

- (a) 選出某公眾議會的成員的選舉； (由 2003 年第 2 號第 68 條修訂)
- (b) 選出選舉委員會的委員的選舉；或 (由 2003 年第 2 號第 68 條修訂)
- (c) 村代表； (由 2003 年第 2 號第 68 條增補)
- “選舉委員會”(Election Committee) 具有《行政長官選舉條例》(第 569 章) 給予該詞的涵義； (由 2001 年第 21 號第 54 條代替)
- “臨時立法會”(Provisional Legislative Council) 指香港特別行政區的臨時立法會；
- “臨時區議會”(Provisional District Board) 具有《臨時區議會條例》(第 366 章) 給予該詞的涵義；
- “總選舉事務主任”(Chief Electoral Officer) 指獲根據第 9 條委任此職的人；
- “職能”(function) 包括權力及責任。
- (由 1999 年第 48 號第 50 條修訂；由 1999 年第 78 號第 7 條修訂)
- (2) 為免生疑問，現宣布選舉包括補選。 (由 2001 年第 21 號第 54 條修訂)
- (3) 在本條例中凡提述執行職能，即包括提述履行責任或行使權力(視乎情況所需)。

## 第 II 部

### 選管會的設立

#### 3. 選管會的設立及其成員

- (1) 現藉本條設立一個名為選舉管理委員會的法人團體，該團體可以該名義起訴及被起訴。
- (2) 選管會由行政長官按照本條委任的下列人士所組成——
- (a) 一名主席；及
- (b) 兩名其他成員。
- (3) 獲根據第 (2)(a) 款委任為主席的人必須是高等法院法官，而行政長官在委任主席前必須諮詢終審法院首席法官的意見。
- (4) 除第 (5) 款另有規定外，只有根據《基本法》第二十六條有權投票的人方可獲委任為選管會成員或擔任選管會成員。

- “ordinary election”(一般選舉) has the meaning assigned to it by the District Councils Ordinance (Cap. 547); (Added 8 of 1999 s. 89)
- “political body”(政治性團體) means—
- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election;
- “Provisional District Board”(臨時區議會) has the meaning assigned to it by the Provisional District Boards Ordinance (Cap. 366);
- “Provisional Legislative Council”(臨時立法會) means the Provisional Legislative Council of the Hong Kong Special Administrative Region;
- “public body”(公眾議會) means a body referred to in paragraph (a)(i) of the definition of “election”; (Amended 8 of 1999 s. 89; 78 of 1999 s. 7; 2 of 2003 s. 68)
- “Village”(鄉村) has the meaning assigned to it by the Village Representative Election Ordinance (Cap. 576); (Added 2 of 2003 s. 68)
- “Village Representative”(村代表) has the meaning assigned to it by the Village Representative Election Ordinance (Cap. 576). (Added 2 of 2003 s. 68)
- (Amended 48 of 1999 s. 50; 78 of 1999 s. 7)
- (2) For the avoidance of doubt it is declared that an election includes a by-election. (Amended 21 of 2001 s. 54)
- (3) Any reference in this Ordinance to the performance of a function includes a reference to the performance of a duty or exercise of a power, as the case may require.

## PART II

### ESTABLISHMENT OF COMMISSION

#### 3. Establishment and membership

- (1) There is established by this section a body corporate by the name of the Electoral Affairs Commission which may sue and be sued in that name.
- (2) The Commission shall consist of—
- (a) a Chairman; and
- (b) 2 other members,
- appointed by the Chief Executive in accordance with this section.
- (3) The person appointed as Chairman under subsection (2)(a) must be a Judge of the High Court and he must be so appointed in consultation with the Chief Justice of the Court of Final Appeal.
- (4) Subject to subsection (5), only a person who has the right to vote under Article 26 of the Basic Law may be appointed or hold office as a member of the Commission.

(5) 任何人如有以下情況，即不具有獲委任為選管會成員或擔任選管會成員的資格——

- (a) 他在行政長官的選舉中獲提名為候選人；（由 2001 年第 21 號第 55 條修訂）
- (b) （由 1999 年第 8 號第 89 條廢除）
- (c) 他是或成為選舉委員會委員；（由 2001 年第 21 號第 55 條修訂）
- (d) 他是或成為——
  - (i) 行政會議成員；
  - (ii) 立法會議員；（由 1999 年第 8 號第 89 條修訂）
  - (iii) （由 1999 年第 78 號第 7 條廢除）
  - (iv) (A) 臨時區議會的議員；或  
(B) 區議會的議員；或（由 1999 年第 8 號第 89 條代替）
  - (v) 任何政治性團體的成員；
- (e) 他是或成為附表 1 第 II 部所描述的人；
- (f) 行政長官認為他是或成為積極地從事政治活動的人；
- (g) 他擔任《退休金利益條例》(第 99 章) 第 2(1) 條所指的司法人員的職位(高等法院法官除外)；
- (h) 他是或成為香港以外任何地方的國家級、地區級或市級國會、立法機關、議院或議會的成員；
- (i) 他是或成為——
  - (i) 中國人民政治協商會議全國委員會委員；或
  - (ii) 中國人民政治協商會議地方委員會委員；
- (j) 他是或成為中央人民政府或任何其他國家的武裝部隊的成員；
- (k) 他——
  - (i) （由 2001 年第 21 號第 55 條廢除）
  - (ii) （由 1999 年第 8 號第 89 條廢除）
  - (iii) 在緊接獲委任(如他獲委任的話)的日期之前的 4 年內，曾是選舉委員會委員；（由 2001 年第 21 號第 55 條修訂）
  - (iv) 在緊接獲委任(如他獲委任的話)的日期之前的 4 年內，曾是行政會議成員；
  - (v) 在緊接獲委任(如他獲委任的話)的日期之前的 4 年內，曾是於 1997 年 7 月 1 日之前存在的行政局的議員；

(5) A person is not eligible for appointment as a member of the Commission or to hold office as such—

- (a) if he is nominated as a candidate in an election of the Chief Executive; (*Amended 21 of 2001 s. 55*)
- (b) (*Repealed 8 of 1999 s. 89*)
- (c) if he is or becomes a member of the Election Committee; (*Amended 21 of 2001 s. 55*)
- (d) if he is or becomes—
  - (i) a member of the Executive Council;
  - (ii) a member of the Legislative Council; (*Amended 8 of 1999 s. 89*)
  - (iii) (*Repealed 78 of 1999 s. 7*)
  - (iv) a member of—
    - (A) a Provisional District Board; or
    - (B) a District Council; or (*Replaced 8 of 1999 s. 89*)
  - (v) a member of any political body;
- (e) if he is or becomes a person described in Part II of Schedule 1;
- (f) if, in the opinion of the Chief Executive, he is or becomes actively engaged in politics;
- (g) if he holds a judicial office (other than that of a Judge of the High Court) within the meaning of section 2(1) of the Pension Benefits Ordinance (Cap. 99);
- (h) if he is or becomes a member of any national, regional or municipal congress, legislature, assembly or council of any place outside Hong Kong;
- (i) if he is or becomes a member of—
  - (i) the National Committee of the Chinese People's Political Consultative Conference; or
  - (ii) a Local Committee of the Chinese People's Political Consultative Conference;
- (j) if he is or becomes a member of the armed forces of the Central People's Government or any other country;
- (k) if, within the 4 years immediately before the date of appointment (were he to be appointed), he—
  - (i) (*Repealed 21 of 2001 s. 55*)
  - (ii) (*Repealed 8 of 1999 s. 89*)
  - (iii) has been a member of the Election Committee; (*Amended 21 of 2001 s. 55*)
  - (iv) has been a member of the Executive Council;
  - (v) has been a member of the Executive Council which existed before 1 July 1997;

- (vi) 在緊接獲委任(如他獲委任的話)的日期之前的 4 年內，曾在選舉中——
  - (A) 獲提名為候選人；
  - (B) 擔任或獲委任為候選人的代理人；或
  - (C) 以任何身分簽署提名任何人為候選人；
- (vii) 在緊接獲委任(如他獲委任的話)的日期之前的 4 年內，曾是立法會議員；

- (vi) has—
  - (A) been nominated as a candidate;
  - (B) acted or been appointed as the agent of a candidate;  
or
  - (C) subscribed in any capacity to the nomination of a person as a candidate,  
in an election;
- (vii) has been a member of the Legislative Council;

(2) 市建局是一個永久延續的法人團體，須備有一個法團印章，並且可以本身名義起訴和被起訴。

(3) 市建局不得被視為政府的僱員或代理人，亦不得被視為享有政府的地位、豁免權或特權。

(4) 除非本條例的文意另有所指，否則《釋義及通則條例》(第 1 章) 第 VII 部適用於市建局及市建局成員的委任。

#### 4. 市建局董事會的設立

(1) 現設立一個名為市區重建局董事會的董事會，該董事會由以下成員組成——

- (a) 董事會主席(“主席”)1 名，他同時是非執行董事，須不是公職人員；
- (b) 市建局行政總監(“行政總監”)1 名，他同時是執行董事，須不是公職人員；
- (c) 2 名其他執行董事，須不是公職人員；
- (d) 最少 7 名其他非執行董事，須不是公職人員；及
- (e) 4 名其他非執行董事，須屬公職人員。

(2) 所有董事會的成員，包括主席在內，均須由行政長官委任，任期不得超過 3 年。

(3) 行政總監憑藉擔任該職位即同時出任董事會副主席。

(4) 董事會是市建局的決策及執行機構，並據此須以市建局的名義行使由本條例或憑藉本條例授予該局的權力，以及執行由本條例或憑藉本條例委予該局的職責。

(5) 行政總監是市建局的最高行政人員。在董事會的指示下，行政總監連同其他執行董事負責管理市建局的事務，並在該等指示下，負有董事會所指派的其他職責。

(6) 附表對董事會及其成員均具效力。

#### 5. 市建局的宗旨

市建局的宗旨為——

(2) The Authority shall have perpetual succession and a common seal and shall in its own name be capable of suing and of being sued.

(3) The Authority shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.

(4) Part VII of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply to the Authority and appointments to the Authority except where the context of this Ordinance otherwise requires.

#### 4. Establishment of Board of Authority

(1) There shall be established a Board to be named the Board of the Urban Renewal Authority comprised of the following members—

- (a) a Chairman of the Board of the Authority (“the Chairman”), who is at the same time a non-executive director and is not a public officer;
- (b) a Managing Director of the Authority (“the Managing Director”), who is at the same time an executive director and is not a public officer;
- (c) 2 other executive directors, not being public officers;
- (d) not less than 7 other non-executive directors, not being public officers; and
- (e) 4 other non-executive directors who are public officers.

(2) All members of the Board of the Authority, including the Chairman, shall be appointed by the Chief Executive for a term not exceeding 3 years.

(3) The Managing Director is, by virtue of holding that office, the Deputy Chairman of the Board of the Authority.

(4) The Board of the Authority shall be the governing and executive body of the Authority and as such shall, in the name of the Authority, exercise and perform the powers and duties as are conferred and imposed on the Authority by, or by virtue of, this Ordinance.

(5) The Managing Director is the administrative head of the Authority. Together with the other executive directors, the Managing Director is responsible, subject to the direction of the Board of the Authority, for administering the affairs of the Authority and, subject to that direction, has such other responsibilities as may be assigned by the Board of the Authority.

(6) The Schedule shall have effect with respect to the Board of the Authority and its members.

#### 5. Purposes of Authority

The purposes of the Authority are to—