有限公司。  
 (74) 香港駕駛學院有限公司。  
 (75) 香港貨櫃車教師公會有限公司。  
 (76) 九龍汽車駕駛教師公會有限公司。  
 (77) 香港教車協會有限公司。  
 (78) 貨櫃車及商用汽車教授從業員協會。  
 (79) 公共及私家小型巴士教師公會。  
 (80) 香港商用車輛駕駛教師協會有限公司。  
 (81) 毅達停車場(國際)有限公司。  
 (82) 香港安全停車場有限公司。  
 (83) 佳柏停車場有限公司。  
 (84) 敏記停車場管理有限公司。  
 (85) 美城停車場有限公司。  
 (86) 西岸國際(車場)有限公司。  
 (87) 威信(香港)停車場管理有限公司。  
 (88) 香港運輸學會。  
 (89) 香港汽車會。  
 (90) Institute of Transport Administration-HK Centre。  
 (91) 香港汽車高級駕駛協會。  
 (92) 落馬洲中港貨運聯會。  
 (93) 香港貨運業協會有限公司。  
 (94) 海運學會。  
 (95) 香港海事科技學會。  
 (96) 海事業報研究會有限公司。  
 (97) 香港船務職員協會。  
 (98) 港九電船拖輪商會有限公司。  
 (99) 香港船舶保養工程商會。  
 (100) 香港領港會有限公司。  
 (101) 香港油麻地小輪船有限公司。  
 (102) 天星小輪有限公司。  
 (103) 全記渡船有限公司。  
 (104) 珊瑚海船務有限公司。  
 (105) 愉景灣航運服務有限公司。  
 (106) 香港仔小輪公司。

Column 1  
ConstituencyColumn 2  
Electors

- (64) Public Light Bus General Association.  
 (65) The Kowloon PLB Chiu Chow Traders & Workers Friendly Association.  
 (66) Tsuen Wan PLB Commercial Association Ltd.  
 (67) Tuen Mun PLB Association.  
 (68) United Association of Public Lightbus Hong Kong.  
 (69) Private Hire Car for Young Children Association Ltd.  
 (70) Young Children School Mini-Buses Operators Association Ltd.  
 (71) Driving Instructors Merchant Association Ltd.  
 (72) Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd.  
 (73) Hong Kong Motor Car Driving Instructors Association Ltd.  
 (74) The Hong Kong School of Motoring Ltd.  
 (75) Hong Kong Society of Articulated Vehicle Driving Instructors Ltd.  
 (76) Kowloon Motor Driving Instructors' Association Ltd.  
 (77) Hong Kong Driving Instruction Club Ltd.  
 (78) Articulated & Commercial Vehicle's Instructors Union.  
 (79) Public and Private Light Buses Driving Instructors' Society.  
 (80) Hong Kong Commercial Vehicle Driving Instructors Association Ltd.  
 (81) Adams Parking (International) Limited.  
 (82) HKS Parking Limited.  
 (83) Kwik Park Limited.  
 (84) Mack & Co. Carpark Management Limited.  
 (85) Metropark Limited.  
 (86) West Coast International (Parking) Limited.  
 (87) Wilson Parking (Hong Kong) Limited.  
 (88) Chartered Institute of Transport in Hong Kong.  
 (89) Hong Kong Automobile Association.  
 (90) Institute of Transport Administration-HK Centre.  
 (91) Institute of Advanced Motorists Hong Kong.  
 (92) Lok Ma Chau China-Hong Kong Freight Association.  
 (93) Hong Kong Association of Freight Forwarding Agents Ltd.  
 (94) The Institute of Seatrtransport.  
 (95) The Hong Kong Institute of Marine Technology.  
 (96) Maritime Affairs Research Association Ltd.  
 (97) Hong Kong Shipping Staff Association.  
 (98) Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd.  
 (99) Hong Kong Marine Contractors Association.  
 (100) Hong Kong Pilots Association Ltd.  
 (101) The Hongkong & Yaumati Ferry Co., Ltd.  
 (102) The "Star" Ferry Co., Ltd.  
 (103) Chuen Kee Ferry Ltd.  
 (104) Coral Sea Ferry Service Co., Ltd.  
 (105) Discovery Bay Transportation Services Ltd.  
 (106) Eastern Ferry Co.

## 第1欄

## 選舉界別

## 第2欄

## 選民

- (107) 勝景發展(香港)有限公司。  
 (108) 合成恭小輪有限公司。  
 (109) 保利小輪有限公司。  
 (110) 中遠國際貨櫃碼頭(香港)有限公司。  
 (111) 香港國際貨櫃碼頭有限公司。  
 (112) 現代貨箱碼頭有限公司。  
 (113) 香港內河碼頭有限公司。  
 (114) 美商海陸聯運有限公司。  
 (115) 發記運輸有限公司。  
 (116) 海港貨櫃服務有限公司。  
 (117) 珠江船務企業(集團)有限公司。  
 (118) 早興有限公司。  
 (119) 遠東水翼船有限公司。  
 (120) 中旅僑福渡輪服務有限公司。  
 (121) 梧港船務有限公司。  
 (122) 益豐客輪代理有限公司。  
 (123) 貨車車隊聯會有限公司。  
 (124) 香港貨櫃車主聯會有限公司。  
 (125) 綠色專線小巴(綠專)總商會有限公司。  
 (126) 公共巴士同業聯會有限公司。  
 (127) 港粵運輸業聯會有限公司。  
 (128) 香港貨船業總商會有限公司。  
 (129) 香港定期班輪協會。  
 (130) 香港船東會有限公司。  
 (131) 香港航運界聯誼會有限公司。  
 (132) 香港船業協會。  
 (133) 香港船務起卸業商會。  
 (134) 裝卸區同業聯會。  
 (135) 港九小型巴士互助會。  
 (136) 龍翔公共小型巴士福利事務促進會有限公司。  
 (137) 新界公共小型巴士商會。  
 (138) 西貢小巴工商聯誼會。  
 (139) 元朗大埔公共小巴商會有限公司。  
 (140) 車主司機協會。  
 (141) 派安混凝土車主聯會。  
 (142) 全港司機大聯盟。  
 (143) 九龍重型貨車聯合商會。  
 (144) 香港運輸倉庫碼頭業聯誼會。  
 (145) 新界貨運商會。  
 (146) 香港裝卸區同業總會有限公司。  
 (147) 東義造船業總商會有限公司。  
 (148) 海上救援會(香港辦事處)。  
 (149) 海上遊覽業聯會。

Column 1  
ConstituencyColumn 2  
Electors

- (107) Holiday Resorts (Hong Kong) Ltd.  
 (108) Hop Shing Kung Ferry Co., Ltd.  
 (109) The Polly Ferry Co., Ltd.  
 (110) COSCO-HIT Terminals (Hong Kong) Limited.  
 (111) Hongkong International Terminals Ltd.  
 (112) Modern Terminals Ltd.  
 (113) River Trade Terminal Co. Ltd.  
 (114) Sealand Orient Terminals Ltd.  
 (115) Fat Kee Stevedores Ltd.  
 (116) Hoi Kong Container Services Co. Ltd.  
 (117) Chu Kong Shipping Enterprises (Holdings) Co. Ltd.  
 (118) Expert Fortune Ltd.  
 (119) Far East Hydrofoil Co. Ltd.  
 (120) CTS-Parkview Ferry Services Ltd.  
 (121) Wu Gang Shipping Co. Ltd.  
 (122) Yick Fung Passenger-ship Agency Ltd.  
 (123) The Goods Vehicle Fleet Owner Association Ltd.  
 (124) Hong Kong Container Tractor Owner Association Ltd.  
 (125) G.M.B. Maxicab Operators General Association Ltd.  
 (126) The Public Omnibus Operators Association Ltd.  
 (127) Hong Kong Guangdong Transportation Association Ltd.  
 (128) The Hong Kong Cargo-Vessel Traders' Association Ltd.  
 (129) The Hong Kong Liner Shipping Association.  
 (130) The Hong Kong Shipowners Association Ltd.  
 (131) Hong Kong Shipping Circles Association Ltd.  
 (132) Hong Kong Shipping Industry Institute.  
 (133) The Hong Kong Stevedores Employers' Association.  
 (134) The Public Cargo Area Trade Association.  
 (135) Hong Kong & Kowloon Mini-bus Mutual Association.  
 (136) Lung Cheung Public Light Bus Welfare Advancement Association Ltd.  
 (137) N.T. PLB Owners Association.  
 (138) Sai Kung PLB Drivers and Owners Association.  
 (139) Yuen Long Tai Po PLB Merchants Association Ltd.  
 (140) Owners and Drivers Association.  
 (141) Pioneer Concrete Owners Drivers Association.  
 (142) Organisation of Hong Kong Drivers.  
 (143) Kowloon Truck Merchants Association Ltd.  
 (144) Hong Kong Transportation & Wharves Assn. Ltd.  
 (145) The New Territories Cargo Transportation Association Ltd.  
 (146) Hong Kong Public Cargo Working Areas Traders Association Ltd.  
 (147) Tung Yee Shipbuilding & Repairing Merchants General Association.  
 (148) Salvage Association (Hong Kong Office).  
 (149) Marine Excursion Association.

## 第 3 部

## PART 3

## 第 1 欄

## 第 2 欄

Column 1  
ConstituencyColumn 2  
Electors

## 選舉界別

## 選民

## 7. 教育界功能界別

- (1) 在下列機構從事教學或研究的全職學術人員及同等職級的行政人員——
- (a) 由大學教育資助委員會撥款資助的高等教育機構；
- (b) 根據《專上學院條例》（第 320 章）註冊的認可專上學院；
- (c) 根據《職業訓練局條例》（第 1130 章）設立的科技學院；
- (d) 香港演藝學院；
- (e) 香港公開大學。
- (2) 以下人士——
- (a) 香港大學校務委員會委員；
- (b) 香港中文大學校董；
- (c) 香港科技大學校董會委員；
- (d) 香港城市大學校董會成員；
- (e) 香港理工大學校董會委員；
- (f) 香港演藝學校董會成員；
- (g) 香港公開大學校董會成員；
- (h) 職業訓練局成員；
- (i) 香港教育學院校董會成員；
- (j) 香港浸會大學校董會成員；
- (k) 嶺南學校董會成員；
- (l) 香港樹仁學校董。
- (3) 根據《教育條例》（第 279 章）註冊的檢定教員。
- (4) 根據《教育條例》（第 279 章）註冊或臨時註冊的全職准用教員。
- (5) 完全由政府維持和管理的學校的教員及校長。
- (6) 主要或唯一職業是在下列機構全職任職的人——
- (a) 根據《職業訓練局條例》（第 1130 章）設立的工業學院、工業訓練中心及技能訓練中心；
- (b) 根據《工業訓練（建造業）條例》（第 317 章）設立的工業訓練中心；
- (c) 根據《工業訓練（製衣業）條例》（第 318 章）設立的工業訓練中心；
- (d) 香港弱智人士服務協進會松嶺村青年訓練中心；
- (e) 根據《香港明愛法團條例》（第 1092 章）設立的香港明愛的明愛樂務職業訓練中心。
- (7) 根據《教育條例》（第 279 章）註冊的學校的註冊校董。

## 8. 法律界功能界別

- (1) 有權在香港律師會的大會上表決的該會會員。
- (2) 有權在香港大律師公會的大會上表決的該會會員。

7. Education  
functional  
constituency8. Legal functional  
constituency

- (1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in—
- (a) institutions of higher education funded through the University Grants Committee;
- (b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) technical colleges established under the Vocational Training Council Ordinance (Cap. 1130);
- (d) The Hong Kong Academy for Performing Arts;
- (e) The Open University of Hong Kong.
- (2) Members of—
- (a) the Council of the University of Hong Kong;
- (b) the Council of The Chinese University of Hong Kong;
- (c) the Council of The Hong Kong University of Science and Technology;
- (d) the Council of the City University of Hong Kong;
- (e) the Council of The Hong Kong Polytechnic University;
- (f) the Council of The Hong Kong Academy for Performing Arts;
- (g) the Council of The Open University of Hong Kong;
- (h) the Council of the Vocational Training Council;
- (i) the Council of The Hong Kong Institute of Education;
- (j) the Council of the Hong Kong Baptist University;
- (k) the Board of Governors of the Lingnan College;
- (l) the Board of Governors of the Hong Kong Shue Yan College.
- (3) Registered teachers registered under the Education Ordinance (Cap. 279).
- (4) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap. 279).
- (5) Teachers and principals of schools entirely maintained and controlled by the Government.
- (6) Persons whose principal or only employment is that of full-time teaching with the following bodies.
- (a) technical institutes, industrial training centres and skills centres established under the Vocational Training Council Ordinance (Cap. 1130);
- (b) industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap. 317);
- (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);
- (d) Pinehill Village Advanced Training Centre of the Hong Kong Association for the Mentally Handicapped;
- (e) Caritas Lok Mo Vocational Training Centre of the Caritas- Hong Kong under the Caritas-Hong Kong Incorporation Ordinance (Cap. 1092).
- (7) Registered managers of schools registered under the Education Ordinance (Cap. 279).
- (1) Members of The Law Society of Hong Kong entitled to vote at general meetings of the Society.
- (2) Members of the Hong Kong Bar Association entitled to vote at general meetings of the Association.

第 1 欄	第 2 欄	Column 1 Constituency	Column 2 Electors
選舉界別	選民		
	<p>(3) 《律政人員條例》(第 87 章)所指的律政人員。</p> <p>(4) 根據《法律援助條例》(第 91 章)第 3 條獲委任的人。</p> <p>(5) 被《破產條例》(第 6 章)第 75(3)條或《知識產權署署長(設立)條例》(第 412 章)第 3(3)條當作就《律政人員條例》(第 87 章)而言的律政人員的人。</p> <p>(6) 立法會秘書處(包括臨時立法會秘書處)的法律顧問及該顧問的全職任職於立法會行政管理委員會(包括臨時立法會行政管理委員會)並屬《法律執業者條例》(第 159 章)所界定的大律師或律師的助理。</p>		<p>(3) Legal officers within the meaning of the Legal Officers Ordinance (Cap. 87).</p> <p>(4) Persons appointed under section 3 of the Legal Aid Ordinance (Cap. 91).</p> <p>(5) Persons deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap. 87) by section 75(3) of the Bankruptcy Ordinance (Cap. 6) or section 3(3) of the Director of Intellectual Property (Establishment) Ordinance (Cap. 412).</p> <p>(6) The Legal Adviser of the Legislative Council Secretariat (including the Provisional Legislative Council Secretariat) and his assistants who are in the full-time employment of The Legislative Council Commission (including The Provisional Legislative Council Commission) and are barristers or solicitors as defined in the Legal Practitioners Ordinance (Cap. 159).</p>
9. 會計界功能界別	根據《專業會計師條例》(第 50 章)註冊的專業會計師。	9. Accountancy functional constituency	Professional accountants registered under the Professional Accountants Ordinance (Cap. 50).
10. 醫學界功能界別	<p>(1) 根據《醫生註冊條例》(第 161 章)註冊或當作註冊的醫生。</p> <p>(2) 根據《牙醫註冊條例》(第 156 章)註冊、當作註冊或獲豁免註冊的牙醫。</p>	10. Medical functional constituency	<p>(1) Medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap. 161).</p> <p>(2) Dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap. 156).</p>
11. 衛生服務界功能界別	<p>(1) 根據《脊醫註冊條例》(第 428 章)註冊的脊醫。</p> <p>(2) 有權在香港脊骨神經科學會的大會上表決的該會會員。</p> <p>(3) 根據《護士註冊條例》(第 164 章)註冊或登記或當作註冊或登記的護士。</p> <p>(4) 根據《助產士註冊條例》(第 162 章)註冊或當作註冊的助產士。</p> <p>(5) 根據《藥劑業及毒藥條例》(第 138 章)註冊的藥劑師。</p> <p>(6) 根據《醫務化驗師(註冊及紀律處分程序)規例》(第 359 章, 附屬法例)註冊的醫務化驗師。</p> <p>(7) 根據《放射技師(註冊及紀律處分程序)規例》(第 359 章, 附屬法例)註冊的放射技師, 以及根據《輔助醫療業條例》(第 359 章)第 18A 條當作就放射技師專業獲註冊的臨時註冊申請人。</p> <p>(8) 《輔助醫療業條例》(第 359 章)附表中第 3 項指明, 並屬有權在香港物理治療師協會的大會上表決的該會的會員的物理治療師。</p> <p>(9) 根據《物理治療師(註冊及紀律處分程序)規例》(第 359 章, 附屬法例)註冊的物理治療師, 以及根據《輔助醫療業條例》(第 359 章)第 18A 條當作就物理治療師專業獲註冊的臨時註冊申請人。</p> <p>(10) 根據《職業治療師(註冊及紀律處分程序)規例》(第 359 章, 附屬法例)註冊的職業治療師。</p>	11. Health Services functional constituency	<p>(1) Chiropractors registered under the Chiropractors Registration Ordinance (Cap. 428).</p> <p>(2) Members of the Hong Kong Chiropractors' Association entitled to vote at general meetings of the Association.</p> <p>(3) Nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap. 164).</p> <p>(4) Midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap. 162).</p> <p>(5) Pharmacists registered under the Pharmacy and Poisons Ordinance (Cap. 138).</p> <p>(6) Medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg.).</p> <p>(7) Radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg.) and applicants for provisional registration who are deemed to be registered in respect of the radiographers' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap. 359).</p> <p>(8) Physiotherapists specified in item 3 of the Schedule to the Supplementary Medical Professions Ordinance (Cap. 359) who are members of the Hong Kong Physiotherapy Association entitled to vote at general meetings of the Association.</p> <p>(9) Physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg.) and applicants for provisional registration who are deemed to be registered in respect of the physiotherapists' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap. 359).</p> <p>(10) Occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg.).</p>

**A550 1997 年第 134 號條例**

**立法會條例**

**LEGISLATIVE COUNCIL**

**Ord. No. 134 of 1997 A551**

第 1 欄	第 2 欄	Column 1	Column 2
選舉界別	選民	Constituency	Electors
	<p>(11) 根據《視光師(註冊及紀律處分程序)規例》(第 359 章, 附屬法例)註冊的視光師, 以及根據《輔助醫療業條例》(第 359 章)第 18A 條當作就視光師專業獲註冊的臨時註冊申請人。</p> <p>(12) 根據《牙科輔助人員(牙齒衛生員)規例》(第 156 章, 附屬法例)登記的牙齒衛生員。</p> <p>(13) 任職政府或在香港受僱於以下機構的聽力學家、聽力學技術員、足病診療師、牙科手術助理員、牙科技術員、牙科技師、牙科治療師、營養師、配藥員、製模實驗室技術員、視覺矯正師、臨床心理學家、教育心理學家、義肢矯形師及言語治療師——</p> <p>(a) 《醫院管理局條例》(第 113 章)所指的公營醫院;</p> <p>(b) 根據《醫院、護養院及留產院註冊條例》(第 165 章)註冊的醫院;</p> <p>(c) 由政府、香港中文大學或香港大學經辦或管理的診所;</p> <p>(d) 獲政府補助的隊伍。</p>		<p>(11) Optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap. 359 sub. leg.) and applicants for provisional registration who are deemed to be registered in respect of the optometrists' profession under section 18A of the Supplementary Medical Professions Ordinance (Cap. 359).</p> <p>(12) Dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap. 156 sub. leg.).</p> <p>(13) Audiologists, audiology technicians, chiropodists, dental surgery assistants, dental technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists and speech therapists who are in the service under the Government, or are employed in Hong Kong, at-</p> <p>(a) public hospitals within the meaning of the Hospital Authority Ordinance (Cap. 113);</p> <p>(b) hospitals registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);</p> <p>(c) clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong;</p> <p>(d) services subvented by the Government</p>
	<p>(1) 根據《工程師註冊條例》(第 409 章)註冊的專業工程師。</p> <p>(2) 有權在香港工程師學會的大會上表決的該會會員。</p>		<p>(1) Professional engineers registered under the Engineers Registration Ordinance (Cap. 409).</p> <p>(2) Members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution.</p>
12. 工程界功能界別	<p>(1) 根據《建築師註冊條例》(第 408 章)註冊的建築師。</p> <p>(2) 有權在香港建築師學會的大會上表決的該會會員。</p> <p>(3) 有權在香港園境規劃師學會的大會上表決的該會會員。</p> <p>(4) 根據《測量師註冊條例》(第 417 章)註冊的專業測量師。</p> <p>(5) 有權在香港測量師學會的大會上表決的該會會員。</p> <p>(6) 根據《規劃師註冊條例》(第 418 章)註冊的專業規劃師。</p> <p>(7) 有權在香港都市規劃師學會的大會上表決的該會會員。</p>	12. Engineering functional constituency	<p>(1) Architects registered under the Architects Registration Ordinance (Cap. 408).</p> <p>(2) Members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute.</p> <p>(3) Members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute.</p> <p>(4) Professional surveyors registered under the Surveyors Registration Ordinance (Cap. 417).</p> <p>(5) Members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute.</p> <p>(6) Professional planners registered under the Planners Registration Ordinance (Cap. 418).</p> <p>(7) Members of the Hong Kong Institute of Planners entitled to vote at general meetings of the Institute.</p>
13. 建築、測量及都市規劃界功能界別	<p>(1) 根據《職工會條例》(第 332 章)登記, 而其所有有表決權的會員均是僱員的職工會。</p>		<p>(1) Trade unions registered under the Trade Unions Ordinance (Cap. 332) of which all the voting members are employees.</p>
14. 勞工界功能界別	<p>(1) 有權在香港社會服務聯會的大會上表決的團體會員。</p> <p>(2) 根據《社會工作者註冊條例》(1997 年第 28 號)註冊的社會工作者。</p> <p>(3) 根據《社團條例》(第 151 章)獲豁免註冊的社團, 而該社團發表周年報告及就每年的收入及開支發表經審計帳目或經核證的帳目, 並在緊接提出登記為選民的申請前的 12 個月內, 一直在有受薪僱員提供經常性的服務的情況下, 按下列宗旨運作——(由 1997 年第 495 號法律公告修訂)</p> <p>(a) 促進社會服務之協調及改善;</p> <p>(b) 為社會服務發展人力、經費及資訊等資源; 或</p> <p>(c) 提高市民對社會服務需求的認識以及促進志願機構在滿足該等需求時所擔當的角色。</p> <p>(4) 根據《公司條例》(第 32 章)註冊的非牟利公司, 而該公司發表周年報告及就每年的收入及開支發表經審計帳目或經核證的帳目, 並在緊接提出登記為選民的申請前的 12 個月內, 一直在有受薪僱員提供經常性的服務的情況下, 按下列宗旨運作——(由 1997 年第 495 號法律公告修訂)</p> <p>(a) 促進社會服務之協調及改善;</p> <p>(b) 為社會服務發展人力、經費及資訊等資源; 或</p> <p>(c) 提高市民對社會服務需求的認識以及促進志願機構在滿足該等需求時所擔當的角色。</p>	14. Labour functional constituency	<p>(1) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.</p> <p>(2) Social workers registered under the Social Workers Registration Ordinance (Cap. 505).</p> <p>(3) Exempted societies within the meaning of the Societies Ordinance (Cap. 151) who have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as an elector- (Amended L.N. 495 of 1997)</p> <p>(a) to promote the co-ordination and improvement of social service activities;</p> <p>(b) to develop resources, such as manpower, funds and data, for social service activities; or</p> <p>(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs, and who publish their annual report and audited accounts or certified accounts with regards to annual income and expenditure. (Amended L.N. 495 of 1997)</p> <p>(4) Non-profit making companies registered under the Companies Ordinance (Cap. 32) who have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as an elector- (Amended L.N. 495 of 1997)</p> <p>(a) to promote the co-ordination and improvement of social service activities;</p> <p>(b) to develop resources, such as manpower, funds and data, for social service activities; or</p> <p>(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs, and who publish their annual report and audited accounts or certified accounts with regards to annual income and expenditure. (Amended L.N. 495 of 1997)</p>
15. 社會福利界功能界別		15. Social Welfare functional constituency	



第 1 欄	第 2 欄	Column 1	Column 2
選舉界別	選民	Constituency	Electors
	<p>(b) 為社會服務發展人力、經費及資訊等資源；或</p> <p>(c) 提高市民對社會服務需求的認識以及促進志願機構在滿足該等需求時所擔當的角色。</p> <p>(4) 根據《公司條例》(第 32 章)註冊的非牟利公司，而其成立的宗旨為——</p> <p>(a) 促進社會服務之協調及改善；</p> <p>(b) 為社會服務發展人力、經費及資訊等資源；或</p> <p>(c) 提高市民對社會服務需求的認識以及促進志願機構在滿足該等需求時所擔當的角色。</p>		<p>(b) to develop resources, such as manpower, funds and data, for social service activities; or</p> <p>(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs.</p> <p>(4) Non-profit making companies registered under the Companies Ordinance (Cap. 32) whose aims are as follows-</p> <p>(a) to promote the co-ordination and improvement of social service activities;</p> <p>(b) to develop resources, such as manpower, funds and data, for social service activities; or</p> <p>(c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs.</p>
16. 地產及建造界功能界別	<p>(1) 有權在香港地產建設商會的大會上表決的該會會員。</p> <p>(2) 有權在香港建造商會有限公司的大會上表決的該會會員。</p> <p>(3) 有權在香港機電工程承建商協會有限公司的大會上表決的該會會員。</p>	16. Real Estate and Construction functional constituency	<p>(1) Members of The Real Estate Developers Association of Hong Kong entitled to vote at general meetings of the Association.</p> <p>(2) Members of The Hong Kong Construction Association, Limited entitled to vote at general meetings of the Association.</p> <p>(3) Members of The Hong Kong E&amp;M Contractors' Association Limited entitled to vote at general meetings of the Association.</p>
17. 旅遊界功能界別	<p>(1) 有權在香港旅遊協會的大會上表決的該會的旅遊業會員。</p> <p>(2) 有權在香港旅遊業議會的大會上表決的該議會會員。</p> <p>(3) 香港航空公司代表協會在香港的會員。</p> <p>(4) 有權在香港酒店協會的大會上表決的該會會員。</p> <p>(5) 有權在香港酒店業主聯會的大會上表決的該會會員。</p>	17. Tourism functional constituency	<p>(1) Travel industry members of the Hong Kong Tourist Association entitled to vote at general meetings of the Association.</p> <p>(2) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council.</p> <p>(3) Members of the Board of Airline Representatives in Hong Kong.</p> <p>(4) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association.</p> <p>(5) Members of the Federation of Hong Kong Hotel Owners entitled to vote at general meetings of the Federation.</p>
18. 商界(第一)功能界別	有權在香港總商會的大會上表決的該會會員。	18. Commercial (First) functional constituency	Members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.
19. 商界(第二)功能界別	有權在香港中華總商會的大會上表決的該會會員。	19. Commercial (Second) functional constituency	Members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.
20. 工業界(第一)功能界別	有權在香港工業總會的大會上表決的該會會員。	20. Industrial (First) functional constituency	Members of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.
21. 工業界(第二)功能界別	有權在香港中華廠商聯合會的大會上表決的該會會員。	21. Industrial (Second) functional constituency	Members of The Chinese Manufacturers' Association of Hong Kong entitled to vote at general meetings of the Association.
22. 金融界功能界別	<p>(1) 《銀行業條例》(第 155 章)所指的銀行。</p> <p>(2) 《銀行業條例》(第 155 章)所指的有限牌照銀行。</p> <p>(3) 《銀行業條例》(第 155 章)所指的接受存款公司。</p>	22. Finance functional constituency	<p>(1) Banks within the meaning of the Banking Ordinance (Cap. 155).</p> <p>(2) Restricted licence banks within the meaning of the Banking Ordinance (Cap. 155).</p> <p>(3) Deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155).</p>

第 1 欄	第 2 欄	Column 1	Column 2
選舉界別	選民	Constituency	Electors
23. 金融服務界功能界別	(1) 有權在《證券交易所合併條例》(第 361 章)所指的交易所公司的大會上表決的該會會員。	23. Financial Services functional constituency	(1) Members of the Exchange Company within the meaning of the Stock Exchanges Unification Ordinance (Cap. 361) entitled to vote at general meetings of the Company.
	(2) 有權在《商品交易所條例》(第 250 章)所指的交易所公司的大會上表決的該會會員。		(2) Members of the Exchange Company within the meaning of the Commodities Trading Ordinance (Cap. 250) entitled to vote at general meetings of the Company.
24. 體育、演藝、文化及出版界功能界別	(3) 有權在香港金銀業貿易場的大會上表決的該會會員。		(3) Members of The Chinese Gold & Silver Exchange Society entitled to vote at general meetings of the Society.
	(1) 屬中國香港業餘體育法定團體及協會暨奧林匹克委員會的附屬體育團體成員的法定團體及註冊團體(根據《教育條例》(第 279 章)註冊的學校及其所組成的團體除外)。	24. Sports, performing arts, culture and publication functional constituency	(1) Statutory bodies and registered bodies (other than schools registered under the Education Ordinance (Cap. 279) and bodies formed by such schools) that are members of the sports associations affiliated to the Amateur Sports Federation & Olympic Committee of Hong Kong, China.
	(2) 並無屬法定團體或註冊團體的會員的中國香港業餘體育協會暨奧林匹克委員會的附屬體育協會。		(2) Sports associations affiliated to the Amateur Sports Federation & Olympic Committee of Hong Kong, China that have no statutory bodies or registered bodies as members.
	(3) 下列地區體育協會——		(3) The following district sports associations-
	(a) 東區康樂體育促進會有限公司；		(a) Eastern District Recreation & Sports Advancement Association Ltd.;
	(b) 南區康樂體育促進會；		(b) Southern District Recreation & Sports Council;
	(c) 灣仔區文娛康樂體育會有限公司；		(c) Wanchai District Arts Cultural Recreation & Sports Association Ltd.;
	(d) 中西區康樂體育會；		(d) Central & Western District Recreation & Sports Association;
	(e) 觀塘體育促進會有限公司；		(e) Kwun Tong Sports Promotion Association Ltd.;
	(f) 黃大仙區康樂體育會；		(f) Wong Tai Sin District Recreation & Sports Council;
	(g) 九龍城區康樂體育促進會；		(g) Kowloon City District Recreation & Sports Council;
	(h) 深水體育會；		(h) Shum Shui Po Sports Association;
	(i) 油尖區康樂體育會有限公司；		(i) Yaumatei & Tsimshatsui Recreation & Sports Association Ltd.;
	(j) 旺角區文娛康樂體育會有限公司；		(j) Mongkok District Cultural Recreational & Sports Association Ltd.;
	(k) 北區體育會；		(k) North District Sports Association;
	(l) 西貢區體育會有限公司；		(l) Sai Kung District Sports Association Ltd.;
	(m) 沙田體育會有限公司；		(m) Sha Tin Sports Association Ltd.;
	(n) 大埔體育會有限公司；		(n) Tai Po Sports Association Ltd.;
	(o) 離島區體育會；		(o) Island District Sports Association;
	(p) 屯門體育會有限公司；		(p) Tuen Mun Sports Association;
	(q) 荃灣區康樂體育聯誼會有限公司；		(q) The Federation of Tsuen Wan District Sports & Recreation Association Ltd.;
	(r) 元朗區體育會有限公司；		(r) Yuen Long District Sports Association Ltd.;
	(s) 葵青區體育會。		(s) Kwai Tsing District Sports Association.
	(4) 屬根據《香港藝術發展局條例》(第 472 章)第 3(5)條刊登的並現正有效的憲報公告內列為該條例第 3(4)條所指的組織的團體。		(4) Bodies which are listed in a Gazette notice currently in force made under section 3(5) of the Hong Kong Arts Development Council Ordinance (Cap. 472) as organisations for the purpose of section 3(4) of that Ordinance.
	(5) 主要目標是為促進藝術，且已獲香港藝術發展局、市政局、區域市政局、臨時市政局或臨時區域市政局在有關期間批准的資助金、贊助金或演出費用的法定團體及註冊團體。		(5) Statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, or the Provisional Regional Council during the relevant period.
	(6) 有權在以下團體的大會上表決的該團體的成員或會員——		(6) Members of-
	(a) 教育圖書零售業商會；		(a) the Educational Booksellers' Association Limited;
	(b) 中英文教出版事業協會；		(b) the Anglo-Chinese Textbook Publishers Organisation Limited;
	(c) 香港教育出版商會；		(c) the Hong Kong Educational Publishers Association Limited;
	(d) 香港出版人發行人協會；		(d) the Hong Kong Publishers and Distributors Association;

## 第1欄

## 第2欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- (e) 香港書刊業商會；  
 (f) 香港圖書文具業商會。
- (7) 有權在香港出版總會有限公司的大會上表決的該會會員（第(6)段所提述的機構除外）。
- (8) 有權在以下團體的大會上表決的該團體的成員或會員——
- (a) 香港影業協會有限公司；  
 (b) 香港電影金像獎協會有限公司；  
 (c) 國際唱片業協會（香港會）；  
 (d) 香港電影製作發行協會有限公司；  
 (e) 音樂出版人協會（香港）有限公司；  
 (f) 香港戲院商會有限公司。
- (9) 藝進同學會有限公司。  
 (10) 亞洲電視有限公司。  
 (11) 博物館館長協會。  
 (12) 香港作曲家及作詞家協會。  
 (13) 香港中文大學文物館館友。  
 (14) 香港人類學會。  
 (15) 香港考古學會。  
 (16) 香港華文報業協會。  
 (17) 香港電影戲劇總會有限公司。  
 (18) 香港影視燈光協會有限公司。  
 (19) 香港商業廣播有限公司。  
 (20) 香港電影研究院。  
 (21) 香港電影美術學會有限公司。  
 (22) 香港電影導演會有限公司。  
 (23) 香港哥爾夫球總會。  
 (24) 香港歷史學會。  
 (25) 香港知識產權會。  
 (26) 香港記者協會。  
 (27) 香港拯溺總會。  
 (28) 香港傳媒從業員協會有限公司。  
 (29) 香港影視明星體育協會。  
 (30) 香港兒童合唱團。  
 (31) 香港藝穗節有限公司。  
 (32) 香港管弦樂團。  
 (33) 香港中樂團。  
 (34) 香港話劇團。  
 (35) 香港舞蹈團。  
 (36) 香港醫學博物館學會。  
 (37) 香港筆會。  
 (38) 香港演藝人協會有限公司。  
 (39) 香港攝影記者協會。  
 (40) 香港康樂管理協會。  
 (41) 香港電影編劇家協會有限公司。

- (e) the Hong Kong Book & Magazine Trade Association Limited;  
 (f) the Hong Kong Book and Stationery Industry Association Company Limited, entitled to vote at general meetings of the respective bodies.
- (7) Members of the Hong Kong Publishing Federation Ltd. (other than those referred to in paragraph (6)) entitled to vote at general meetings of the Federation.
- (8) Members of—
- (a) the HK, Kln & NT Motion Picture Industry Association Ltd.;  
 (b) the Hong Kong Film Awards Association Ltd.;  
 (c) the International Federation of the Phono-graphic Industry (Hong Kong Group);  
 (d) the Movie Producers and Distributors Association of Hong Kong Ltd.;  
 (e) the Music Publishers Association of Hong Kong Ltd.;  
 (f) the Hong Kong Theatres Association Ltd., entitled to vote at general meetings of the respective bodies.
- (9) Artiste Training Alumni Association Limited.  
 (10) Asia Television Limited.  
 (11) Association of Curators.  
 (12) Composers and Authors Society of Hong Kong Limited.  
 (13) Friends of the Art Museum, The Chinese University of Hong Kong.  
 (14) Hong Kong Anthropological Society.  
 (15) Hong Kong Archaeological Society.  
 (16) Hong Kong Chinese Press Association.  
 (17) Hong Kong Cinema and Theatrical Enterprise Association Ltd.  
 (18) Hong Kong Cinematography and Television Lighting Association Limited.  
 (19) Hong Kong Commercial Broadcasting Company Limited.  
 (20) Hong Kong Film Academy.  
 (21) Hong Kong Film Arts Association Limited.  
 (22) HK Film Directors' Guild Ltd.  
 (23) Hong Kong Golf Association.  
 (24) Hong Kong History Society.  
 (25) Hong Kong Intellectual Property Society.  
 (26) Hong Kong Journalists' Association.  
 (27) Hong Kong Life Saving Society.  
 (28) The Hong Kong Mass Media Professionals Association Ltd.  
 (29) Hong Kong Movie Star Sports Association.  
 (30) Hong Kong Children's Choir.  
 (31) Hong Kong Festival Fringe Ltd.  
 (32) Hong Kong Philharmonic Orchestra.  
 (33) Hong Kong Chinese Orchestra.  
 (34) Hong Kong Repertory Theatre.  
 (35) Hong Kong Dance Company.  
 (36) Hong Kong Museum of Medical Sciences Society.  
 (37) Hong Kong PEN (English) Centre.  
 (38) Hong Kong Performing Artists Guild Ltd.  
 (39) Hong Kong Press Photographers' Association.  
 (40) Hong Kong Recreation Management Association.  
 (41) Hong Kong Screen Writers' Guild Ltd.

## 第 1 欄

## 第 2 欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- (42) 香港聾人體育總會。  
 (43) 香港體育記者協會有限公司。  
 (44) 香港動作特技演員公會有限公司。  
 (45) 香港太極總會。  
 (46) 香港聯藝機構有限公司。  
 (47) 衛星廣播(香港)有限公司。  
 (48) 新城廣播有限公司。  
 (49) 香港電影製片協會。  
 (50) 敏求精舍。  
 (51) 新界區體育協會。  
 (52) 新聞行政人員協會。  
 (53) 香港流行音樂作家公會。  
 (54) 皇家亞洲學會香港分會。  
 (55) 香港風帆訓練總會。  
 (56) 香港專業電影攝影師學會有限公司。  
 (57) 香港電影剪輯協會有限公司。  
 (58) 華南電影工作者聯合會。  
 (59) 華南研究會。  
 (60) 香港游泳教師總會。  
 (61) 電視廣播有限公司。  
 (62) 香港業餘填詞人協會。  
 (63) 藝術館之友。  
 (64) 香港新聞工作者聯會有限公司。  
 (65) 香港報業公會。  
 (66) 錄影太奇。  
 (67) 九倉有線電視有限公司。  
 (68) 進念二十面體。  
 (69) 主要經營出版業務而根據《本地報刊註冊條例》(第268章)註冊的團體東主。  
 (70) 根據《報刊註冊及發行規例》(第268章,附屬法例)獲發牌的報刊發行人的團體東主。  
 (1) 有權在以下團體的大會上表決的該團體的成員或會員——  
 (a) 香港攝影器材進口商會有限公司;  
 (b) 香港鑽石入口商會;  
 (c) 港九鋼材五金進出口商會有限公司;  
 (d) 香港中華進出口商會;  
 (e) 香港出口商會;  
 (f) 香港鮮果進口聯會有限公司;  
 (g) 香港食用油進出口商總會有限公司;  
 (h) 香港粟米飼料進口商會有限公司;  
 (i) 香港進出口米商聯合會;  
 (j) 香港鐘錶入口商會;  
 (k) 香港傢俬鋼具進出口商會有限公司;

## 25. 進出口界功能界別

## 25. Import and export functional constituency

- (42) Hong Kong Sports Association of the Deaf.  
 (43) Hong Kong Sports Press Association Ltd.  
 (44) Hong Kong Stuntman Association Ltd.  
 (45) Hong Kong Tai Chi Association.  
 (46) Hong Kong United Arts Entertainment Co. Ltd.  
 (47) Hutchvision (Hong Kong) Limited.  
 (48) Metro Broadcast Corporation Limited.  
 (49) Motion Pictures Production Executive (Hong Kong) Association.  
 (50) Min Chiu Society.  
 (51) New Territories Regional Sports Association.  
 (52) News Executive Association.  
 (53) Pop-Music Authors Society of Hong Kong.  
 (54) Royal Asiatic Society Hong Kong Branch.  
 (55) Sail Training Association of Hong Kong Ltd.  
 (56) Society of Cinematographers Hong Kong Limited.  
 (57) Society of Film Editors (HK) Ltd.  
 (58) South China Film Industry Workers Union.  
 (59) South Chinese Research Circle.  
 (60) The Swimming Teachers' Associated (Hong Kong).  
 (61) Television Broadcasts Limited.  
 (62) The Amateur Lyrics Writers' Association of Hong Kong.  
 (63) The Friends of the Hong Kong Museum of Arts.  
 (64) Hong Kong Federation of Journalists Ltd.  
 (65) The Newspaper Society of Hong Kong.  
 (66) Videotage.  
 (67) Wharf Cable Limited.  
 (68) Zuni Icosahedron.  
 (69) Corporate proprietors, the principal business of which is publication, registered under the Registration of Local Newspapers Ordinance (Cap. 268).  
 (70) Corporate proprietors of newspaper distributors licensed under the Newspapers Registration and Distribution Regulations (Cap. 268 sub. leg.).  
 (1) Members of-  
 (a) the Association of Photographic Equipment Importers (Hong Kong) Ltd.;  
 (b) the Diamond Importers Association Ltd.;  
 (c) the Hong Kong & Kowloon Steel and Metal Importers and Exporters Association Ltd.;  
 (d) the Hong Kong Chinese Importers' & Exporters' Association;  
 (e) the Hong Kong Exporters' Association;  
 (f) the Hong Kong Fresh Fruits Importers Association Ltd.;  
 (g) the Hong Kong General Association of Edible Oil Importers & Exporters Ltd.;  
 (h) the Hong Kong Maize and Feed Importers Association Ltd.;  
 (i) the Hongkong Rice Importers & Exporters Association;  
 (j) the Hongkong Watch Importers' Association;  
 (k) the Hong Kong Wooden & Steel Furniture Importers and Exporters Association Ltd.;

## 第1欄

## 第2欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- |                |  |  |   |
|----------------|--|--|---|
|                | <p>(l) The Liquor &amp; Provision Industries Association;</p> <p>(m) 港九輕工業品進出口商會有限公司；</p> <p>(n) 香港南洋輸出入商會；</p> <p>(o) 香港工業出品貿易協進會有限公司；</p> <p>(p) 香港工業原料商會有限公司；</p> <p>(q) 香港華南洋紙商會；</p> <p>(r) 香港華安商會；</p> <p>(s) 香港付貨人委員會；</p> <p>(t) 香港付貨人協會。</p> <p>(2) 根據《應課稅品條例》(第109章)領有進口及／或出口應課稅品牌照的公司。</p> <p>(3) 根據《汽車(首次登記稅)條例》(第330章)註冊從事進口在香港使用的汽車的公司。</p> <p>(4) 根據《化學品管制條例》(第145章)領有輸入及／或輸出受管制化學品牌照的公司。</p> <p>(5) 根據《進出口條例》(第60章)領有進口及／或出口舷外引擎和左車輛及出口訂明物品的公司。</p>  |  | <p>(l) The Liquor &amp; Provision Industries Association;</p> <p>(m) the Hong Kong &amp; Kowloon Light Industrial Products Importers &amp; Exporters Association Limited;</p> <p>(n) the Nanyang Importers and Exporters Association;</p> <p>(o) the Hong Kong Industrial Production Trading Association Limited;</p> <p>(p) the Industrial Chemical Merchants' Association Limited;</p> <p>(q) The South China Paper Merchants Association;</p> <p>(r) the Wah On Exporters &amp; Importers Association;</p> <p>(s) the Hong Kong Shippers' Council;</p> <p>(t) the Shippers' Association of Hong Kong.</p> <p>entitled to vote at general meetings of the respective bodies.</p> <p>(2) Companies licensed under the Dutiable Commodities Ordinance (Cap. 109) for the import and/or export of dutiable commodities.</p> <p>(3) Companies registered under the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330) for the import of motor vehicles for use in Hong Kong.</p> <p>(4) Companies licensed under the Control of Chemicals Ordinance (Cap. 145) for the import and/or export of controlled chemicals.</p> <p>(5) Companies licensed under the Import and Export Ordinance (Cap. 60) for the import and/or export of outboard engines and left hand drive vehicles and for the export of prescribed articles.</p>   |
| 26. 紡織及製衣界功能界別 | <p>(1) 有權在香港紡織業聯會有限公司的大會上表決的該會會員(第(2)(a)至(k)段提述的成員或會員除外)。</p> <p>(2) 有權在以下團體的大會上表決的該團體的成員或會員——</p> <p>(a) 香港棉織業同業公會；</p> <p>(b) 香港製衣業總商會；</p> <p>(c) 香港華商織造總會；</p> <p>(d) 香港棉織製成品廠商會有限公司；</p> <p>(e) 香港棉紡業同業公會；</p> <p>(f) 香港製衣廠同業公會有限公司；</p> <p>(g) 香港毛織出口廠商會有限公司；</p> <p>(h) 香港羊毛化纖針織業廠商會有限公司；</p> <p>(i) 香港漂染印整理業總會有限公司；</p> <p>(j) 香港布廠商會；</p> <p>(k) 香港毛紡化纖同業公會有限公司。</p> <p>(3) 香港紡織商會。</p> <p>(4) 有權在香港紡織及服裝學會的大會上表決的該會會員。</p> <p>(5) 為申請香港產地來源證，根據貿易署工廠登記制度登記的紡織品及成衣製造商。</p> <p>(6) 貿易署署長根據《進出口(一般)規例》(第60章，附屬法例)第5A條登記為紡織商的紡織商號，而此等紡織商號是經營以下業務——</p> <p>(a) 從任何國家或地區入口紡織品；</p> | 26. Textiles and garment functional constituency | <p>(1) Members of the Textile Council of Hong Kong Limited (other than those referred to in paragraph (2)(a) to (k)) entitled to vote at general meetings of the Council.</p> <p>(2) Members of-</p> <p>(a) the Federation of Hong Kong Cotton Weavers;</p> <p>(b) the Federation of Hong Kong Garment Manufacturers;</p> <p>(c) the Hong Kong Chinese Textile Mills Association;</p> <p>(d) the Hong Kong Cotton Made-up Goods Manufacturers Association Ltd.;</p> <p>(e) the Hong Kong Cotton Spinners Association;</p> <p>(f) the Hong Kong Garment Manufacturers Association Ltd.;</p> <p>(g) the Hong Kong Knitwear Exporters &amp; Manufacturers Association Ltd.;</p> <p>(h) the Hong Kong Woollen &amp; Synthetic Knitting Manufacturers' Association Ltd.;</p> <p>(i) the Hong Kong Association of Textile Bleachers, Dyers, Printers &amp; Finishers Ltd.;</p> <p>(j) the Hong Kong Weaving Mills Association;</p> <p>(k) the Hongkong Wool &amp; Synthetic Spinners Association Ltd., entitled to vote at general meetings of the respective bodies.</p> <p>(3) The Hong Kong General Chamber of Textiles Limited.</p> <p>(4) Members of Hong Kong Institution of Textile and Apparel entitled to vote at general meetings of the Institution.</p> <p>(5) Textiles &amp; Clothing manufacturers registered under the Factory, Registration of the Trade Department for the purpose of applying for the certificate of Hong Kong origin.</p> <p>(6) Textiles traders who are registered by the Director-General of Trade as Textiles Traders pursuant to regulation 5A of the Import and Export (General) Regulations (Cap. 60 sub. leg.) and are carrying on business of-</p> <p>(a) importing textiles from any country or place;</p> |

## 第 1 欄

## 第 2 欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- (b) 將未能獲取香港產地來源證的紡織品出口往任何國家或地區；或
- (c) 將可獲取香港產地來源證的紡織品出口往與香港未有雙邊管制紡織品協議的國家或地區。

- (b) exporting textiles that are not entitled to a certificate of Hong Kong origin to any country or place; or
- (c) exporting textiles that are entitled to a certificate of Hong Kong origin to a country or place with which Hong Kong does not have a bilateral textiles agreement to control exports of textiles from Hong Kong to the country or place.

## 27. 批發及零售界功能界別

有權在以下團體的大會上表決的該團體的成員或會員——

- (1) 香港旅遊零售業協會；
- (2) 香港中藥聯商會有限公司；
- (3) 中華紙業商會；
- (4) 香港化妝品同業協會有限公司；
- (5) 香港毛皮業協會；
- (6) 香港鐘錶業總會有限公司；
- (7) 港九竹篾山貨行商會有限公司；
- (8) 港九電器商聯會有限公司；
- (9) 港九電鍍業商會有限公司；
- (10) 港九洋服商聯會；
- (11) 港九果菜行工商總會；
- (12) 港九傢俬裝修同業商會；
- (13) 港九酒業總商會；
- (14) 港九玻璃鏡業總商會有限公司；
- (15) 港九機紙業商會有限公司；
- (16) 港九機械電器儀器業商會有限公司；
- (17) 港九水產業商會有限公司；
- (18) 港九攝影器材商會有限公司；
- (19) 港九塑膠製造商聯合會有限公司；
- (20) 港九罐頭洋酒伙食行商會；
- (21) 香港糧食雜貨總商會；
- (22) 港九永興堂藤器同業商會有限公司；
- (23) 香港九龍米業總商會有限公司；
- (24) 港九鹽業商會；
- (25) 香港九龍醬料涼果聯合商會；
- (26) 港九茶葉行商會有限公司；
- (27) 港九木行商會；
- (28) 港九粉麵製造業總商會有限公司；
- (29) 香港藝術品商會有限公司；

## 27. Wholesale and retail functional constituency

Members of-

- (1) The Association of Retailers and Tourism Services;
- (2) the Chinese Medicine Merchants Association Ltd.;
- (3) the Chinese Paper Merchants Association;
- (4) The Cosmetic & Perfumery Association of Hong Kong Ltd.;
- (5) Hong Kong Fur Federation;
- (6) The Federation of Hong Kong Watch Trades and Industries Ltd.;
- (7) Hong Kong and Kowloon Bamboo Lashing & Hill Products Merchants Association Ltd.;
- (8) Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.;
- (9) the Hong Kong & Kowloon Electro-Plating Trade Merchants Association Ltd.;
- (10) the Hong Kong & Kowloon European Dress Merchants Association;
- (11) the Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild;
- (12) the Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association;
- (13) the Hong Kong & Kowloon General Association of Liquor Dealers and Distillers;
- (14) the Hong Kong & Kowloon Glass Merchants & Mirror Manufacturer's Association;
- (15) the Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.;
- (16) the Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.;
- (17) the Hong Kong & Kowloon Marine Products Merchants Association Ltd.;
- (18) The Hong Kong and Kowloon Photographic Merchants Association Ltd.;
- (19) the Hong Kong & Kowloon Plastic Products Merchants United Association Ltd.;
- (20) the Hong Kong & Kowloon Provision, Wine & Spirit Dealers Association;
- (21) the Hong Kong Provision & Grocery Commercial Chamber;
- (22) the Hong Kong & Kowloon Rattan Ware Merchants Association (Wing Hing Tong) Ltd.;
- (23) The Hong Kong and Kowloon Rice Retailers' General Association Ltd.;
- (24) the Hong Kong and Kowloon Salt Merchants' Association;
- (25) the Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association;
- (26) the Hong Kong & Kowloon Tea Trade Merchants Association Ltd.;
- (27) the Hong Kong & Kowloon Timber Merchants Association;
- (28) the Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association Ltd.;
- (29) the Hong Kong Art Craft Merchants Association, Ltd.;

## 第1欄

## 第2欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

- (30) 香港鑽石會有限公司；  
 (31) 香港海味雜貨商會有限公司；  
 (32) 香港染料同業商會有限公司；  
 (33) 香港豐貴堂蛋業商會；  
 (34) 香港抽紗商會有限公司；  
 (35) 香港麵粉商業總會有限公司；  
 (36) Hong Kong Flower Dealers & Workers Association；  
 (37) 香港鮮花零售協會；  
 (38) 香港食品委員會有限公司；  
 (39) 香港傢俬裝飾廠商總會有限公司；  
 (40) 港九藥房總商會有限公司；  
 (41) 香港珠石玉器金銀首飾業商會有限公司；  
 (42) 香港皮鞋業鞋材業商會有限公司；  
 (43) 香港生豬行商會；  
 (44) 香港磁帶有限公司；  
 (45) 香港藥行商會；  
 (46) 香港五金商業總會；  
 (47) 香港土產原料商會有限公司；  
 (48) 香港唱片商會有限公司；  
 (49) 香港錄影業協會有限公司；  
 (50) 香港油行商會有限公司；  
 (51) 香港漆油顏料商會有限公司；  
 (52) 香港石油、化工、醫藥同業商業會有限公司；  
 (53) 香港疋頭行商會；  
 (54) 香港塑膠原料商會有限公司；  
 (55) 香港水喉潔具業商會有限公司；  
 (56) 香港籐行商會；  
 (57) 香港零售管理協會有限公司；  
 (58) 香港綢緞行商會；  
 (59) 香港郵票錢幣商會有限公司；  
 (60) 香港南北藥材行以義堂商會有限公司；  
 (61) 香港工業原料商會有限公司；  
 (62) 九龍鮮肉零售商聯合會有限公司；  
 (63) 九龍珠石玉器金銀首飾業商會；  
 (64) 九龍豬欄商會；  
 (65) 九龍雞鴨欄同業商會；  
 (66) 香港汽車商會；  
 (67) 香港南北行公所；  
 (68) 香港通濟商會；  
 (69) 藥業總商會有限公司；  
 (70) 香港參茸藥材寶壽堂商會有限公司；  
 (71) 香港米行商會有限公司；  
 (72) 香港糖商總會；  
 (73) 香港煙草業協會有限公司；

- (30) the Hongkong Diamond Bourse Ltd.；  
 (31) the Hong Kong Dried Seafood and Grocery Merchants Association Ltd.；  
 (32) the Hong Kong Dyestuffs Merchants Association Limited；  
 (33) the Hong Kong Egg Merchants Association (Fung-Kwai-Tong)；  
 (34) the Hong Kong Embroidery Merchants Association Limited；  
 (35) the Hong Kong Flour Merchants' Association Ltd.；  
 (36) the Hong Kong Flower Dealers & Workers Association；  
 (37) the Hong Kong Flower Retailers Association；  
 (38) The Hong Kong Food Trades Association Limited；  
 (39) the Hong Kong Furniture & Decoration Trade Association Limited；  
 (40) the Hong Kong General Chamber of Pharmacy Limited；  
 (41) the Hong Kong Jewellers' & Goldsmiths' Association Limited；  
 (42) the Hong Kong Leather Shoe And Shoe Material Merchants Association Ltd.；  
 (43) the Hong Kong Live Pig Trade Merchants' Association Ltd.；  
 (44) the Hong Kong Magnetic Tape Company Limited；  
 (45) The Hong Kong Medicine Dealers' Guild；  
 (46) the Hong Kong Metal Merchants Association；  
 (47) the Hong Kong Native Products and Raw Material Merchants Association Limited；  
 (48) Hong Kong Record Merchants Association Ltd.；  
 (49) The Hong Kong Video Industry Association Ltd.；  
 (50) The Hong Kong Oil Merchants Association Ltd.；  
 (51) the Hong Kong Paints & Pigments Merchants Association Ltd.；  
 (52) the Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.；  
 (53) the Hong Kong Piece Goods Merchants' Association；  
 (54) the Hong Kong Plastic Material Suppliers Association Ltd.；  
 (55) the Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.；  
 (56) the Hong Kong Rattan Merchants Association；  
 (57) the Hong Kong Retail Management Association Ltd.；  
 (58) the Hong Kong Silk Piece-Goods Merchants' Association；  
 (59) the Hong Kong Stamp and Coin Dealers Association Ltd.；  
 (60) the Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.；  
 (61) the Industrial Chemical Merchants' Association Ltd.；  
 (62) the Kowloon Fresh Meat Retailers Association Ltd.；  
 (63) The Kowloon Pearls, Precious Stones, Jade, Gold & Silver Ornament Merchants Association；  
 (64) the Kowloon Pig Laan Merchants Association；  
 (65) the Kowloon Poultry Laan Merchants Association；  
 (66) The Motor Traders Association of Hong Kong；  
 (67) the Nam Pak Hong Association；  
 (68) the Chinese Merchants Association；  
 (69) The Pharmaceutical Trade Federation Ltd.；  
 (70) the Po Sau Tong Ginseng & Antler Association Hong Kong Ltd.；  
 (71) the Rice Merchants' Association of Hong Kong Ltd.；  
 (72) the Hong Kong Sugar Merchants' Association；  
 (73) the Tobacco Institute of Hong Kong Ltd.；

## 第1欄

## 第2欄

## Column 1

## Column 2

## 選舉界別

## 選民

## Constituency

## Electors

	(74) 港九傘業同業商會；		(74) the Umbrella Dealers Association of Hong Kong & Kowloon;
	(75) 港九花紗疋頭同業公會有限公司；		(75) the Victoria Cottonyard and Piecegoods Merchants Association Ltd.;
	(76) 港九新界販商社團聯合會；		(76) the Federation of Hong Kong, Kowloon and New Territories Hawkers Associations;
	(77) 港九蔬菜運輸聯誼會；		(77) the Hong Kong & Kowloon Vegetable Transportation Fraternity Association;
	(78) 粵深港蔬菜同業會(香港)公司；		(78) the Yuet Sum Kong Vegetable Association (Hong Kong) Co.;
	(79) 九龍長沙灣蔬菜批發市場入口貨商聯誼會；		(79) The Kowloon Cheung Sha Wan Wholesale Vegetable Market (Importers) Recreation Club;
	(80) 旺角區蔬菜批發商會有限公司；		(80) The Mongkok Vegetable Wholesale Merchants Association Company Ltd.;
	(81) 海外入口果菜頭盤欄商會有限公司；		(81) The Merchants Association of First Wholesalers/Jobbery of Imported Fresh Fruits & Vegetables Limited;
	(82) 港九雞鴨欄商會；		(82) the Hong Kong & Kowloon Poultry Dealers Guild;
	(83) 新界家禽批發商會；		(83) the New Territories Poultry Wholesalers Association;
	(84) 香港蔬菜批發商會；		(84) the HK Vegetable Wholesaler Community;
	(85) 港九百貨業商會；		(85) The Hongkong & Kowloon General Merchandise Merchants' Association;
	(86) 中外蔬菜業批發商會有限公司；		(86) The Anglo-Chinese Vegetable Wholesale Merchants Association Limited;
	(87) 港九淡水魚商買手會有限公司；		(87) Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited;
	(88) 九龍鮮魚商會；		(88) Kowloon Fresh Fish Merchants Association;
	(89) 香港鮮魚商會；		(89) Hong Kong Fresh Fish Merchants Association;
	(90) 東區鮮魚商會；		(90) Eastern District Fresh Fish Merchants' Society;
	(91) 筲箕灣魚業商會。		(91) Shau Kei Wan Fishery Merchants Association,
	(1) 有權在香港電腦學會的大會上表決的該學會的資深會員及正式會員。		entitled to vote at general meetings of the respective bodies.
	(2) 有權在香港工程師學會資訊科技部的大會上表決的資深會員、會員及初級會員。	28. Information Technology functional constituency	(1) Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society.
28. 資訊科技界功能界別	(3) 有權在計算機器學會——香港分會的大會上表決的該會會員。		(2) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division.
	(4) 有權在電機暨電子工程師學會(香港電腦分會)的大會上表決的該會的資深會員、高級會員及正式會員。		(3) Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association.
	(5) 有權在電機暨電子工程師學會(香港電路及系統兼電訊分會)的大會上表決的該會的資深會員、高級會員及正式會員。		(4) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute.
	(6) 有權在英國電機工程師學會(香港分會)的大會上表決的該會的資深會員及團體會員。		(5) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute.
	(7) 有權在英國電腦學會(香港分會)的大會上表決的該分會的資深會員、會員及附屬會員。		(6) Fellows and Corporate Members of the Institution of Electrical Engineers (Hong Kong) entitled to vote at general meetings of the Institution.
	(8) 有權在香港電腦教育學會的大會上表決的該學會的院士、高級專業會員及專業會員。		(7) Fellows, Members and Associate Members of the British Computer Society (Hong Kong Section) entitled to vote at its general meetings.
	(9) 有權在香港醫療資訊學會的大會上表決的該學會的資訊科技組別會員。		(8) Fellows, Senior Professional Members and Professional Members of the Hong Kong Association for Computer Education Ltd. entitled to vote at general meetings of the Association.
			(9) Full Members (Information Technology) of the Hong Kong Society of Medical Informaties Ltd. entitled to vote at general meetings of the Society.



第 1 欄	第 2 欄	Column 1	Column 2
選舉界別	選民	Constituency	Electors
(10) 有權在香港遠程醫學協會的大會上表決的該協會的普通會員。	(11) 有權在下列團體的大會上表決的該團體的成員或會員—	(10) Ordinary Members of the Hong Kong Telemedicine Association entitled to vote at general meetings of the Association.	(11) Members of—
(a) 香港訊息科技協進會； (b) 香港互聯網供應商協會； (c) 香港無線傳呼協會有限公司； (d) 香港通訊業聯會有限公司。	(12) 根據《電訊條例》(第106章)由電訊管理局局長批給的以下類別牌照的持有人—	(11) (a) the Hong Kong Information Technology Federation Ltd.; (b) the Hong Kong Internet Service Providers Association; (c) the Hong Kong Radio Paging Association Ltd.; (d) the Telecom Association of Hong Kong, entitled to vote at general meetings of the respective bodies.	(12) Holders of the following classes of licences granted by the Telecommunications Authority under the Telecommunication Ordinance (Cap. 106)—
(a) 固定電訊網絡服務牌照； (b) 公共非專利電訊服務牌照； (c) 公共無線電通訊服務牌照； (d) 衛星電視共用天線牌照； (e) 廣播轉播電台牌照； (f) 無線電廣播轉播電台牌照。	(13) 香港國際電訊有限公司。	(12) (a) fixed telecommunication network services licences; (b) public non-exclusive telecommunications service licences; (c) public radiocommunication service licences; (d) satellite master antenna television licences; (e) broadcast relay station licences; (f) broadcast radio relay station licences.	(13) Hong Kong Telecom International Limited.
(14) Chubb (Hong Kong) Limited。	(15) 亞洲衛星有限公司。	(14) Chubb (Hong Kong) Limited.	(15) Asia Satellite Telecommunications Company Limited.

附註：在本附表第24項中—

- (a) “註冊團體”(registered bodies)指根據香港法律註冊或獲豁免而無需根據香港法律註冊的團體，或由香港法律成立為法團的團體；
- (b) “有關期間”(relevant period)就任何註冊團體而言，指自1994年4月1日起至該團體申請註冊為體育、演藝及文化出版界功能界別的選民的日期為止；
- (c) “法定團體”(statutory body)指根據某條例或根據某條例所授權力而設立或組成的團體。

Note: In item 24 of this Schedule—

- (a) "registered bodies" (註冊團體) means bodies which are registered or exempt from registration under, or incorporated by, any laws of Hong Kong;
- (b) "relevant period" (有關期間) in relation to a registered body, means the period from 1 April 1994 to the date on which the registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency;
- (c) "statutory body" (法定團體) means a body established or constituted by or under the authority of an Ordinance.

#### 第 4 部

1. 在團體的大會上表決的權利
- (1) 在本附表中，凡提述有權在本附表所指明的團體的大會上表決之處，即為提述按該團體的章程所規定在大會上表決的權利。
- (2) 在第(1)款中，提述任何團體的章程之處，即為提述—
- (a) 在本條例生效時有效的章程；或
- (b) 其後經修訂或替代的章程，但僅限於有關修訂或替代是獲政制事務局局长書面批准者。
- (3) 在本條中—
- “章程”(constitution)就某團體而言，包括組織章程細則及規則。
2. 非牟利公司
- 第3部第15項第(4)段提述的非牟利公司，指其組成的目的是為了促進該段(a)至(c)節所指明的宗旨，並按其章程規定須將其利潤(如有的話)及其他收入僅用於實踐該等宗旨及禁止向其成員支付任何股息的公司。(由1997年第495號法律公告增補)
3. 社會服務
- 第3部第15項第(3)及(4)段提述的社會服務指為社會的利益而提供的一項或多於一項以下服務—
- (a) 家庭及兒童福利服務；
- (b) 青少年服務；
- (c) 老人服務；
- (d) 過犯輔導服務；
- (e) 康復服務；
- (f) 社區發展；或
- (g) 社會保障。
- (由1997年第495號法律公告增補)

#### PART 4

1. Entitlement to vote at general meeting of body
- (1) A reference in this Schedule to an entitlement to vote at a general meeting of a body specified in this Schedule is a reference to an entitlement to vote at such a meeting as provided by the body's constitution.
- (2) In subsection (1), the reference to the constitution of a body is a reference to the constitution either—
- (a) as in force at the commencement of this Ordinance; or
- (b) as subsequently amended or substituted, but only if the amendment or substitution has been approved in writing by the secretary for Constitutional Affairs.
- (3) In this section—
- "constitution" (章程), in relation to a body, includes articles of association and rules.
2. Non-profit making companies
- A non-profit making company referred to in paragraph (4) of item 15 of Part 3 means a company formed for the purpose of promoting the objects specified in subparagraphs (a) to (c) of that paragraph and is required by its constitution to apply its profits, if any, or other income solely in promoting those objects and to prohibit the payment of any dividend to its members. (Added L.N. 495 of 1997)
3. Social service
- Social service referred to in paragraphs (3) and (4) of item 15 of Part 3 means the provision of any one or more of the following services for the benefit of the community—
- (a) family and child welfare services;
- (b) services for young people;
- (c) services for the elderly;
- (d) services for offenders;
- (e) rehabilitation services;
- (f) community development; or
- (g) social security.
- (Added L.N. 495 of 1997)

附表 2 [第 3、22、32、76 及 83 條及附表 3]  
選舉委員會的組成

第 1 部  
一般條文

SCHEDULE 2

[ss.3, 22, 32, 76 &amp; 83 &amp; Sch. 3]

CONSTITUTION OF ELECTION COMMITTEE

PART 1

GENERAL PROVISION

## 1. 選舉委員會的組成方法

- (1) 選舉委員會由 800 名必須是香港永久性居民的委員組成。
- (2) 選舉委員會的委員人選（當然委員除外）須按照本附表所指明的程序決定。
- (3) 選舉委員會的委員是 4 個界別的代表，每個界別由 200 名委員代表。
- (4) 各個界別由列表 1、列表 2、列表 3 及列表 4（視何者適用而定）中指明的界別分組組成。
- (5) 各個界別分組的組成如下——
  - (a) 除高等教育界界別分組及教育界界別分組以及旅遊界及酒店界界別分組外，列表 1、2 或 3 中指明的界別分組的組成，與附表 1 中指明的相同名稱功能界別的組成相同；
  - (b) 列表 4 第 2 欄中指明的每個界別分組由該列表第 3 欄中就該界別分組所描述的人組成；
  - (c) 香港中國企業協會、旅遊界、酒店界、中醫界、高等教育界、教育界、飲食界及香港僱主聯合會等界別分組由列表 5 所示的人士所組成；及
  - (d) 宗教界界別分組按第 2 部所描述的方式組成。
- (6) 除第(7)、(8)、(10)及(11)款另有規定外，每個界別分組獲分配在有關的列表中就該界別分組而指明的委員數目，以組成選舉委員會。
- (7) 除第(8)、(10)及(11)款另有規定外，選舉委員會按以下方式組成——
  - (a) 代表宗教界界別分組的委員人選須由該界別分組按照第 2 部提名；及
  - (b) 除第(13)款另有規定外，代表在列表 1、2 及 3 中指明的各界別分組的委員人選（代表宗教界界別分組者除外），和代表在列表 4 中第 3、4、5 及 6 項所指明的各個界別分組的委員人選，須由有關的界別分組按照第 3 部選出；及
  - (c)
    - (i) 代表列表 4 第 1 項所指明的界別分組的委員人選，須為在有關日期擔任香港地區全國人民代表大會代表的人；及
    - (ii) 代表列表 4 第 2 項所指明的界別分組的委員人選，須為在有關日期擔任臨時立法會議員的人。
- (8) 選舉登記主任必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例，將第(7)(c)款提述的人（已藉根據第(9)款發出的通知拒絕登記的人除外）登記為選舉委員會的當然委員。
- (9) 第(7)(c)(i)或(ii)款提述的人如已登記為功能界別的選民，可按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例，向選舉登記主任發出書面通知，拒絕登記為選舉委員會的當然委員。
- (10) 如屬當然委員的人的數目總和少於 96（身兼第(7)(c)款提述的該兩個議會的成員兩職的人只點算一次），則差額須加在代表中國人民政治協商會議界別分組的委員數目上。

## 1. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 800 members, who must be permanent residents of Hong Kong.
- (2) The membership of the Election Committee (other than ex-officio members) is to be determined in accordance with the procedures specified in this Schedule.
- (3) The members of the Election Committee are to be representative of 4 sectors, with each sector being represented by 200 members.
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3 and 4.
- (5) The composition of the subsectors is as follows-
  - (a) except in the case of the higher education and education subsectors and the tourism and hotel subsectors, the composition of a subsector specified in Table 1, 2 or 3 which has the same name as that of a functional constituency specified in Schedule 1 is to be the same as that of the functional constituency;
  - (b) each of the subsectors specified in column 2 of Table 4 is to be composed of the persons described in column 3 of the Table in relation to the subsector;
  - (c) the Hong Kong Chinese Enterprises Association, tourism, hotel, Chinese medicine, higher education, education, catering and Employers' Federation of Hong Kong subsectors are to be composed as shown in Table 5; and
  - (d) the religious subsector is to be composed as described in Part 2.
- (6) Subject to subsections (7), (8), (10) and (11), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in the relevant Table in respect of the subsector.
- (7) Subject to subsections (8), (10) and (11), the Election Committee is constituted in the following manner-
  - (a) the number of members allocated to the religious subsector is to be nominated by that subsector in accordance with Part 2;
  - (b) subject to subsection (13), the number of members allocated to the subsectors specified in Tables 1, 2 and 3 (except those allocated to the religious subsector), items 3, 4, 5 and 6 of Table 4 are to be elected by the relevant subsectors in accordance with Part 3; and
  - (c) the number of members allocated to the subsector specified
    - (i) in item 1 of Table 4 is to be filled by the persons holding office on the relevant date as Hong Kong deputies to the National People's Congress; and
    - (ii) in item 2 of Table 4 is to be filled by persons holding office on the relevant date as the Members of the Provisional Legislative Council.
- (8) The Electoral Registration Officer must register the persons referred to in subsection (7)(c), other than those persons who have by notice under subsection (9) declined registration, as ex-officio members of the Election Committee in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).
- (9) A person referred to in subsection (7)(c)(i) or (ii), who is registered as an elector in a functional constituency may, by giving written notice to the Electoral Registration Officer in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), decline registration as an ex-officio member of the Election Committee.
- (10) If the aggregate of the persons who are ex-officio members is less than 96, (counting any person who is a member of both bodies referred to in subsection (7)(c) only once), the difference is to be added to the number of members allocated to the Chinese People's Political Consultative Conference subsector.

(11) 如在加上第(10)款提述的差額後，分配予中國人民政治協商會議界別分組的委員數目相等於或超逾香港地區全國政協委員數目，則第(7)(b)款不就本界別分組而適用，而分配予本界別分組的委員數目須由在有關的日期擔任香港地區全國政協委員的所有人士填補，而凡獲分配的委員數目有超逾之數，則所超逾的數目須由列表 4 第 5 及 6 項所指明的界別分組平均分配，而剩餘數目（如有的話）則分配予列表 4 第 6 項所指明的界別分組。

(12) 在本附表中——

“名稱”(name)就某界別分組而言，須解釋為在列表 1、2、3 或 4（視何者適用而定）中以“界別分組”為標題的一欄之下對該界別分組的描述；

“有關日期”(relevant date)指 1998 年 4 月 1 日，如《規例》為施行本款而訂明另一日期，則指該另一日期；

“界別分組”(subsector)除第 7 條另有規定外，指按第(4)款的規定，在選舉委員會中有代表的界別分組。

(13) (a) 除(b)段另有規定外，體育、演藝、文化及出版界界別分組的委員數目須平均分配給組成該界別分組的 4 個小組，即體育、演藝、文化及出版小組。

(b) 若委員數目未能以整數平均分配，則各小組以最大可能的整數平均分配數目，餘下的席位按各小組的選民數目多少順序分配，選民數目最多的小組先分配一席，直至所有席位分配完畢。

列表 1  
第 1 界別  
界別分組

項	委員數目
1. 飲食界	11
2. 商界（第一）	12
3. 商界（第二）	12
4. 香港僱主聯合會	11
5. 金融界	12
6. 金融服務界	12
7. 香港中國企業協會	11
8. 酒店界	11
9. 進出口界	12
10. 工業界（第一）	12
11. 工業界（第二）	12
12. 保險業界	12
13. 地產及建造界	12
14. 紡織及製衣界	12
15. 旅遊界	12
16. 航運交通界	12
17. 批發及零售界	12

(11) If, after adding the difference referred to in subsection (10), the number of members allocated to the Chinese People's Political Consultative Conference subsector is equal to or exceeds the number of the Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, subsection (7)(b) is not to apply in relation to this subsector and the number of members allocated to this subsector is to be filled by all the persons holding office on the relevant date as Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference and, where there is an excess in the number of members allocated, the excess number is to be allocated equally between the subsectors specified in items 5 and 6 of Table 4 and the remaining number, if any, is to be allocated to the subsector specified in item 6 of Table 4.

(12) In this Schedule-

"name"(名稱), in relation to a subsector, is to be construed by reference to its description under the column headed "subsector" in Table 1, 2, 3 or 4, as may be applicable;

"relevant date"(有關日期) means 1 April 1998 or, if some other date is prescribed by the regulations for the purposes of this subsection, that other date;

"subsector"(界別分組) means, subject to section 7, a subsector represented on the Election Committee as provided by subsection (4).

(13) (a) Subject to paragraph (b), the number of members allocated to the sports, performing arts, culture and publication subsector is to be divided equally among the 4 sub-subsectors constituting the said subsector, namely sports, performing arts, culture and publication sub-subsectors.

(b) If the number of members cannot be allocated equally as an integer, the sub-subsectors are to be allocated the largest possible integer, and the remaining number is to be allocated according to the number of voters of the sub-subsectors such that the sub-subsector having the greatest number of voters is allocated a seat first until all the seats are allocated.

TABLE 1  
FIRST SECTOR

Item	Subsector	Number of members
1.	Catering	11
2.	Commercial (first)	12
3.	Commercial (second)	12
4.	Employers' Federation of Hong Kong	11
5.	Finance	12
6.	Financial services	12
7.	Hong Kong Chinese Enterprises Association	11
8.	Hotel	11
9.	Import and export	12
10.	Industrial (first)	12
11.	Industrial (second)	12
12.	Insurance	12
13.	Real estate and construction	12
14.	Textiles and garment	12
15.	Tourism	12
16.	Transport	12
17.	Wholesale and retail	12

列表 2

TABLE 2

## 第 2 界別

## SECOND SECTOR

項	界別分組	委員數目	Item	Subsector	Number of members
1.	會計界	20	1. Accountancy		20
2.	建築、測量及都市規劃界	20	2. Architectural, surveying and planning		20
3.	中醫界	20	3. Chinese medicine		20
4.	教育界	20	4. Education		20
5.	工程界	20	5. Engineering		20
6.	衛生服務界	20	6. Health services		20
7.	高等教育界	20	7. Higher education		20
8.	資訊科技界	20	8. Information technology		20
9.	法律界	20	9. Legal		20
10.	醫學界	20	10. Medical		20

列表 3

TABLE 3

## 第 3 界別

## THIRD SECTOR

項	界別分組	委員數目	Item	Subsector	Number of members
1.	漁農界	40	1. Agriculture and fisheries		40
2.	勞工界	40	2. Labour		40
3.	宗教界	40	3. Religious		40
4.	社會福利界	40	4. Social welfare		40
5.	體育、演藝、文化及出版界	40	5. Sports, performing arts, culture and publication		40

列表 4

TABLE 4

## 第 4 界別

## FOURTH SECTOR

項	界別分組	組成人士	委員數目	Item	Subsector	Constituents	Number of members
1.	全國人民代表大會	香港地區全國人民代表大會代表	36	1. National People's Congress ("NPC")		Hong Kong deputies to the NPC.	36
2.	臨時立法會	臨時立法會議員	60	2. Provisional Legislative Council ("PLC")		Members of the PLC.	60
3.	中國人民政治協商會議 ("全國政協")	香港地區全國政協委員	41	3. Chinese People's Political Consultative Conference ("CPPCC")		Hong Kong members of the National Committee of the CPPCC.	41
4.	鄉議局	鄉議局主席及副主席，以及該局議員大會的當然議員、特別議員及增選議員	21	4. Heung Yee Kuk		Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex-Officio, Special and Co-opted Councillors of the Full Council of the Heung Yee Kuk.	21
5.	市政局轄區內各區的臨時區議會 ("香港及九龍各臨時區議會")	香港及九龍各臨時區議會的議員	21	5. Provisional District Boards for the Districts in the Urban Council Area ("Hong Kong and Kowloon Provisional District Boards")		Members of the Hong Kong and Kowloon Provisional District Boards.	21

項	界別分組	組成人士	委員數目
6.	區域市政局轄區內各區的臨時區議會（“新界各臨時區議會”）	新界各臨時區議會的議員	21

列表 5  
第 1(5)(c)條提述的界別分組的組成  
（沒有相等的功能界別的界別分組）

項	界別分組	組成人士
1.	香港中國企業協會	有權在香港中國企業協會的大會上表決的該會會員。
2.	旅遊界	(1) 有權在香港旅遊協會的大會上表決的該會的旅遊業會員。 (2) 有權在香港旅遊業議會的大會上表決的該議會會員。 (3) 香港航空公司代表協會在香港的會員。
3.	酒店	(1) 有權在香港酒店業協會的大會上表決的該會會員。 (2) 有權在香港酒店業主聯會的大會上表決的該會會員。
4.	中醫界	有權在以下團體的大會上表決的該團體的屬中醫師的成員或會員—— (1) 香港中醫學會有限公司； (2) 國際中醫中藥總會有限公司； (3) 新華中醫中藥促進會有限公司； (4) 中國醫藥學會有限公司； (5) 香港中醫骨傷學會有限公司； (6) 香港中華中醫學會； (7) 香港針灸醫師學會； (8) 香港中醫師公會有限公司； (9) 港九中醫師公會有限公司； (10) 僑港中醫公會。

Item	Subsector	Constituents	Number of members
6.	Provisional District Boards for the Districts in the Regional Council Area ("New Territories Provisional District Boards")	Members of the New Territories Provisional District Boards.	21

TABLE 5

COMPOSITION OF SUBSECTORS  
REFERRED TO IN SECTION 1(5)(c)

(Subsectors without an equivalent functional constituency)

Item	Subsector	Constituents
1.	Hong Kong Chinese Enterprises Association	Members of the Hong Kong Chinese Enterprises Association entitled to vote at general meetings of the Association.
2.	Tourism	(1) Travel industry members of the Hong Kong Tourist Association entitled to vote at general meetings of the Association. (2) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council. (3) Members of the Board of Airline Representatives in Hong Kong.
3.	Hotel	(1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association. (2) Members of the Federation of Hong Kong Hotels Owners entitled to vote at general meetings of the Federation.
4.	Chinese medicine	Members of (1) The Hong Kong Association of Traditional Chinese Medicine Limited; (2) The International General Chinese Herbalists and Medicine Professional Association Limited; (3) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited; (4) The Society of Practitioners of Chinese Herbal Medicine Limited; (5) The Hong Kong Traditional Chinese Medicine Orthopaedic and Traumatic Association Limited; (6) The Hong Kong Federation of China of Traditional Chinese Medicine; (7) The Hong Kong Acupuncturists Association; (8) The Hong Kong Chinese Herbalists Association Limited; (9) The Association of Hong Kong and Kowloon Practitioners of Chinese Medicine Limited; (10) The Hong Kong Chinese Overseas Physician Association.

項	界別分組	組成人士	Item	Subsector	Constituents
5.	高等教育界	(1) 在下列機構從事教學或研究的全職學術人員及同等職級的行政人員—— (a) 由大學教育資助委員會撥款資助的高等教育機構； (b) 根據《專上學院條例》(第320章)註冊的認可專上學院； (c) 根據《職業訓練局條例》(第1130章)設立的科技學院； (d) 香港演藝學院； (e) 香港公開大學。 (2) 下人士—— (a) 香港大學校務委員會委員； (b) 香港中文大學校董； (c) 香港科技大學校董會成員； (d) 香港城市大學校董會成員； (e) 香港理工大學校董會成員； (f) 香港演藝學院校董會成員； (g) 香港公開大學校董會成員； (h) 職業訓練局成員； (i) 香港教育學院校董會成員； (j) 香港浸會大學校董會成員； (k) 嶺南學院校董會成員； (l) 香港樹仁學院校董。	5.	Higher education	who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in - (a) institutions of higher education funded through the University Grants Committee; (b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320); (c) technical colleges established under the Vocational Training Council Ordinance (Cap. 1130); (d) The Hong Kong Academy for Performing Arts; (e) The Open University of Hong Kong. (2) Members of (a) the Council of the University of Hong Kong; (b) the Council of The Chinese University of Hong Kong; (c) the Council of The Hong Kong University of Science and Technology; (d) the Council of the City University of Hong Kong; (e) the Council of The Hong Kong Polytechnic University; (f) the Council of The Hong Kong Academy for Performing Arts; (g) the Council of The Open University of Hong Kong; (h) the Council of the Vocational Training Council; (i) the Council of The Hong Kong Institute of Education; (j) the Council of the Hong Kong Baptist University; (k) the Board of Governors of the Lingnan College; (l) the Board of Governors of the Hong Kong Shue Yan College.
6.	教育界	(1) 據《教育條例》(第279章)註冊的檢定教員。 (2) 據《教育條例》(第279章)註冊或臨時註冊的全職准用教員。 (3) 完全由政府維持和管理的學校的教員及校長。 (4) 要或唯一職業是在下列機構全職任教的人——	6.	Education	(1) Registered teachers registered under the Education Ordinance (Cap. 279). (2) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap. 279). (3) Teachers and principals of schools entirely maintained and controlled by the Government. (4) Persons whose principal or only employment is that of full-time teaching with the following bodies -

項	界別分組	組成人士	Item	Subsector	Constituents
	(a)	根據《職業訓練局條例》(第1130章)設立的工業學院、工業訓練中心及技能訓練中心；		(a)	technical institutes, industrial training centres and skills centres established under the Vocational Training Council Ordinance (Cap. 1130);
	(b)	根據《工業訓練(建造業)條例》(第317章)設立的工業訓練中心；		(b)	industrial training centres established under the Industrial Training (Construction Industry) Ordinance (Cap. 317);
	(c)	根據《工業訓練(製衣業)條例》(第318章)設立的工業訓練中心；		(c)	industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);
	(d)	香港弱智人士服務協進會松嶺村青年訓練中心；		(d)	Pinehill Village Advanced Training Centre of the Hong Kong Association for the Mentally Handicapped;
	(e)	根據《香港明愛法團條例》(第1092章)設立的香港明愛的明愛樂務職業訓練中心。		(e)	Caritas Lok Mo Vocational Training Centre of the Caritas - Hong Kong under the Caritas - Hong Kong Incorporation Ordinance (Cap. 1092).
	(5)	根據《教育條例》(第279章)註冊的學校的註冊校董。		(5)	Registered managers of schools registered under the Education Ordinance (Cap. 279).
7.	飲食界	(1)香港餐務管理協會有限公司。 (2)香港飲食聯合有限公司。 (3)現代管理(飲食)專業協會有限公司。 (4)香港飲食業東主協會有限公司。 (5) Restaurants and Licensed Premises Association Limited。 (6)香港飲食業總商會。 (7)九龍飲食業總商會有限公司。 (8)持有根據《公眾衛生及市政條例》(第132章)發出的食物業牌照的人。	7.	Catering	(1) The Association for the Hong Kong Catering Services Management Limited. (2) Hong Kong Catering Industry Association Limited. (3) The Association of Restaurant Managers Limited. (4) Federation of Hong Kong Restaurant Owners Limited. (5) Restaurants and Licensed Premises Association. (6) The Hong Kong Restaurant and Eating House Merchants General Association. (7) The Kowloon Restaurant and Eating House Merchants General Association. (8) Holders of food business licences under the Public Health and Municipal Services Ordinance (Cap. 132).
8.	香港僱主聯合會	有權在香港僱主聯合會的大會上表決的該會會員。			Members of the Employers' Federation of Hong Kong entitled to vote at general meetings of the Federation.
第2部			8.	Employers' Federation of Hong Kong	
宗教界界別分組					PART 2 RELIGIOUS SUBSECTOR
2.	宗教界界別分組的組成				
	(1)	宗教界界別分組由以下團體(“指定團體”)組成——		(1)	The religious subsector is to be composed of the following bodies ("the designated bodies")
	(a)	天主教香港教區；		(a)	Catholic Diocese of Hong Kong;
	(b)	中華回教博愛社；		(b)	Chinese Muslim Cultural and Fraternal Association;
	(c)	香港基督教協進會；		(c)	Hong Kong Christian Council;
	(d)	香港道教聯合會；		(d)	The Hong Kong Taoist Association;
	(e)	孔教學院；及		(e)	The Confucian Academy; and
	(f)	香港佛教聯合會。		(f)	The Hong Kong Buddhist Association.
			2.	Composition of the religious subsector	

(2) 行政長官會同行政會議可藉在憲報刊登的命令，將配予宗教界別分組的委員數目在指定團體之間分配。

### 3. 由宗教界別分組提名委員

(1) 在符合第(5)款的規定下，每個指定團體可提名其所挑選的若干名人士作為在選舉委員會中代表宗教界別分組的委員。

(2) 提名（挑選獲提名人除外）的程序，必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例進行。

(3) 如某指定團體的獲提名人的人數超逾該團體的獲配席位數目，則該團體必須——

- (a) 示明獲優先挑選以符合獲配席位數目的獲提名人；及
- (b) 如所餘獲提名人超逾 1 名，則另須將所餘獲提名人按優先次序排列。

(4) 如選舉主任裁定任何根據第(3)款獲得優先的獲提名人並非獲有效提名，則獲配席位數目須由超額的獲提名人（以其獲有效提名為前提）按其優先次序補足。

(5) 由每個指定團體提名以擔任選舉委員會委員的獲提名人的人數，不得超逾該指定團體的獲配席位數目。

(6) 選舉主任必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例，宣布成為選舉委員會委員的獲提名人。

(7) 在本條中——

“獲配席位數目”（assigned number）指根據第 2(2)條作出的命令所指明的席位數目。

### 4. 被挑選為獲提名人的資格

(1) 任何人如——

- (a) 已就某地方選區登記，並有資格就該選區登記，而又沒有喪失就該選區登記的資格；及
- (b) 與宗教界別分組有密切聯繫，

則有資格根據第 3(1)條被挑選為獲提名人。

(2) 任何人如——

- (a) 是第 1(7)(c)(i)或(ii)條提述的人（不論該人是否當然委員）；或
- (b) 是選舉委員會界別分組選舉的候選人；或
- (c) 是市政局功能界別或區域市政局功能界別的選民，

則沒有資格根據第 3(1)條被挑選為獲提名人。

### 5. 何時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 3 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；或

- (b) 在提名當日正因服刑而受監禁；或

- (c) 在不局限(a)段的原則下，被或曾被裁定犯以下罪行，而提名於自其被定罪的日期起計的 3 年內作出——

- (i) 舞弊行為或非法行為（違反《舞弊及非法行為條例》（第 288 章）第 19 條而構成的非法行為除外）；或
- (ii) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊及非法行為；或

(2) The Chief Executive in Council may, by order published in the Gazette, distribute the number of members allocated to the religious subsector among the designated bodies.

### 3. Nomination of members by the religious subsector

(1) Subject to subsection (5), each designated body may nominate a number of persons selected by it as members representing the religious subsector on the Election Committee.

(2) The process of nomination (other than the selection of nominees) must be carried out in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(3) If the number of nominees of a designated body exceeds the assigned number for the body, the body must

- (a) indicate which of the nominees are to be given preference in making up the assigned number; and

- (b) then rank the excess nominees, if more than one, in order of priority.

(4) If the Returning Officer determines that any of the nominees to be given preference under subsection (3) is not validly nominated, the assigned number is to be made up from the excess nominees (subject to their being validly nominated) in their order of priority.

(5) The number of nominees to become members of the Election Committee from each designated body cannot exceed the assigned number of that designated body.

(6) The Returning Officer must declare the nominees who become the members of the Election Committee as such Members, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(7) In this section -  
“assigned number”（獲配席位數目） means the number specified in an order made under section 2(2).

### 4. Who is qualified for selection as a nominee

(1) A person is eligible to be selected as a nominee under section 3(1) if the person -

- (a) is both registered and eligible to be registered, and not disqualified from being registered, for a geographical constituency; and
- (b) has a substantial connection with the religious subsector.

(2) A person who is

- (a) a person referred to in section 1(7)(c)(i) or (ii) (whether or not the person is an ex-officio member); or
- (b) a candidate at an Election Committee subsector election; or
- (c) an elector in the Urban Council functional constituency or the Regional Council functional constituency,

is not eligible to be selected as a nominee under section 3(1).

### 5. When a person is disqualified from being a nominee

A person is disqualified from being a nominee under section 3 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 received a free pardon; or

- (b) on the date of nomination, is serving a sentence of imprisonment; or

- (c) without limiting paragraph (a), where the nomination takes place within 3 years from the date of the person's conviction, is or has been convicted -  
(i) of a corrupt practice or an illegal practice (other than an illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288); or

- (ii) of a corrupt and illegal practice within the meaning of any other enactment providing for the punishment of a corrupt or illegal practice; or



- (iii) 《防止賄賂條例》(第 201 章)第 II 部所訂的任何罪行；或
- (iv) 根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的任何罪行；或
- (d) 被原訟法庭按照《精神健康條例》(第 136 章)裁斷為精神不健全而又無能力照顧自己和處理自己的事務；或
- (e) 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。

## 6. 《舞弊及非法行為條例》的適用範圍

《舞弊及非法行為條例》(第 288 章)經必要的變通後適用於根據第 3 條挑選及提名擔任選舉委員會委員的人，適用方式一如其適用於選舉，並猶如獲挑選或提名的人是選舉中的候選人般適用。

### 第 3 部

#### 選舉委員會界別分組選舉

##### 第 1 分部——導言

## 7. 釋義

(1) 在本部中，除文意另有所指外——

- “投票人”(voter)指其姓名或名稱已在界別分組正式投票人登記冊登記的人，而該人是有資格如此登記或在選舉委員會界別分組選舉中投票，並且沒有喪失如此登記或投票的資格的；
- “界別分組”(subsector)指第 1(7)(b)條所提述的界別分組；
- “界別分組正式投票人登記冊”(subsector final register)指須為所有界別分組編製的正式投票人登記冊；
- “界別分組投票人登記冊”(subsector register)指根據第 10 條編製的關於有權在選舉委員會界別分組選舉中投票的人士的臨時或正式投票人登記冊；
- “界別分組臨時投票人登記冊”(subsector provisional register)指須為所有界別分組編製的臨時投票人登記冊；
- “訂明功能界別”(prescribed functional constituency)指附表 3 第 1(3)條所指的訂明功能界別；
- “對上一份功能界別臨時選民登記冊”(last functional constituencies provisional register)指附表 3 第 1(2)條所提述的功能組別臨時選民登記冊；
- “對上一份地方選區臨時選民登記冊”(last geographical constituencies provisional register)指附表 3 第 1(1)條所提述的地方選區臨時選民登記冊；
- “團體投票人”(corporate voter)指屬某界別分組的投票人的團體；
- “選舉主任”(Returning Officer)就某界別分組而言，指按照本條例第 78 條就該界別分組而委任的選舉主任；
- “選舉委員會小組選舉”(Election Committee sub-subsector election)指根據第 1(13)條由體育、演藝、文化及出版界界別分組選出委員的選舉；
- “選舉委員會界別分組選舉”(Election Committee subsector election)指選出根據第 1(7)(b)條須由某選舉委員會界別分組選出的配予該界別分組的委員的選舉；
- “獲授權代表”(authorized representative)就團體投票人而言，指獲該團體投票人授權在選舉委員會界別分組選舉中投下該團體投票人的選票的人。

- (iii) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
- (iv) of any offence prescribed by the regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997); or
- (d) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (e) is a member of the armed forces of the Central People's Government or any other country or territory.

## 6. Application of the Corrupt and Illegal Practices Ordinance

The Corrupt and Illegal Practices Ordinance (Cap. 288) applies, with any necessary modifications, to and in relation to the selection and nomination of persons to be members of the Election Committee under section 3 in the same way as it applies to and in relation to elections and so applies as if the persons selected or nominated were candidates at an election.

### PART 3

#### ELECTION COMMITTEE SUBSECTOR ELECTION

##### Division 1 - Preliminary

## 7. Interpretation

(1) In this Part unless the context otherwise requires-

- "authorized representative" (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at an Election Committee subsector election;
- "corporate voter" (團體投票人) means a body that is a voter for a subsector;
- "Election Committee subsector election" (選舉委員會界別分組選舉) means an election to elect those members, assigned to a subsector of the Election Committee who, under section 1(7)(b), are to be elected by the relevant subsector;
- "Election Committee sub-subsector election" (選舉委員會小組選舉) means an election to elect members by the sports, performing arts, culture and publication subsector in accordance with section 1(13);
- "last geographical constituencies provisional register" (對上一份地方選區臨時選民登記冊) means the provisional register of geographical constituencies referred to in section 1(1) of Schedule 3;
- "last functional constituencies provisional register" (對上一份功能界別臨時選民登記冊) means the provisional register of functional constituencies referred to in section 1(2) of Schedule 3;
- "prescribed functional constituency" (訂明功能界別) means a prescribed functional constituency within the meaning of section 1(3) of Schedule 3;
- "Returning Officer" (選舉主任) means, in relation to a subsector, the Returning Officer appointed for the subsector in accordance with section 78 of this Ordinance;
- "subsector provisional register" (界別分組臨時投票人登記冊) means the provisional register to be compiled for subsectors;
- "subsector" (界別分組) means a subsector referred to in section 1(7)(b);
- "subsector final register" (界別分組正式投票人登記冊) means the final register to be compiled for subsectors;
- "subsector register" (界別分組投票人登記冊) means either the provisional or the final register of persons entitled to vote at an Election Committee subsector election, compiled under section 10;
- "voter" (投票人) means a person whose name is registered in a subsector final register and who is eligible to be, and is not disqualified from being, so registered or from voting at an Election Committee subsector election.

(2) 在本部中，除文意另有所指外，就體育、演藝、文化及出版界界別分組而言，一切對“選舉委員會界別分組選舉”及“界別分組”的提述，經必要的變通後，分別指對“選舉委員會小組選舉”及“小組”的提述。

## 第 2 分部——投票人的登記

### 8. 登記為投票人的資格

- (1) 在符合本條的規定下——
- (a) 有資格登記為某功能界別的選民並已提出如此登記的申請的人，均有資格登記為名稱與該功能界別相同的界別分組（高等教育界及教育界界別分組以及旅遊界及酒店界界別分組除外）的投票人；及
- (b) 符合以下條件的人士——
- (i) 已在對上一份功能界別臨時選民登記冊就有關的訂明功能界別登記；及
- (ii) 有資格（並且沒有喪失資格）登記為有關的訂明功能界別的對等功能界別的選民，均有資格登記為名稱與該訂明功能界別相同的界別分組（列表 5 中指明的界別分組除外）的投票人；及
- (c) 就列表 5 中指明的界別分組（高等教育界及教育界界別分組以及旅遊界及酒店界界別分組除外）而言，符合以下條件的人——
- (i) 屬列表 5 第 3 欄在於該界別分組相對之處指明的人；及
- (ii) （如屬自然人）有資格根據本條例第 V 部登記為地方選區的選民並已提出如此登記的申請，或已在對上一份地方選區臨時選民登記冊登記並有資格（並且沒有喪失資格）登記為地方選區的選民，均有資格登記為該界別分組的投票人。
- (2) 符合以下條件的人，均有資格登記為體育、演藝、文化及出版界界別分組的投票人——
- (a) 任何人如憑藉是附表 1 第 24 項第(1)、(2)、(3)、(23)、(27)、(42)、(43)、(45)、(51)、(55)或(60)段所描述的人而已登記為或申請登記為體育、演藝、文化及出版界功能界別的選民，該人只可登記為體育小組的投票人；及
- (b) 任何人如憑藉是附表 1 第 24 項第(8)、(9)、(10)、(12)、(17)、(18)、(19)、(20)、(21)、(22)、(29)、(38)、(41)、(44)、(46)、(47)、(48)、(49)、(53)、(56)、(57)、(58)、(61)、(62)或(67)段所描述的人而已登記為或申請登記為體育、演藝、文化及出版界功能界別的選民，該人只可登記為演藝小組的投票人；及
- (c) 任何人如憑藉是附表 1 第 24 項第(4)、(5)、(11)、(13)、(14)、(15)、(24)、(25)、(30)、(31)、(32)、(33)、(34)、(35)、(36)、(37)、(40)、(50)、(54)、(59)、(63)、(66)或(68)段所描述的人而已登記為或申請登記為體育、演藝、文化及出版界功能界別的選民，該人只可登記為文化小組的投票人；及
- (d) 任何人如憑藉是附表 1 第 24 項第(6)、(7)、(16)、(26)、(39)、(52)、(64)、(65)、(69)或(70)段所描述的人而已登記為或申請登記為體育、演藝、文化及出版界功能界別的選民，該人只可登記為出版小組的投票人。
- (3) 凡任何人——

(2) In this Part, unless the context otherwise requires, all references to the "Election Committee subsector election" and "subsector" shall, in respect of the sports, performing arts, culture and publication subsector, mean an "Election Committee sub-subsector election" and "sub-subsector" respectively and with any necessary modifications.

## Division 2 - Registration of voters

### 8. Who is eligible to be registered as a voter

- (1) Subject to this section
- (a) a person is eligible to be registered as a voter for a subsector with the same name as a functional constituency (other than the higher education and education subsectors and the tourism and hotel subsectors) if the person is eligible to be registered as an elector for that functional constituency and has made an application to be so registered; and
- (b) a person is eligible to be registered as a voter for a subsector with the same name as a prescribed functional constituency (other than a subsector specified in Table 5) if the person
- (i) was registered for the relevant prescribed functional constituency in the last functional constituencies provisional register; and
- (ii) is eligible to be, and is not disqualified from being, registered as an elector for the functional constituency corresponding to the relevant prescribed functional constituency; and
- (c) a person is eligible to be registered as a voter for a subsector specified in Table 5 (other than the higher education and education subsectors and the tourism and hotel subsectors), if the person -
- (i) is a person specified opposite that subsector in column 3 of Table 5; and
- (ii) where the person is a natural person, is eligible to be registered as an elector under Part V of this Ordinance for a geographical constituency and has made an application to be so registered, or was registered in the last geographical constituencies provisional register and is eligible to be and not disqualified from being registered as an elector for a geographical constituency.
- (2) A person is eligible to be registered as a voter for the sports, performing arts, culture and publication subsector subject to the following conditions -
- (a) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in paragraph (1), (2), (3), (23), (27), (42), (43), (45), (51), (55) or (60) of item 24 of Schedule 1 may be registered only as a voter for the sports sub-subsector; and
- (b) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in paragraph (8), (9), (10), (12), (17), (18), (19), (20), (21), (22), (29), (38), (41), (44), (46), (47), (48), (49), (53), (56), (57), (58), (61), (62) or (67) of item 24 of Schedule 1 may be registered only as a voter for the performing arts sub-subsector; and
- (c) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in paragraph (4), (5), (11), (13), (14), (15), (24), (25), (30), (31), (32), (33), (34), (35), (36), (37), (40), (50), (54), (59), (63), (66) or (68) of item 24 of Schedule 1 may be registered only as a voter for the culture sub-subsector; and
- (d) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in paragraph (6), (7), (16), (26), (39), (52), (64), (65), (69) or (70) of item 24 of Schedule 1 may be registered only as a voter for the publication sub-subsector.
- (3) A person is eligible to be registered as a voter for the higher education subsector if the person -

(a) 是附表1第7項第(1)或(2)段所描述的人，並已提出就教育界功能界別登記的申請；或

(b) 已在對上一份功能界別臨時選民登記冊中就教育界功能界別的對等功能組別登記，並憑藉是附表1第7項第(1)或(2)段所描述的人而有資格登記為教育界功能界別的選民，

該人即有資格登記為高等教育界界別分組的投票人。

(4) 凡任何人——

(a) 是附表1第7項第(3)、(4)、(5)、(6)或(7)段所描述的人，並已提出就教育界功能界別登記的申請；或

(b) 已在對上一份功能界別臨時選民登記冊中就教育界功能界別的對等功能組別登記，並憑藉是附表1第7項第(3)、(4)、(5)、(6)或(7)段所描述的人而有資格登記為教育界功能界別的選民，

該人即有資格登記為教育界界別分組的投票人。

(5) 凡任何人——

(a) 是附表1第17項第(1)、(2)或(3)段所描述的人，並已提出就旅遊界功能界別登記的申請；或

(b) 已在對上一份功能界別臨時選民登記冊中就旅遊界功能界別的對等功能組別登記，並憑藉是附表1第17項第(1)、(2)或(3)段所描述的人而有資格登記為旅遊界功能界別的選民，

該人即有資格登記為旅遊界界別分組的投票人。

(6) 凡任何人——

(a) 是附表1第17項第(4)或(5)段所描述的人，並已提出就旅遊界功能界別登記的申請；或

(b) 已在對上一份功能界別臨時選民登記冊中就旅遊界功能界別的對等功能組別登記，並憑藉是附表1第17項第(4)或(5)段所描述的人而有資格登記為旅遊界功能界別的選民，

該人即有資格登記為酒店界界別分組的投票人。

(7) 除本條另有規定外，任何人——

(a) 如已登記為或申請登記為名稱與某界別分組相同的功能界別的選民，除在不抵觸(b)段的條文下，不能只登記為該功能界別的選民而不登記為該界別分組的投票人；及

(b) 如已登記為或申請登記為名稱與某功能界別相同的界別分組的投票人，不能只登記為該界別分組的投票人而不登記為該功能界別的選民；及

(c) 如已登記為名稱與某界別分組相同的功能界別的選民或已提出如此登記的申請，則該人只可登記為該界別分組的投票人，而不論該人是否有資格登記為另一界別分組的投票人，但如該人有資格登記為列表4第3、5或6項或列表5第1、3、4、7或8項所指明的任何其他界別分組的投票人，則該人可選擇登記為前述的界別分組或該另一界別分組的投票人；及

(d) 如不再有資格登記為名稱與某界別分組相同的功能界別的選民，該人即不再有資格登記為該界別分組的投票人，但如該人有資格登記為另一界別分組的投票人，則他可在符合(a)段的規定下及除第(8)款另有規定外，申請登記為該另一界別分組的投票人。

(8) 凡任何人如非因本款即有資格登記為多於一個界別分組的投票人，該人可在符合第(7)款的規定下，按其選擇登記為其中一個界別分組的投票人。

(9) 任何人如已憑藉是附表1第7項第(1)或(2)段所描述的人而登記為或已申請憑藉他是該等人而登記為教育界功能界別的選民，該人只可登記為高等教育界界別分組的投票人。

(a) is a person described in paragraph (1) or (2) of item 7 of Schedule 1 and has made an application to be registered for the education functional constituency; or

(b) was registered for the functional constituency corresponding to the education functional constituency in the last functional constituencies provisional register and is eligible to be registered as an elector for the education functional constituency by reason of being a person described in paragraph (1) or (2) of item 7 of Schedule 1.

(4) A person is eligible to be registered as a voter for the education subsector if—

(a) the person is a person described in paragraph (3), (4), (5), (6) or (7) of item 7 of Schedule 1 and has made an application to be registered in the education functional constituency; or

(b) the person was registered for the functional constituency corresponding to the education functional constituency in the last functional constituencies provisional register and is eligible to be registered as an elector for the education functional constituency by virtue of being a person described in paragraph (3), (4), (5), (6) or (7) of item 7 of Schedule 1.

(5) A person is eligible to be registered as a voter for the tourism subsector if the person—

(a) is a person described in paragraph (1), (2) or (3) of item 17 of Schedule 1 and has made an application to be registered for the tourism functional constituency; or

(b) was registered for the functional constituency corresponding to the tourism functional constituency in the last functional constituencies provisional register and is eligible to be registered as an elector for the tourism functional constituency by reason of being a person described in paragraph (1), (2) or (3) of item 17 of Schedule 1.

(6) A person is eligible to be registered as a voter for the hotel subsector if—

(a) the person is a person described in paragraph (4) or (5) of item 17 of Schedule 1 and has made an application to be registered in the tourism functional constituency; or

(b) the person was registered for the functional constituency corresponding to the tourism functional constituency in the last functional constituencies provisional register and is eligible to be registered as an elector for the tourism functional constituency by virtue of being a person described in paragraph (4) or (5) of item 17 of Schedule 1.

(7) Subject to this section—

(a) a person who is registered or applies to be registered as an elector for a functional constituency with the same name as a subsector, cannot, subject to paragraph (b), be registered only as an elector for that functional constituency and not as a voter for the subsector; and

(b) a person who is registered or applies to be registered as a voter for a subsector with the same name as a functional constituency, cannot be registered only as a voter for that subsector and not as an elector for the functional constituency; and

(c) a person who is registered, or has made an application to be registered, as an elector for a functional constituency with the same name as a subsector may be registered only as a voter for that subsector (whether or not the person is eligible to be registered as a voter for any other subsector), except that, if the person is eligible to be registered as a voter for any other subsector specified in item 3, 5 or 6 of Table 4 or item 1, 3, 4, 7 or 8 of Table 5, the person may choose to be registered as a voter in the first-mentioned subsector or in that other subsector; and

(d) a person who ceases to be eligible to be registered as an elector for a functional constituency with the same name as a subsector ceases to be eligible to be registered as a voter for that subsector, but may, subject to paragraph (a) and subsection (8), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.

(8) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors may, subject to subsection (7), be registered as a voter for only one of those subsectors of the person's choice.

(9) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in paragraph (1) or (2) of item 7 of Schedule 1 may be registered only as a voter for the higher education subsector.

(10) 任何人如已憑藉是附表1第7項第(3)、(4)、(5)、(6)或(7)段所描述的人而已登記為教育界別分組的投票人。

(11) 任何人如有資格登記為教育界界別分組及高等教育界界別分組的投票人，該人只可登記為高等教育界界別分組的投票人。

(12) 任何人如已憑藉是附表1第17項第(1)、(2)或(3)段所描述的人而已登記為旅遊界界別分組的投票人。

(13) 任何人如已憑藉是附表1第17項第(4)或(5)段所描述的人而已登記為酒店界界別分組的投票人。

(14) 任何人如有資格登記為旅遊界界別分組及酒店界界別分組的投票人，該人只可登記為酒店界界別分組的投票人。

(15) 在列表4第3欄中就該列表第3、4、5或6項中指明的界別分組而描述的人如—

(a) 根據本條例第V部有資格登記為地方選區的選民，並已提出如此登記的申請；或

(b) 已在對上一份地方選區臨時選民登記冊登記，並有資格（而且沒有喪失資格）登記為地方選區的選民，

則有資格在有關的界別分組登記為投票人。

(16) 除非列表5第3欄第1、2、3、7或8項指明的團體的成員或會員在緊接他申請登記為有關的界別分組的投票人之前—

(a) 如該成員或會員屬該團體的團體成員或會員——

(i) 該成員或會員已是該團體的成員或會員最少有12個月；及

(ii) 該成員或會員已營運最少有12個月；或

(b) 如該成員或會員屬自然人，該人已是該團體的成員或會員最少有12個月，

否則該成員或會員無資格登記為有關的界別分組的投票人。

(17) 列表5中對有權在該列表中指明的團體的大會上表決的提述，即對按該團體的章程規定有權在該團體的大會上表決的提述。

(18) 在第(17)款中，對某團體的章程的提述即對以下其中一項的提述——

(a) 在本條例生效時有效的章程；或

(b) 其後經修訂或替代的章程，但僅限於有關修訂或替代是獲政制事務局局長書面批准者。

(19) 在本條中——

“章程”(constitution)就某團體而言，包括組織章程細則及規則。

9. 團體投票人須有獲授權代表

(1) 團體投票人須挑選一名有資格的人作為其獲授權代表，以在選舉委員會界別分組選舉中投下該團體投票人的選票。

(2) 符合以下條件的人才有資格作為界別分組的團體投票人的獲授權代表——

(a) 他——

(i) 已登記為地方選區的選民；或

(ii) 有資格登記為地方選區的選民並已提出如此登記的申請；及

(b) 他與該團體投票人有密切聯繫；及

(c) 他並未登記為該界別分組的投票人，亦沒有提出如此登記的申請；及

(d) 並無根據本條例第31或53條喪失登記或投票的資格。

(3) 任何如屬某團體投票人的獲授權代表，則無資格被挑選為另一團體投票人的獲授權代表。

(10) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in paragraph (3), (4), (5), (6) or (7) of item 7 of Schedule 1 may be registered only as a voter for the education subsector.

(11) A person who is eligible to be registered as a voter for both for the education subsector and the higher education subsector, may only be registered as a voter for the higher education subsector.

(12) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in paragraph (1), (2) or (3) of item 17 of Schedule 1 may be registered only as a voter for the tourism subsector.

(13) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in paragraph (4) or (5) of item 17 of Schedule 1 may be registered only as a voter for the hotel subsector.

(14) A person who is eligible to be registered as a voter for both for the tourism subsector and the hotel subsector, may only be registered as a voter for the hotel subsector.

(15) A person described in column 3 of Table 4 in relation to a subsector specified in item 3, 4, 5 or 6 of that Table, who

(a) is eligible to be registered as an elector under Part V of this Ordinance for a geographical constituency and has made an application to be so registered; or

(b) was registered in the last geographical constituencies provisional register and is eligible to be and not disqualified from being registered as an elector for a geographical constituency.

is eligible to be registered as a voter in the relevant subsector.

(16) A member of a body specified in item 1, 2, 3, 7 or 8 of column 3 of Table 5 is not eligible to be registered as a voter for the relevant subsector, unless immediately before that member applies for registration as a voter -

(a) if the member is a corporate member of a body -

(i) that member has been a member of that body for at least 12 months; and

(ii) that member has been operating for at least 12 months; or

(b) if the member is a natural person, the person has been a member of that body for at least 12 months.

(17) A reference in Table 5 to an entitlement to vote at a general meeting of a body specified in that Table is a reference to an entitlement to vote at such a meeting as provided by the body's constitution.

(18) In subsection (17), the reference to the constitution of a body is a reference to the constitution either-

(a) as in force at the commencement of this Ordinance; or

(b) as subsequently amended or substituted, but only if the amendment or substitution has been approved in writing by the Secretary for Constitutional Affairs.

(19) In this section "constitution" (章程), in relation to a body, includes articles of association and rules.

9. Corporate voter to have authorized representative

(1) A corporate voter is required to select one eligible person to be its authorized representative for the purpose of casting its vote at an Election Committee subsector election.

(2) A person is eligible to be an authorized representative of a corporate voter for a subsector only if the person

(a) is

(i) registered; or

(ii) is eligible to be registered as an elector for a geographical constituency and has applied to be so registered; and

(b) has a substantial connection with the corporate voter; and

(c) is not registered or has not made an application to be registered as a voter for the subsector; and

(d) is not disqualified from registration or voting under section 31 or 53 of this Ordinance.

(3) A person who is an authorized representative of a corporate voter is not eligible to be selected as the

authorized representative of another corporate voter.

(4) 任何人除非經選舉登記主任登記為團體投票人的獲授權代表，否則不能以該團體投票人的獲授權代表的身分行事。

(5) 團體投票人可不時更換其獲授權代表，但僅限於在根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例所訂明的情況下，以該等規例所訂明的方式更換。上述更換必須經選舉登記主任登記方可生效。

(6) 為第(1)或(5)款的目的提出的申請，可由有關的團體投票人按照根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例向選舉登記主任提出。該申請必須以書面並用指明表格提出。

(7) 選舉登記主任只可以申請書所指明的獲授權代表沒有作為獲授權代表的資格或已喪失該資格為理由，拒絕根據第(6)款提出的申請。

(8) 如任何團體同時為某功能界別的選民和某界別分組的投票人，則該團體須就該功能界別的選舉及選舉委員會界別分組的選舉而委任同一人為獲授權代表或作為替代該獲授權代表的人。

#### 10. 選舉登記主任須編製投票人登記冊

(1) 選舉登記主任必須——

- (a) 在1998年2月15日或之前為選舉委員會界別分組選舉編製界別分組臨時投票人登記冊；及
- (b) 在1998年3月15日或之前以根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例所訂明的方式，編製和發表關於選舉委員會界別分組選舉的界別分組正式投票人登記冊。

(2) 選舉登記主任可修訂界別分組投票人登記冊，以更正任何文書上或印刷上的錯誤，或更正記錄在該登記冊上的人的任何不正確的姓名或名稱、地址或其他個人詳情。

#### 11. 界別分組正式投票人登記冊的生效日期

界別分組正式投票人登記冊在其發表之日生效。

第3分部——選舉委員會選舉的進行

#### 12. 選舉委員會界別分組舉行選舉的日期

(1) 選舉委員會界別分組選舉須於行政長官藉憲報公告所指明的日期舉行。

(2) 行政長官可為不同的選舉委員會界別分組選舉指明不同的日期。

#### 13. 獲提名為選舉委員會界別分組選舉中的

候選人的資格

(1) 符合以下條件的人方有資格獲提名為選舉委員會界別分組選舉中的候選人——

- (a) 他年滿18歲；及
- (b) 他已登記為地方選區的選民並有資格如此登記；及
- (c) 他——
  - (i) 已登記為並有資格登記為該界別分組的投票人；或
  - (ii) 令該界別分組的選舉主任信納他與該界別分組有密切聯繫。

(4) A person cannot act as an authorized representative of a corporate voter unless the person is registered as such a representative by the Electoral Registration Officer.

(5) A corporate voter may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997). The replacement does not have effect until it is registered by the Electoral Registration Officer.

(6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997) by the corporate voter concerned. The application must be in writing and be in the specified form.

(7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be or disqualified from being such a representative.

(8) If a body is both an elector for a functional constituency and a voter for a subsector, it is required to appoint the same person as the authorized representative or the replacement of the authorized representative for the election for the functional constituency and the Election Committee subsector election.

#### 10. Electoral Registration Officer to compile a register of voters

(1) The Electoral Registration Officer must—

- (a) not later than 15 February 1998, compile a subsector provisional register of voters for an Election Committee subsector election; and
- (b) not later than 15 March 1998, compile and publish in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), a subsector final register of voters for an Election Committee subsector election.

(2) The Electoral Registration Officer may amend a subsector register so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in such a register.

#### 11. When final subsector register is to take effect

A subsector final register takes effect on the date of its publication.

Division 3-Conduct of Election Committee elections

#### 12. When an Election Committee subsector election is to be held

(1) An Election Committee subsector election is to be held on the date specified by the Chief Executive by notice published in the Gazette.

(2) The Chief Executive may specify different dates to hold different Election Committee subsector elections.

#### 13. Who is eligible to be nominated as a candidate at an Election Committee subsector election

(1) A person is eligible to be nominated as a candidate at an Election Committee subsector election for a subsector only if the person—

- (a) has reached 18 years of age; and
- (b) is both registered and eligible to be registered for a geographical constituency; and
- (c) either
  - (i) is both registered and eligible to be registered as a voter for that subsector; or
  - (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.

(2) 以下人士沒有資格獲提名為選舉委員會界別分組選舉中的候選人

- (a) 第 3 條所指的指定團體所提名的人；
- (b) 第 1(7)(c)(i)或(ii)條提述的人(不論該人是否當然委員)；或
- (c) 市政局功能界別或區域市政局功能界別的選民。

#### 14. 喪失作為界別分組候選人的資格的情況

任何人如有以下情況，即喪失在選舉委員會界別分組選舉中的獲提名為候選人和當選為選舉委員會委員的資格——

- (a) 已不再與有關界別分組有密切聯繫；或
- (b) 已不再登記或不再有資格登記為地方選區的選民；或
- (c) 已在香港或任何其他地方被判處死刑或監禁(不論如何稱述)，但——
  - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (d) 在提名當日或選舉委員會界別分組選舉當日正因服刑而受監禁；或
- (e) 在不局限(c)段的原則下，被或曾被裁定犯以下罪行，而選舉委員會界別分組選舉於或將於自其被定罪之日起計的 3 年內舉行——
  - (i) 舞弊行為或非法行為(違反《舞弊及非法行為條例》(第 288 章)第 19 條而構成的非法行為除外)；或
  - (ii) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊及非法行為；或
  - (iii) 《防止賄賂條例》(第 201 章)第 II 部所訂的任何罪行；或
  - (iv) 根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的任何罪行；或
- (f) 被原訟法庭根據《精神健康條例》(第 136 章)裁斷為精神不健全而又無能力照顧自己和處理自己的事務；或
- (g) 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。

#### 15. 候選人須繳存按金

(1) 除非任何人已以或已由他人代其以根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的方式，向有關的界別分組的選舉主任繳存按金，否則該人不得在該界別分組選舉中獲有效提名為候選人。

(2) 按金的款額須為《規例》為施行本條而訂明者，並須按該等《規例》的規定處置。

#### 16. 任何人不得在多於一個界別分組中獲提名

在某人已在選舉委員會界別分組選舉中獲提名為某界別分組候選人之時，他即沒有資格同時在另一界別分組選舉中獲提名為候選人。

(2) A person is not eligible to be nominated as a candidate at an Election Committee subsector election if the person is-

- (a) a nominee of a designated body under section 3;
- (b) a person referred to in section 1(7)(c)(i) or (ii) (whether or not the person is an ex-officio member); or
- (c) an elector of the Urban Council functional constituency or the Regional Council functional constituency.

#### 14. When a person is disqualified from being a subsector candidate

A person is disqualified from being nominated as a candidate at an Election Committee subsector election and from being elected as a member of the Election Committee if the person-

- (a) has ceased to have a substantial connection with the subsector concerned; or
- (b) has ceased to be registered or eligible to be registered as an elector for a geographical constituency; or
- (c) 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 has undergone such other punishment as a competent authority may have substituted for the sentence; or
  - (ii) received a free pardon; or
- (d) on the date of nomination or on the date of the Election Committee subsector election, is serving a sentence of imprisonment; or
- (e) without limiting paragraph (c), where the Election Committee subsector election is to be held or is held within 3 years from the date of the person's conviction, is or has been convicted-
  - (i) of a corrupt practice or an illegal practice (other than an illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (ii) of a corrupt and illegal practice within the meaning of any other enactment providing the punishment of a corrupt or illegal practice; or
  - (iii) of any offence under 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 (129 of 1997); or
- (f) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (g) is a member of the armed forces of the Central People's Government or any other country or territory.

#### 15. Candidate to lodge deposit

(1) A person is validly nominated as a candidate for a subsector at an Election Committee subsector election only if a deposit has, in the manner prescribed in regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), been lodged with the Returning Officer for the subsector concerned by or on behalf of the person.

(2) The deposit is to be of such an amount as prescribed by the regulations for the purposes of this section and is to be disposed of as provided by the regulations.

#### 16. Person not to be nominated for more than one subsector

A person who is nominated as a candidate for a subsector at an Election Committee subsector election is not eligible to be nominated as a candidate at another subsector election that is to be held on the same day or if the nomination periods for the elections coincide or partly coincide.

**17. 界別分組的候選人提名的撤回**

(1) 某界別分組選舉中的候選人可在該項選舉的提名期結束前的任何時間（但不得在其他情況下），撤回其在該項選舉中的提名。

(2) 界別分組選舉中的候選人的提名的撤回須以書面作出並由該候選人簽署，且須符合根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例，否則不具效力。

**18. 選舉委員會界別分組選舉押後的情況**

(1) 如在選舉委員會界別分組選舉舉行之前，行政長官認為該項選舉相當可能受騷亂或公開暴力或任何其他危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將選舉就所有界別分組而言予以押後。

(2) 如在就選舉委員會界別分組選舉進行投票或點票期間，行政長官認為該項投票或點票相當可能受騷亂或公開暴力或任何其他危害公安的事故妨礙、干擾、破壞或嚴重影響，或正受上述騷亂、公開暴力或危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將該項投票或點票就所有界別分組而言予以押後。

(3) 有關的選舉主任在獲通知根據本條作出的指示後，必須在切實可行的範圍內盡快執行該項指示。

(4) 如行政長官根據本條指示將某選舉委員會界別分組選舉或將某選舉委員會界別分組選舉的投票或點票押後，行政長官必須藉憲報指明一個日期進行選舉委員會界別分組選舉、投票或點票，以代替已押後的選舉、投票或點票。該日期不得遲於自若非有該項指示則該項選舉、投票或點票本會進行的日期起計的14天。

**19. 就某界別分組獲提名的候選人****數目不足時須採取的行動**

如在選舉委員會界別分組選舉中，在候選人提名期結束時，就某界別分組獲有效提名的候選人的數目不多於配予該界別分組的委員席位的數目，則該界別分組的選舉主任必須按照根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例，公開宣布該界別分組的候選人為妥為選出的代表該界別分組的選舉委員會委員。

**20. 選舉委員會界別分組的選舉方式**

(1) 在每項有競逐的選舉委員會界別分組選舉中——

(a) 投票須在該界別分組內進行；及

(b) 投票須以不記名投票方式進行。

(2) 投票須按照《規例》及根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例進行。

(3) 就某界別分組而獲委任的選舉主任負責按照本條例及《選舉管理委員會條例》（1997年第129號）監督該界別分組的選舉委員會界別分組選舉。

**21. 有權在選舉委員會界別分組選舉中投票的人**

(1) 已登記為某界別分組的投票人的人方有權在就該界別分組舉行的選舉委員會界別分組選舉中投票。

**17. Withdrawal of subsector candidate's nomination**

(1) A candidate for a subsector may withdraw the candidate's nomination for an Election Committee subsector election at any time before the close of nominations for the election but not otherwise.

(2) The withdrawal of a subsector candidate's nomination has effect only if it is in writing signed by the candidate and complies with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

**18. When holding of an Election Committee subsector election can be postponed or adjourned**

(1) The Chief Executive may, by order, direct the postponement of Election Committee subsector elections for all of the subsectors if, before those elections are held, the Chief Executive is of the opinion that the elections are likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.

(2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes for all Election Committee subsector elections if, during the polling or counting of votes in respect of those elections, the Chief Executive is of the opinion that the polling or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.

(3) The Returning Officer or Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.

(4) If the Election Committee subsector elections, or polling or counting of votes at the Election Committee subsector elections, are directed to be postponed or adjourned under this section, the Chief Executive must, by notice published in the Gazette, specify a date for the holding of the Election Committee subsector elections, or the polling or counting, in place of the postponed Election Committee subsector elections or the adjourned polling or counting. That date must be not later than 14 days from the date on which the election, polling or counting of votes would have taken place but for the direction.

**19. What is to happen if insufficient number of candidates is nominated for a subsector**

If, after the close of nominations of candidates for an Election Committee subsector election, no more candidates have been validly nominated than the number of members allocated to the subsector, the Returning Officer concerned must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997), publicly declare the candidates for the subsector to the duly elected as members of the Election Committee representing the subsector.

**20. How Election Committee subsector election is to be conducted**

(1) At every contested Election Committee subsector election

(a) a poll is to be taken for the subsector; and

(b) voting at the poll is to be by secret ballot.

(2) The poll is to be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(3) The Returning Officer appointed for a subsector is responsible for supervising an Election Committee subsector election for the subsector in accordance with this Ordinance and the Electoral Affairs Commission Ordinance (129 of 1997).

**21. Who is entitled to vote at an Election Committee subsector election**

(1) A person is entitled to vote at an Election Committee subsector election only if the person is registered as a voter for the subsector concerned.



(2) 任何已登記為某界別分組投票人的人，不得僅因其本不應名列為該界別分組製備的界別分組正式投票人登記冊，而無權在選舉委員會界別分組選舉中投票。

(3) 在選舉委員會界別分組選舉中，團體投票人只可透過其獲授權代表投票。

## 22. 投票及點票制度

(1) 第20條提述的投票及點票，須按照簡單多數或相對多數選舉制（亦稱為“得票最多者當選”的投票制）進行。投票人可投票予數目相等於或少於配予有關界別分組的委員的席位數目的候選人。

(2) 如在某界別分組選舉中競逐的候選人數目多於配予該界別分組的委員席位的數目，則候選人須按在該項選舉中得票多寡順序排列，數目相等於指明席位數目的最前列候選人即當選為委員。

(3) 如在選舉委員會界別分組選舉的點票結束後，有關界別分組尚須選出不少於一名議員而得票最多的候選人獲相同的票數，則選舉主任必須以抽籤的方式決定選舉結果。

## 23. 投票人喪失在選舉委員會界別分組選舉中

### 投票的資格的情況

(1) 已登記為某界別分組的投票人的人如有以下情況，即喪失在就該界別分組舉行的選舉委員會界別分組選舉中投票的資格——

- (a) 已不再有資格登記為該界別分組的投票人；
- (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刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (c) 在有關的選舉委員會選舉當日正因服刑而受監禁；或
- (d) 在不局限(b)段的原則下，被或曾被裁定犯以下罪行，而該項選舉委員會界別分組選舉於或將於自其定罪日期起計的3年內舉行——
  - (i) 舞弊行為或非法行為（違反《舞弊及非法行為條例》（第288章）第19條而構成的非法行為除外）；或
  - (ii) 對舞弊或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊或非法行為；或
  - (iii) 《防止賄賂條例》（第201章）第II部所訂的任何罪行；或
  - (iv) 根據《選舉管理委員會條例》（1997年第129號）訂立並正有效的規例所訂明的任何罪行；或
- (e) 被原訟法庭根據《精神健康條例》（第136章）裁斷為精神不健全而又無能力照顧自己和處理自己的事務；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) 本條適用於團體投票人的獲授權代表，適用方式一如其適用於屬自然人的投票人。

(2) A person registered as a voter for a subsector may not be prevented from voting at an Election Committee subsector election only because the person's name should not have been included in the final subsector register prepared for the subsector.

(3) A corporate voter may vote at an Election Committee subsector election only by its authorized representative.

## 22. System of voting and counting of votes

(1) Voting and counting of votes at a poll referred to in section 20 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" system of voting). A voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.

(2) If the subsector election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of members is elected.

(3) If, after the counting is finished at an Election Committee subsector election, a member or members is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots.

## 23. When a voter is disqualified from voting at an

### Election Committee subsector election

(1) A person registered as a voter for a subsector is disqualified from voting at an Election Committee subsector election for that subsector, if the person—

- (a) has ceased to be eligible to be registered as a voter for that subsector;
- (b) 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; or
- (c) on the date of the relevant Election Committee Election, is serving a sentence of imprisonment; or
- (d) without limiting paragraph (b), where the Election Committee subsector election is to be held or is held within 3 years from the date of the person's conviction, is or has been convicted
  - (i) of a corrupt practice or an illegal practice (other than an illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (ii) of a corrupt or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt or illegal practices; or
  - (iii) of any offence under 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 (129 of 1997); or
- (e) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (f) is a member of the armed forces of the Central People's Government or any other country or territory.

(2) This section applies to an authorized representative of a corporate voter in the same way as it applies to a voter who is a natural person.

**24. 不遵從本條例規定的後果**

在為質疑選舉委員會界別分組選舉的有效性而提出的法律程序中，如審裁官有合理理由而信納該項選舉是按照本條例及《選舉管理委員會條例》（1997 年第 129 號）所定的原則進行，而且——

- (a) 《規例》或根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例未獲遵從；或
- (b) 在使用根據本條例或《選舉管理委員會條例》（1997 年第 129 號）指明的表格方面有錯誤，

並沒有影響該項選舉的結果，則審裁官不得僅因該項不遵從或錯誤而宣布該項選舉無效。

**25. 姓名或名稱失當或不準確描述並不影響****選舉文件的效力**

(1) 如本條適用的任何文件所指明的人、所指明的人的身分證明文件或所指明的地方的姓名或名稱失當，或對該人、身分證明文件或地方的描述不準確，而對該人、身分證明文件或該地方的描述屬眾所周知，則該失當的姓名或名稱或不準確的描述並不限制該文件就該人、身分證明文件或該地方具有十足效力。

(2) 本條適用於為選舉委員會界別分組選舉而製備的界別分組投票人登記冊、提名書、選票、公告或其他文件。

**26. 選舉委員會界別分組選舉須推定為有效**

除非有人在可根據第 32 條向審裁官提出上訴的期間，向審裁官提交上訴書以質疑選舉委員會界別分組選舉，而審裁官在聆訊上訴後裁定該項選舉無效，否則該項選舉須推定為有效。

**27. 選舉委員會界別分組選舉不得僅因選舉**

事務主任的委任欠妥而受質疑  
選舉委員會界別分組選舉不得僅因負責進行該選舉的選舉事務主任的委任欠妥而受質疑。

**28. 選舉主任須刊登選舉委員會****界別分組選舉結果**

(1) 選舉主任必須在憲報刊登在選舉委員會界別分組選舉中妥為選出為選舉委員會委員的人的姓名或名稱。

(2) 公告必須按照根據《選舉管理委員會條例》（1997 年第 129 號）訂立並正有效的規例刊登。

**29. 選舉主任及其他人就選舉委員會****界別分組選舉的進行所犯的罪行**

(1) 在選舉委員會界別分組選舉中擔任選舉主任或助理選舉主任職位的人，如忽略履行或拒絕履行該職位在該項選舉中的職能或職責，即屬犯罪，一經定罪，可處第 2 級罰款。

(2) 就本條所訂罪行提出檢控必須獲得律政司司長同意。

**24. Consequences of non-compliance with requirements of this Ordinance**

In any proceedings brought to question the validity of an Election Committee subsector election, the Revising Officer must not declare the election to be invalid only because of—

- (a) a failure to comply with the regulations or with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997); or
- (b) a mistake in the use of a form specified under this Ordinance or under the Electoral Affairs Commission Ordinance (129 of 1997).

if the Revising Officer is satisfied on reasonable grounds that the conduct of the election was in accordance with the principles laid down in this Ordinance and the Electoral Affairs Commission Ordinance (129 of 1997) and that the failure to comply or mistake did not affect the result of the election.

**25. Misnomer or inaccuracy not to affect operation of election document**

(1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.

(2) This section applies to a subsector register, a nomination paper, ballot paper, notice or other document prepared for the purposes of an Election Committee subsector election.

**26. Election Committee subsector election to be presumed valid**

Every Election Committee subsector election is presumed to be valid, unless it is questioned by means of an appeal lodged with a Revising Officer within the period during which an appeal can be made to a Revising Officer under section 32 and the Officer, on the hearing of an appeal, determines that the election is invalid.

**27. Election Committee subsector election not to be questioned only because of defect in appointment of electoral officer**

An Election Committee subsector election is not to be questioned only because of a defect in the appointment of an electoral officer who is responsible for conducting the Election Committee subsector election.

**28. Returning Officer to publish result of Election Committee subsector election**

(1) The Returning Officer must publish in the Gazette the names of the persons duly elected as members of the Election Committee at an Election Committee subsector election.

(2) The publication of a notice must be in accordance with regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

**29. Offences by Returning Officers and others with respect to conduct of Election Committee subsector election**

(1) Any person holding office as a Returning Officer or an Assistant Returning Officer at an Election Committee subsector election who neglects or refuses to perform the functions or duties of that office in relation to such an election commits an offence and is liable on conviction to a fine at level 2.

(2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.

(3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

**30. Voter not to be required to disclose how vote was cast**

(1) A voter who is asked to disclose the name of, or any particulars relating to, the subsector candidate for whom the voter voted at an Election Committee subsector election is not required to answer the question.

(2) A person must not without lawful authority, require or purport to require, a voter at an Election Committee subsector election to disclose the name of, or any particulars relating to, a subsector candidate for whom the voter voted at the Election Committee subsector election.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.

(4) In this section, "voter" (投票人) includes an authorized representative of a corporate voter.

Division 4 Miscellaneous

**31. Subsector candidates entitled to send letters to voters free of postage**

(1) A validly nominated candidate at an Election Committee subsector election is entitled to send free of postage one letter addressed to each voter whose name appears in the subsector final register for the subsector for which the candidate is nominated.

(2) Each such letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by the regulations and by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997).

(3) The cost to the Postmaster General of enabling subsector candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

**32. Election Committee subsector election may be questioned only by appeal to Revising Officer**

(1) A person claiming to be a candidate at an Election Committee subsector election may appeal against the result to a Revising Officer in accordance with the regulations.

(2) An appeal under subsection (1) may be lodged only during the period of 14 days following the date on which the Returning Officer has published in the Gazette the result being appealed against.

(3) Any person whose election is questioned by an appeal under this section and the Returning Officer in respect of the Election Committee subsector election concerned may be made a respondent to the appeal.

(4) At the hearing of the appeal, the appellant is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

(5) At the end of a hearing, the Revising Officer must determine whether the person whose election is questioned was or was not duly elected.

(6) The determination of the Revising Officer on such an appeal is final.

## 保留及過渡性條文

## SAVINGS AND TRANSITIONAL PROVISIONS

**1. 關於在本條例制定後首份臨時選民登記冊的條文**

- (1) 在本條例制定後編製的地方選區選民的首份臨時選民登記冊，須以在 1997 年 6 月 30 日有效的地方選區的臨時選民登記冊為根據。
- (2) 在本條例制定後編製的功能界別選民的首份臨時選民登記冊，須以在 1997 年 6 月 30 日有效的功能組別的臨時選民登記冊為根據，但——
- (a) 只在該選民登記冊是關於訂明功能界別而該等功能組別與本條例所訂的功能界別相同的範圍內；
- (b) 須受限於第(4)款指明的限制。
- (3) 就第(2)款而言，下列功能界別（屬在 1997 年 6 月 30 日有效的《立法局（選舉規定）條例》（第 381 章）附表 2 第 1 欄中所指明的選舉組別）為訂明功能界別——
- (a) 市政局功能界別；
- (b) 區域市政局功能界別；
- (c) 鄉事界功能界別；
- (d) 教育界功能界別；
- (e) 法律界功能界別；
- (f) 會計界功能界別；
- (g) 醫學界功能界別；
- (h) 衛生服務界功能界別；
- (i) 工程界功能界別；
- (j) 建築、測量及都市規劃界功能界別；
- (k) 勞工界功能界別；
- (l) 社會福利界功能界別；
- (m) 地產及建造界功能界別；
- (n) 旅遊界功能界別；
- (o) 商界（第一）功能界別；
- (p) 商界（第二）功能界別；
- (q) 工業界（第一）功能界別；
- (r) 工業界（第二）功能界別；
- (s) 金融界功能界別；
- (t) 金融服務界功能界別。
- (4) 現為施行第(2)款而指明以下限制——
- (a) 第(3)(c)款所提述的訂明功能界別的臨時選民登記冊是鄉議局功能界別的首份臨時選民登記冊的根據；
- (b) 第(3)(k)款所提述的訂明功能界別的臨時選民登記冊在適用於勞工界功能界別時，只就根據《職工會條例》（第 332 章）登記的職工會的名稱及其他有關詳情而是該功能界別的首份臨時選民登記冊的根據；
- (c) 第(3)(l)款所提述的訂明功能界別的臨時選民登記冊在適用於社會福利界功能界別時，只就香港社會服務聯會的團體會員的名稱及其他有關詳情而是該功能界別的首份臨時選民登記冊的根據；
- (d) 第(3)(m)款所提述的訂明功能界別的臨時選民登記冊在適用於地產及建造界功能界別時，只就——
- (i) 屬香港地產建設商會會員的自然人；及

**1. Provisions for first provisional register after enactment of this Ordinance**

- (1) The first provisional register of electors for geographical constituencies to be compiled after the enactment of this Ordinance is to be based on the provisional register of geographical constituencies that was in force on 30 June 1997.
- (2) The first provisional register of electors for functional constituencies to be compiled after the enactment of this Ordinance is to be based on the provisional register of functional constituencies that was in force on 30 June 1997 but—
- (a) only in so far as that register relates to prescribed functional constituencies and those constituencies correspond to functional constituencies under this Ordinance; and
- (b) subject to the limitations specified in subsection (4).
- (3) For the purposes of subsection (2), the following functional constituencies (being constituencies that were specified in the column 1 of Schedule 2 to the Legislative Council (Electoral Provisions) Ordinance (Cap. 381), as in force on 30 June 1997) are prescribed functional constituencies
- (a) the Urban Council functional constituency;
- (b) the Regional Council functional constituency;
- (c) the rural functional constituency;
- (d) the education functional constituency;
- (e) the legal functional constituency;
- (f) the accountancy functional constituency;
- (g) the medical functional constituency;
- (h) the health services functional constituency;
- (i) the engineering functional constituency;
- (j) the architectural, surveying and planning functional constituency;
- (k) the labour functional constituency;
- (l) the social welfare functional constituency;
- (m) the real estate and construction functional constituency;
- (n) the tourism functional constituency;
- (o) the commercial (first) functional constituency;
- (p) the commercial (second) functional constituency;
- (q) the industrial (first) functional constituency;
- (r) the industrial (second) functional constituency;
- (s) the finance functional constituency;
- (t) the financial services functional constituency.
- (4) The following limitations are specified for the purposes of subsection (2)
- (a) the provisional register for the prescribed functional constituency referred to in subsection (3)(c) forms the basis of the first provisional register for the Heung Yee Kuk functional constituency;
- (b) in its application to the labour functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(k) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the trade unions registered under the Trade Unions Ordinance (Cap. 332);
- (c) in its application to the social welfare functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(l) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the corporate members of The Hong Kong Council of Social Service;
- (d) in its application to the real estate and construction functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(m) forms the basis of the first provisional register only in relation to—
- (i) natural persons who are members of The Real Estate Developers Association of Hong Kong; and

- (ii) 香港地產建設商會、香港建造商會有限公司及香港機電工程承建商協會有限公司的團體會員的名稱及其他有關詳情，  
而是該功能界別的首份臨時選民登記冊的根據；
- (e) 第(3)(n)款所提述的訂明功能界別的臨時選民登記冊在適用於旅遊界功能界別時，只就香港旅遊協會（屬旅遊業會員）、香港旅遊業議會及航空公司代表協會的團體會員的名稱及其他有關詳情，而是該功能界別的首份臨時選民登記冊的根據；
- (f) 第(3)(o)款所提述的訂明功能界別的臨時選民登記冊在適用於商界（第一）功能界別時，只就香港總商會團體會員的名稱及其他有關詳情，而是該功能界別的首份臨時選民登記冊的根據；
- (g) 第(3)(p)款所提述的訂明功能界別的臨時選民登記冊在適用於商界（第二）功能界別時，只就——  
(i) 屬香港中華總商會會員的自然人；及  
(ii) 香港中華總商會團體會員的名稱及其他有關詳情，  
而是該功能界別的首份臨時選民登記冊的根據；
- (h) 第(3)(q)款所提述的訂明功能界別的臨時選民登記冊在適用於工業界（第一）功能界別時，只就——  
(i) 屬香港工業總會會員的自然人；及  
(ii) 香港工業總會團體會員的名稱及其他有關詳情，  
而是該功能界別的首份臨時選民登記冊的根據；
- (i) 第(3)(r)款所提述的訂明功能界別的臨時選民登記冊在適用於工業界（第二）功能界別時，只就香港中華廠商聯合會團體會員的名稱及其他有關詳情而是該功能界別的首份臨時選民登記冊的根據；
- (j) 第(3)(s)款所提述的訂明功能界別的臨時選民登記冊在適用於金融界功能界別時，只就《銀行業條例》（第 155 章）所指的銀行、有限牌照銀行及接受存款公司的名稱及其他有關詳情，而是該功能界別的首份臨時選民登記冊的根據；
- (k) 第(3)(t)款所提述的訂明功能界別的臨時選民登記冊在適用於金融服務界功能界別時——  
(i) 只就屬《證券交易所合併條例》（第 361 章）所指的交易所公司或《商品交易條例》（第 250 章）所指的交易所公司的成員的自然人，或香港金銀業貿易場的成員的自然人，而是該功能界別的首份臨時選民登記冊的根據；及  
(ii) 只就《證券交易所合併條例》（第 361 章）所指的交易所公司或《商品交易條例》（第 250 章）所指的交易所公司的團體成員的名稱及其他有關詳情、或香港金銀業貿易場的團體成員的名稱及其他有關詳情，而是該功能界別的首份臨時選民登記冊的根據；
- (l) 第(3)(r)款所提述的訂明功能界別的臨時選民登記冊所載的根據《保險公司條例》（第 41 章）獲授權或當作獲授權的保險人的姓名或名稱及其他有關詳情，只就保險界功能界別而言是首份臨時選民登記冊的根據。

- (ii) the names and other relevant particulars of the corporate members of The Real Estate Developers Association of Hong Kong, The Hong Kong Construction Association, Limited and The Hong Kong E&M Contractors' Association Limited;
- (e) in its application to the tourism functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(n) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the corporate members of the Hong Kong Tourist Association (being travel industry members), the Travel Industry Council of Hong Kong and the Board of Airline Representatives;
- (f) in its application to the commercial (first) functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(o) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the corporate members of The Hong Kong General Chamber of Commerce;
- (g) in its application to the commercial (second) functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(p) forms the basis of the first provisional register only in relation to—  
(i) natural persons who are members of The Chinese General Chamber of Commerce; and  
(ii) the names and other relevant particulars of the corporate members of The Chinese General Chamber of Commerce;
- (h) in its application to the industrial (first) functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(q) forms the basis of the first provisional register only in relation to—  
(i) natural persons who are members of the Federation of Hong Kong Industries; and  
(ii) the names and other relevant particulars of the corporate members of the Federation of Hong Kong Industries;
- (i) in its application to the industrial (second) functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(r) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the corporate members of The Chinese Manufacturers Association of Hong Kong;
- (j) in its application to the finance functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(s) forms the basis of the first provisional register only in relation to the names and other relevant particulars of the banks, restricted licence banks and deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155);
- (k) in its application to the financial services functional constituency, the provisional register for the prescribed functional constituency referred to in subsection (3)(t) forms the basis of the first provisional register only in relation to—  
(i) natural persons who are members of the Exchange Company within the meaning of the Stock Exchanges Unification Ordinance (Cap. 361), the Exchange Company within the meaning of the Stock Exchanges Unification Ordinance (Cap. 250) or The Chinese Gold & Silver Exchange Society; and  
(ii) the names and other relevant particulars of the corporate members of the Exchange Company within the meaning of the Stock Exchanges Unification Ordinance (Cap. 361), the Exchange Company within the meaning of the Commodities Trading Ordinance (Cap. 250) or The Chinese Gold & Silver Exchange Society;
- (l) the names and other relevant particulars of the insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap. 41) in the provisional register for the prescribed functional constituency referred to in subsection (3)(r) forms the basis of the first provisional register only in relation to the insurance functional constituency.

- (5) 選舉登記主任必須在刊登首份臨時選民登記冊前——
- (a) 在審查第(1)及(2)款所提述的臨時選民登記冊後，將所有該主任覺得沒有資格根據本條例登記為選民的人的姓名或名稱以及其他有關詳情剔除；及
  - (b) 將從第(1)款所提述的臨時選民登記冊中剔除的姓名或名稱以及其他有關詳情，記在一份遭剔除者名單上。
- (6) 選舉登記主任必須在遵從第(5)款後於切實可行範圍內，盡快——
- (a) 在憲報；及
  - (b) 在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例所訂明的其他刊物(如有的話)，
- 刊登公告，表明已擬備一份沒有資格登記為選民的人的遭剔除者名單，並指明可於何時及何地查閱該份名單。
- (7) 選舉登記主任必須在根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效的規例為施行本款而訂明的期間——
- (a) 在他的辦事處備存第(5)(b)款所提述的遭剔除者名單；及
  - (b) 在該辦事處的日常辦公時間內，安排將該名單供公眾人士免費查閱。

附表 4 [第 85 條]

其他條例的相應修訂

第 1 部

《防止賄賂條例》

項	受影響條文	修訂
1.	第 33 條	廢除該條而代以—— <b>"33. 被裁定犯了本條例所訂罪行的後果</b> 任何人被裁定犯了本條例第 II 部所訂罪行，須因該項定罪而在自定罪日期起計的 5 年內喪失以下資格—— (a) 獲選為立法會議員的資格；及 (b) 擔任或獲選或獲委任為行政會議、市政局或區域市政局的議員，以及任何其他公共機構(附表所指明者除外)的成員的資格。"
2.	附表	廢除第 67 項。

- (5) Before publishing the first provisional register, the Electoral Registration Officer must—
- (a) after scrutinising the provisional registers referred to in subsections (1) and (2), strike out the names and other relevant particulars of all persons who appear to that Officer not to be eligible to be registered as electors under this Ordinance; and
  - (b) in the case of persons whose names and other relevant particulars are struck from the provisional register referred to in subsection (1), enter on an omissions list the names and other relevant particulars of those persons.
- (6) As soon as practicable after complying with subsection (5), the Electoral Registration Officer must publish—
- (a) in the Gazette; and
  - (b) in such other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997),
- a notice to the effect that a list of persons who are not eligible to be registered as electors has been prepared and specifying the times and the place at which the omissions list may be inspected.
- (7) The Electoral Registration Officer must, for the period prescribed for the purposes of this subsection by regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997)
- (a) keep at that Officer's office the omissions list referred to in subsection (5)(b); and
  - (b) during the ordinary business hours of that office, make the list available for inspection by members of the public, free of charge.

SCHEDULE 4

[s.85]

CONSEQUENTIAL AMENDMENT OF OTHER ORDINANCES

PART I

PREVENTION OF BRIBERY ORDINANCE

Item	Provision affected	Amendment
1.	Section 33	Repeal the section and substitute— <b>"33. Effect of conviction of an offence under this Ordinance</b> Any person convicted of an offence under Part II of this Ordinance shall, by reason of such conviction, be disqualified for a period of 5 years from the date of such conviction from— (a) being elected as a Member of the Legislative Council; or (b) being or being elected or appointed as a member of the Executive Council, the Urban Council, the Regional Council and any other public body, other than a public body specified in the Schedule."
2.	Schedule	Repeal item 67.

## 第 2 部

## PART 2

## 《總督特派廉政專員公署條例》

## INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE

項	受影響條文	修訂
1.	第 10(5)條	廢除 (ea) 段而代以—— “(ea) 根據《選舉管理委員會條例》(1997 年第 129 號) 訂立並正有效的規例所訂的任何罪行；”。

Item	Provision affected	Amendment
1.	Section 10(5)	Repeal paragraph (ea) and substitute- “(ea) any offence under regulations in force under the Electoral Affairs Commission Ordinance (129 of 1997);”.

## 第 3 部

## PART 3

## 《舞弊及非法行為條例》

## CORRUPT AND ILLEGAL PRACTICES ORDINANCE

項	受影響條文	修訂
1.	第 2 條	廢除“選區分界及選舉事務委員會”的定義。
2.	第 2 條中“候選人”的定義	廢除“參加本條例藉第 3 條而適用的機構”而代以“本條例適用”。
3.	第 2 條	廢除“指定人員”的定義而代以—— ““指定人員”(Designated Officer)—— (a) 就市政局或區域市政局的選舉而言，或就由該選舉所產生的事宜而言，指該局秘書；及 (b) 就市政局轄區內的地區或區域市政局轄區內的地區的選舉而言，或就由該選舉所產生的事宜而言，指民政事務總署署長；”。
4.	第 2 條中“選舉”的定義	廢除“藉第 3 條而適用的機構”而代以“適用”。
5.	第 2 條中“選舉代理人”的定義	廢除“在《選區分界及選舉事務委員會條例》第 432 章) 第 7 條下訂立”而代以“《選舉管理委員會條例》(1997 年第 129 號) 訂立並正有效”。
6.	第 2 條	廢除“選民”及“選舉呈請書”的定義而代以—— ““選舉呈請書”(election petition) 指根據《立法會條例》(1997 年第 134 號) 第 VII 部提交的選舉呈請書；

Item	Provision affected	Amendment
1.	Section 2	Repeal the definition of "Boundary and Election Commission".
2.	Section 2, definition of "candidate"	Repeal "election to any body to which this Ordinance is applied by section 3" and substitute "an election to which this Ordinance applies".
3.	Section 2	Repeal the definition of "Designated Officer" and substitute- ""Designated Officer" (指定人員) means- (a) in relation to, or to a matter arising from an election to the Urban Council or the Regional Council, the Secretary of that Council; and (b) in relation to, or to a matter arising from an election in a District in the Urban Council area or a District in the Regional Council area, the Director of Home Affairs;".
4.	Section 2, definition of "election"	Repeal "to any body to which this Ordinance is applied by section 3" and substitute "to which this Ordinance applies".
5.	Section 2, definition of "election agent"	Repeal "made under section 7 of the Boundary and Election Commission Ordinance (Cap. 432)" and substitute "in force under the Electoral Affairs Commission Ordinance (129 of 1997)".
6.	Section 2	Repeal the definitions of "election petition" and "elector" and substitute- ""election petition" (選舉呈請書) means an election petition lodged under Part VII of the Legislative Council Ordinance (134 of 1997);

		“選民” (elector)——			“elector” (選民)-
		(a) 就選出立法會議員的選舉而言，指《立法會條例》(1997 年第 134 號)第 3 條所界定的選民；及			(a) in relation to an election to elect a Member of the Legislative Council, means an elector as defined by section 3 of the Legislative Council Ordinance (134 of 1997); and
		(b) 就選出選舉委員會委員的選舉而言，指該條例附表 2 第 7 條所界定的投票人；及			(b) in relation to an election to elect a member of the Election Committee, means a voter as defined by section 7 of Schedule 2 to that Ordinance; and
		(c) 就執行委員會的選舉和鄉事委員會主席及副主席的選舉而言，指有關鄉事委員會會員大會的成員；”。			(c) in relation to an election of the Executive Committee of a Rural Committee and the election of the Chairman and Vice-chairman of a Rural Committee, means a member of the general assembly of the Rural Committee;”.
7.	第 2 條	加入——			
		““立法會”(Legislative Council)指香港特別行政區立法會；			
		“選舉管理委員會”(Electoral Affairs Commission)指根據《選舉管理委員會條例》(1997 年第 129 號)設立的選舉管理委員會；”。	7.	Section 2	Add- ““Electoral Affairs Commission”(選舉管理委員會) means the Electoral Affairs Commission Ordinance (129 of 1997); “Legislative Council”(立法會) means the Legislative Council of the Hong Kong Special Administrative Region;”.
8.	第 2 條	廢除“選舉主任”的定義而代以——			
		““選舉主任”(returning officer)——			
		(a) 就選出立法會議員的選舉而言，指《立法會條例》(1997 年第 134 號)第 3 條所界定的選舉主任；及	8.	Section 2	Repeal the definition of "returning officer" and substitute- ““returning officer”(選舉主任)- (a) in relation to an election to elect a Member of the Legislative Council, means a Returning Officer as defined by section 3 of the Legislative Council Ordinance (134 of 1997); and
		(b) 就選出代表議員、執行委員會的委員、或鄉事委員會主席及副主席的選舉而言，指在該選舉中擔任選舉主任的民政事務專員；”。			(b) in relation to an election to elect a representative member, a member of the Executive Committee of a Rural Committee, or the Chairman and Vice-chairman of a Rural Committee, means the District Officer who is the returning officer for the election;”.
9.	第 3 條	廢除第(1)款而代以——			
		“(1) 本條例適用於下列事項，並就下列事項而適用——			
		(a) 立法會和選出該會議員的換屆選舉，以及為填補立法會議席空缺而舉行的補選；及	9.	Section 3	Repeal subsection (1) and substitute- “(1) This Ordinance applies to and in relation to- (a) the Legislative Council and to a general election to elect Members, and a by-election



A614	1997 年第 134 號條例	立法會條例	LEGISLATIVE COUNCIL	Ord. No. 134 of 1997	A615
項	受影響條文	修訂	Item	Provision affected	Amendment
		<p>(b) 選出根據《立法會條例》(1997 年第 134 號)設立的選舉委員會的委員的選舉；及</p> <p>(c) 市政局和選出該局議員的選舉；及</p> <p>(d) 區域市政局和選出該局議員的選舉；及</p> <p>(e) 區議會和選出區議會議員的選舉，以及由該會議員選出市政局或區域市政局的代表議員的選舉；及</p> <p>(f) 鄉議局和選出該局議員的選舉；及</p> <p>(g) 本條例藉另一成文法則或藉立法會決議適用的任何其他團體，以及選出該團體成員的選舉。”。</p>			<p>to fill a vacancy in the membership, of that Council; and</p> <p>(b) an election to elect members of the Election Committee established under the Legislative Council Ordinance (134 of 1997); and</p> <p>(c) the Urban Council and an election to elect members of that Council; and</p> <p>(d) the Regional Council and an election to elect members of that Council; and</p> <p>(e) a District Board and an election to elect members of such a Board and an election by members of such a Board to elect a representative member of the Urban Council or the Regional Council; and</p> <p>(f) the Heung Yee Kuk and an election to elect members of that body;</p> <p>(g) any other body to which this Ordinance is applied by another enactment or by a resolution of the Legislative Council and an election to elect the members of the body.”.</p>
10.	第 3(2)條	在句號之前加入“，並就該等事項而適用”。			
11.	第 6 條	廢除“《立法局(選舉規定)條例》(第 381 章)”而代以“《立法會條例》(1997 年第 134 號)”。	10.	Section 3(2)	Repeal "shall apply to" and substitute "applies to and in relation to".
12.	第 9 條	(a) 廢除第(1)款而代之—— “(1) 凡就關乎立法會議員選舉的選舉呈請書而進行的聆訊完結後，法院依據有關條例的適當條文發出證明書或報告，裁定已證明在該呈請書所質疑的選舉中，有舞弊行為由該選舉的某候選人作出或在其知情及同意下作出，則該候選人在自該證明書或報告(視屬何情況而定)發出日期起計的 5 年期內，喪失以下資格——	11.	Section 6	Repeal "Legislative Council (Electoral Provisions) Ordinance (Cap. 381)" and substitute "Legislative Council Ordinance (134 of 1997)".
			12.	Section 9	(a) Repeal subsection (1) and substitute- “(1) Where upon the hearing of an election petition relating to an election to become a Member of the Legislative Council, it is found by the certificate or report of the Court made in pursuance of the appropriate section of the relevant Ordinance, that any corrupt practice has been proved to have been committed in reference to the election questioned by such petition by or with the knowledge and consent of any candidate at such election, that candidate shall not, for 5 years from the date of that certificate or report (as the case may be). be capame. if

A616	1997 年第 134 號條例	立法會條例	LEGISLATIVE COUNCIL	Ord. No. 134 of 1997	A617
項	受影響條文	修訂	Item	Provision affected	Amendment
		<p>(a) 獲選為立法會議員的資格；或</p> <p>(b) 擔任立法會的人員或僱員的資格，</p> <p>此外，該候選人須猶如在該證明書或報告發出之日已被裁定犯有舞弊行為一樣而遭受同樣的資格喪失。</p> <p>(1A) 凡就關乎立法會以外機構的議員或成員的選舉的選舉呈請書而進行的聆訊完結後，法院依據有關條例的適當條文發出證明書或報告，裁定已證明在該呈請書所質疑的選舉中，有舞弊行為由該選舉的某候選人作出或在其知情及同意下作出，則該候選人在自該證明書或報告（視屬何情況而定）發出日期起計的 5 年期內，喪失獲選或擔任該機構的議員、成員、人員或僱員的資格；此外，該候選人須猶如在該證明書或報告發出之日已被裁定犯有舞弊行為一樣而遭受同樣的資格喪失。”。</p> <p>(b) 在第(2)款中，廢除兩度出現的“區分界及選舉事務”而代以“舉管理”。</p> <p>(c) 廢除第(3)款而代以——</p> <p>“ (3) 如該報告述明在立法會選舉中曾有任何候選人經由其代理人犯有與該選舉有關的舞弊行為，則該候選人在自該報告發出日期起計的 5 年期內，喪失以下資格——</p> <p>(a) 獲選為立法會議員的資格；或</p> <p>(b) 擔任立法會的人員或僱員的資格。</p> <p>(3A) 如該報告述明在立法會以外機構的選舉中曾有任何候選人經由其代理人犯有與該選舉有關的舞弊行為，則該候選人在自該報告發出日期</p>			<p>(a) being elected as a Member of the Legislative Council; or</p> <p>(b) holding office as an officer or servant of that Council,</p> <p>and he shall further be subject to the same incapacities as if at the date of the said certificate or report he had been convicted of a corrupt practice.</p> <p>(1A) Where upon the hearing of an election petition relating to an election to become a member of a body other than the Legislative Council, it is found by the certificate or report of the Court made in pursuance of the appropriate section of the relevant Ordinance, that any corrupt practice has been proved to have been committed in reference to the election questioned by such petition by or with the knowledge and consent of any candidate at such election, that candidate shall not, for 5 years from the date of that certificate or report (as the case may be), be capable of being elected or of holding office as a member, officer or servant of that body, and he shall further be subject to the same incapacities as if at the date of the said certificate or report he had been convicted of a corrupt practice.”.</p> <p>(b) In subsection (2), repeal "Boundary and Election Commission" where it twice appears and substitute "Electoral Affairs Commission".</p> <p>(c) Repeal subsection (3) and substitute-</p> <p>"(3) If the report is that any candidate for election to the Legislative Council has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall be incapable of-</p> <p>(a) being elected as a Member of the Legislative Council; or</p> <p>(b) holding office as an officer or servant of that Council,</p> <p>during a period of 5 years from the date of the report.</p> <p>(3A) If the report is that any candidate for election to a body other than the Legislative Council has been guilty by his agents of a corrupt</p>

A618	1997 年第 134 號條例	立法會條例	LEGISLATIVE COUNCIL	Ord. No. 134 of 1997	A619
項	受影響條文	修訂	Item	Provision affected	Amendment
13.	第 12(1)條	起計的 5 年期內，喪失獲選或擔任該機構的議員、成員、人員或僱員的資格。”。	13.	Section 12(1)	practice in reference to such election, that candidate shall be incapable of being elected or of holding office as a member, officer or servant of that body during a period of 5 years from the date of the report.”.
14.	第 14(2)條	廢除“在《選區分界及選舉事務委員會條例》(第 432 章)第 7 條下訂立”而代以“根據《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效”。	13.	Section 12(1)	Repeal "made under section 7 of the Boundary and Election Commission Ordinance (Cap. 432)" and substitute "in force under the Electoral Affairs Commission Ordinance (129 of 1997)".
15.	第 24 條	廢除“《選區分界及選舉事務委員會條例》(第 432 章)第 7 條訂立”而代以“《選舉管理委員會條例》(1997 年第 129 號)訂立並正有效”。	14.	Section 14(2)	Repeal "made under section 7 of the Boundary and Election Commission Ordinance (Cap. 432)" and substitute "in force under the Electoral Affairs Commission Ordinance (129 of 1997)".
15.	第 24 條	廢除該條而代以——	15.	Section 24	Repeal the section and substitute-
		<b>“24. 經報告指出犯有非法行為的候選人的資格喪失</b>			<b>"24. Incapacity of candidate reported guilty of illegal practice</b>
		(1) 凡就關乎立法會議員選舉的選舉呈請書而進行的聆訊完結後，法院依據有關條例發出證明書或報告，裁定已證明在該呈請書所質疑的選舉中，有非法行為（違反本條例第 19 條的罪行除外）由該選舉的某候選人作出或在其知情及同意下作出，則該候選人在自該證明書或報告（視屬何情況而定）發出日期起計的 5 年期內，喪失以下資格—— (a) 獲選為立法會議員的資格；或 (b) 擔任立法會的人員或僱員的資格。			(1) Where upon the hearing of an election petition relating to an election to become a Member of the Legislative Council, it is found by the certificate or report of the Court made in pursuance of the relevant Ordinance that any illegal practice, other than an offence contrary to section 19 of this Ordinance, has been proved to have been committed in reference to the election questioned by or with the knowledge and consent of any candidate at such election, the candidate shall be incapable of
		(2) 凡就關乎立法會以外機構的議員或成員的選舉的選舉呈請書而進行的聆訊完結後，法院依據有關條例發出證明書或報告，裁定已證明在該呈請書所質疑的選舉中，有非法行為（違反本條例第 19 條的罪行除外）由該選舉的某候選人作出或在其知情及同意下作出，則該候選人在自該證明書或報告（視屬何情況而定）發出日期起			(a) being elected as a Member of the Legislative Council; or (b) holding office as an officer or servant of that Council,
					during a period of 5 years from the date of that certificate or report (as the case may be).
					(2) Where upon the hearing of an election petition relating to an election to become a member of a body other than the Legislative Council, it is found by the certificate or report of the Court made in pursuance of the relevant Ordinance that any illegal practice, other than an offence contrary to section 19 of this Ordinance, has been proved to have been committed in reference to the election questioned by or with the knowledge and consent of any candidate at such election, the candidate shall be incapable of being elected or of holding office as a member, officer or

A620	1997 年第 134 號條例	立法會條例	LEGISLATIVE COUNCIL	Ord. No. 134 of 1997	A621
項	受影響條文	修訂	Item	Provision affected	Amendment
		計的 5 年期內，喪失獲選或擔任該機構的議員、成員、人員或僱員的資格。”。			servant of that body during a period of 5 years from the date of that certificate or report (as the case may be).".
16.	第 29 條	廢除所有“選區分界及選舉事務委員會”而代以“選舉管理委員會”。	16.	Section 29	Repeal "Boundary and Election Commission" wherever it appears and substitute "Electoral Affairs Commission".
17.	第 29A 條	廢除所有“區分界及選舉事務”而代以“舉管理”。	17.	Section 29A	Repeal "Boundary and Election Commission" wherever it appears and substitute "Electoral Affairs Commission".

第 4 部

PART 4

《香港工業總會條例》

FEDERATION OF HONG KONG INDUSTRIES ORDINANCE

項	受影響條文	修訂	Item	Provision affected	Amendment
1.	第 45(5)條	(a) 廢除“局(選舉規定)條例”(第 381 章)附表 2 第 2(a)”而代以“會條例”(1997 年第 134 號)附表 1 第 20”。	1.	Section 45(5)	Repeal everything after "vote under" and substitute "item 20 of Schedule 1 to the Legislative Council Ordinance (134 of 1997), the exercise of those powers does not take effect until the Secretary for Constitutional Affairs has given his written approval".
		(b) 廢除“布政司”而代以“政制事務局局長”。			