

L.N. 146 of 2025

Dental Council (Dentists Election) Regulation

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Dental Council (Dentists Election) Regulation

(Made by the Dental Council of Hong Kong under section 29(1C) of the Dentists Registration Ordinance (Cap. 156) subject to the approval of the Secretary for Health)

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Health by notice published in the Gazette.

2. Interpretation

In this Regulation—

by-election (補選) means an election held for the purposes of section 4AAC(1)(a) of the Ordinance;

date of nomination (提名日期), in relation to a person nominated under a nomination form submitted under section 8(1), means the date of nomination of the person as specified in section 8(4);

disqualifying event (喪失資格事件) means an event set out in any section of Schedule 1;

election (選舉) means an ordinary election or a by-election;

election petition (選舉呈請) means an election petition presented under section 32;

elector (選舉人)—see section 3;

nomination period (提名期)—see section 4;

notice of nomination result (提名結果通知) means a notice of nomination result issued under section 13(1);

notice of variation (更改通知) means a notice of variation of nomination result issued under section 17(4);

ordinary election (普通選舉) means an election held for the purposes of section 4(2)(g) of the Ordinance;

polling period (投票期)—see section 5;

prohibited act (受禁行為) means an act, whether committed in Hong Kong or elsewhere, that is prohibited by any section of Schedule 2;

specified form (指明格式) means a form specified under section 43.

3. Elector

A person is an elector for an election if, throughout the 2-month period before the date of the notice of election issued under section 7(1) for the election, the person has been—

- (a) a person with full registration;
- (b) a person with limited registration; or
- (c) a person with special registration.

4. Nomination period

The nomination period for an election is the 4-week period beginning on the date of the notice of election issued under section 7(1) for the election.

5. Polling period

The polling period for an election is a period specified by the Secretary for the election.

6. Number of persons to be elected in election

- (1) The number of persons to be elected in an election is the number specified under subsection (2) for the election.
 - (2) For each election, the Secretary must specify a number not less than 9 as the number of persons to be elected in the election.
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Part 2

Notice of Election

7. Notice of election

- (1) To commence an election, the Secretary must issue a notice of election to each elector for the election.
 - (2) The notice of election must state—
 - (a) the number of persons to be elected in the election; and
 - (b) the nomination period for the election.
-

Part 3

Nomination of Candidates

8. How to nominate candidate

- (1) The nomination of a person as a candidate for an election must be made by submitting to the Secretary a nomination form.
- (2) The nomination form must—
 - (a) be in the specified form;
 - (b) be completed in accordance with the instructions contained in the nomination form;
 - (c) be signed by the person being nominated under the nomination form (*nominee*);
 - (d) be signed by 2 electors for the election (other than the nominee) as subscribers;
 - (e) contain a statement by the nominee indicating the nominee's consent to the nomination; and
 - (f) contain a declaration by the nominee in relation to the nominee's eligibility for nomination.
- (3) The nomination form must be submitted—
 - (a) by hand to the address specified in the form;
 - (b) by post to the address specified in the form; or
 - (c) in any other way specified in the form.
- (4) The date of nomination of the nominee is—
 - (a) if the nomination form is submitted by hand—the date on which the form is submitted;
 - (b) if the nomination form is submitted by post—the date of the relevant post mark; or

- (c) if the nomination form is submitted in any other way—the date on which the form is submitted.

9. Who is eligible to be nominated as candidate

- (1) A person is eligible to be nominated as a candidate for an election if—
 - (a) throughout the 12-month period ending on the date of nomination, the person has been a person with full registration whose name is contained in the practising list; and
 - (b) the person meets the following requirement—
 - (i) as at the date of nomination, the person has been, for at least 10 years in aggregate—
 - (A) a person with full registration whose name is contained in the practising list; or
 - (B) a person whose name is contained in the form mentioned in regulation 3(a) of the Dentists (Registration and Disciplinary Procedure) Regulations (Cap. 156 sub. leg. A) as in force immediately before 1 January 2025; or
 - (ii) the person—
 - (A) is or was a member of the Council of the Hong Kong Dental Association elected in accordance with the articles of association of the Hong Kong Dental Association; and
 - (B) as at the date of nomination, has served as such a member for at least one full term.
- (2) However, a person is not eligible to be nominated as a candidate for an election if—

- (a) the person is, on the date of nomination, subject to a sentence of imprisonment for an offence;
- (b) the person is, on the date of nomination, the subject of an order made under section 18 or 18A of the Ordinance;
- (c) the person is, on the date of nomination, an undischarged bankrupt;
- (d) the person is, on the date of nomination, detained in a mental hospital;
- (e) the person has been convicted of an offence of having engaged in corrupt conduct or illegal conduct under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) on or before the date of nomination; or
- (f) the person has committed a prohibited act on or before the date of nomination.

10. Withdrawal of nomination

- (1) A person who is nominated as a candidate for an election may, within the nomination period for the election, withdraw the nomination by giving a written notice to the Secretary.
- (2) The notice must be—
 - (a) in the specified form;
 - (b) signed by the person in the presence of the Secretary; and
 - (c) given in the way specified in the form.
- (3) For the purposes of subsection (1), the date on which the Secretary receives the notice is the date on which the notice is given.

11. Determination as to validity of nomination of candidates

- (1) Within 45 days after the expiry of the nomination period for an election, the Secretary must—
 - (a) examine each nomination form submitted under section 8(1) for the election; and
 - (b) determine whether the person nominated under each nomination form is validly nominated as a candidate for the election.
- (2) The Secretary may make any inquiry that the Secretary considers appropriate for determining the validity of a nomination.
- (3) The Secretary may determine that the person nominated under a nomination form (*nominee*) is not validly nominated only if—
 - (a) section 8 is not complied with in relation to the nomination;
 - (b) an elector signing the nomination form for the purposes of section 8(2)(d) is not a qualified nominator for the election;
 - (c) it is proved to the satisfaction of the Secretary that—
 - (i) the nominee is deceased;
 - (ii) the nominee is, under section 9, not eligible to be nominated for the election; or
 - (iii) a disqualifying event has occurred in relation to the nominee after the date of nomination of the nominee; or
 - (d) the Secretary receives the nomination form after the expiry of the nomination period for the election.

- (4) After the Secretary makes a determination under subsection (1)(b), the Secretary must notify the nominee in writing of—
 - (a) the determination; and
 - (b) if the Secretary determines that the nominee is not validly nominated—the reason for the determination.
 - (5) Subsection (4) does not apply if the Secretary determines that the nominee is not validly nominated on the ground that the nominee is deceased.
 - (6) Subject to Part 6, a determination under subsection (1)(b) is final.
 - (7) For the purposes of subsection (3)(b), an elector for an election is not a qualified nominator for the election if the number of persons that the elector nominates in the election exceeds the number of persons to be elected in the election.
 - (8) For the purposes of subsection (7), an elector for an election is taken to have not nominated a person as a candidate for the election if—
 - (a) the person withdraws the nomination under section 10(1); or
 - (b) the Secretary determines under subsection (1)(b) that the person is not validly nominated on the ground set out in subsection (3)(a), (c) or (d).
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Part 4

Nomination Result

Division 1—Interpretation

12. Interpretation of Part 4

In this Part—

candidate (候選人), in relation to an election, means a person who is determined under section 11(1)(b) to be validly nominated for the election;

remaining candidate (剩餘候選人), in relation to an election, means a candidate for the election in respect of whom a determination under section 11(1)(b) has not been varied under section 17(3)(a).

Division 2—Nomination Result

13. Notice of nomination result

- (1) Within 45 days after the expiry of the nomination period for an election, the Secretary must issue a notice of nomination result to each elector for the election.
- (2) The notice must—
 - (a) state whether there is any candidate for the election; and
 - (b) if there is, set out the name of each candidate for the election.

14. Poll to be conducted in contested election

Subject to section 18, a poll is to be conducted under Part 5 for an election if the number of candidates whose names are set out in the notice of nomination result issued for the election exceeds the number of persons to be elected in the election.

15. If number of candidates does not exceed number of persons to be elected

(1) This section applies if—

- (a) there are one or more candidates whose names are set out in the notice of nomination result issued for an election; and
- (b) the number of those candidates does not exceed the number of persons to be elected in the election.

(2) The Secretary must—

- (a) by written notice—
 - (i) declare those candidates to be elected in the election; and
 - (ii) declare the result of the election;
- (b) publish the notice in the Gazette; and
- (c) issue the notice to each elector for the election.

16. If there is no candidate

If there is no candidate whose name is set out in the notice of nomination result issued for an election, the Secretary must—

- (a) by written notice—
 - (i) declare that no person is elected in the election; and
 - (ii) declare the result of the election;

- (b) publish the notice under paragraph (a) in the Gazette; and
- (c) issue the notice under paragraph (a) to each elector for the election.

Division 3—Variation of Nomination Result

17. Variation of nomination result

- (1) This section applies if, after the notice of nomination result is issued for an election but before the polling period for the election, it is proved to the satisfaction of the Secretary that—
 - (a) a candidate for the election is deceased;
 - (b) a candidate for the election is, under section 9, not eligible to be nominated for the election; or
 - (c) a disqualifying event has occurred in relation to a candidate for the election after the date of nomination of the candidate.
- (2) Despite subsection (1), this section does not apply if the result of the election has been declared under section 15(2)(a)(ii).
- (3) The Secretary must—
 - (a) vary the determination under section 11(1)(b) in respect of the candidate to the effect that the candidate is not validly nominated for the election; and
 - (b) if subsection (1)(b) or (c) applies—
 - (i) issue a written notice of the variation to the candidate; and
 - (ii) state in the notice the ground for the variation.

- (4) The Secretary must also issue a notice of variation of nomination result to each elector for the election.
- (5) The notice of variation must—
 - (a) state whether there is any remaining candidate for the election; and
 - (b) if there is, set out the name of each remaining candidate for the election.
- (6) Subject to Part 6, a variation under subsection (3)(a) is final.

18. If, after variation, number of remaining candidates does not exceed number of persons to be elected

- (1) This section applies if the number of remaining candidates whose names are set out in a notice of variation issued for an election does not exceed the number of persons to be elected in the election.
- (2) If the election is an ordinary election—
 - (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice the ground for the declaration; and
 - (iii) issue the notice to each elector for the election; and
 - (b) a further round of ordinary election is to be held.
- (3) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would

have been not less than 1 year on the date of the notice of variation—

- (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice under subparagraph (i) the ground for the declaration; and
 - (iii) issue the notice under subparagraph (i) to each elector for the election; and
 - (b) a further round of by-election is to be held.
- (4) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would have been less than 1 year on the date of the notice of variation, the Secretary must—
- (a) by written notice—
 - (i) declare that no person is elected in the election; and
 - (ii) declare the result of the election;
 - (b) publish the notice under paragraph (a) in the Gazette; and
 - (c) issue the notice under paragraph (a) to each elector for the election.
- (5) If the election is a by-election to fill 2 or more vacancies in the Council that have arisen from the vacation of the office of 2 or more members of the Council and, had the vacation not occurred, the remainder of the term of office of at least 1 of those members would have been not less

than 1 year on the date of the notice of variation (*member of the first category*) and the remainder of the term of office of at least 1 of those members would have been less than 1 year on that date (*member of the second category*)—

- (a) the election is taken to be 2 separate by-elections where—
 - (i) one of them is taken to have been held under this Regulation consequential on the vacation of the office of the members of the first category (*first by-election*);
 - (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of the members of the second category (*second by-election*); and
 - (iii) anything that has been done under this Regulation in respect of the election is taken to have been done once in respect of the first by-election and once in respect of the second by-election;
 - (b) subsection (3) applies to the first by-election accordingly; and
 - (c) subsection (4) applies to the second by-election accordingly.
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Part 5

Polling

Division 1—Preliminary

19. Interpretation of Part 5

In this Part—

candidate (候選人), in relation to an election, means a person—

- (a) who is determined under section 11(1)(b) to be validly nominated for the election; and
- (b) in respect of whom the determination has not been varied under section 17(3)(a).

20. Application of Part 5

This Part applies if a poll is required to be conducted for an election.

Division 2—Ballot Forms etc.

21. Issue of ballot forms etc.

- (1) Within the first 3 working days of the polling period for an election, the Secretary must, in respect of the election, issue a polling notice and a ballot form to each elector for the election.
- (2) The polling notice must contain—
 - (a) the particulars of each candidate for the election; and
 - (b) the polling period for the election.
- (3) The ballot form must—

- (a) be in the specified form;
- (b) bear a unique serial number; and
- (c) contain—
 - (i) a description of the election;
 - (ii) the name of each candidate for the election;
 - (iii) the polling period for the election; and
 - (iv) the instructions on how to vote.
- (4) In subsection (1)—
working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday that is not a general holiday.

22. Replacement of ballot forms

- (1) This section applies if the Secretary has, in respect of an election, issued a ballot form (*previous ballot form*) to an elector for the election.
- (2) The Secretary may, on the application of the elector, issue another ballot form to the elector if—
 - (a) the elector does not receive the previous ballot form;
 - (b) the previous ballot form is lost; or
 - (c) the previous ballot form has been inadvertently marked, mutilated or spoilt or is otherwise in such a state that the elector's vote cannot be clearly or accurately indicated.
- (3) On issuing a ballot form under subsection (2), the previous ballot form becomes invalid.

Division 3—Voting

23. Elector may vote for one or more candidates

- (1) An elector for an election may vote for one or more candidates in the election.
- (2) Despite subsection (1), the number of candidates that the elector votes for must not exceed the number of persons to be elected in the election.

24. How to vote

- (1) At a poll conducted for an election, an elector for the election may cast a vote by submitting to the Secretary the ballot form issued to the elector under section 21(1) or 22(2) in respect of the election.
- (2) The ballot form must be—
 - (a) completed in accordance with the instructions contained in the ballot form;
 - (b) signed by the elector; and
 - (c) submitted in the way specified in the ballot form.
- (3) Each elector for the election may only submit 1 ballot form to the Secretary for casting vote in the election.
- (4) If, in the election, the Secretary receives from an elector for the election more than one ballot form for casting vote in the election, all those ballot forms are invalid.

25. Death or disqualification during polling period

- (1) This section applies if, during the polling period for an election, it is proved to the satisfaction of the Secretary that—
 - (a) a candidate for the election is deceased;

- (b) a candidate for the election is, under section 9, not eligible to be nominated for the election; or
 - (c) a disqualifying event has occurred in relation to a candidate for the election after the date of nomination of the candidate.
- (2) If the election is an ordinary election—
 - (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice the ground for the declaration; and
 - (iii) issue the notice to each elector for the election; and
 - (b) a further round of ordinary election is to be held.
- (3) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would have been not less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved—
 - (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice the ground for the declaration; and
 - (iii) issue the notice to each elector for the election; and
 - (b) a further round of by-election is to be held.

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- (4) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would have been less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved, the Secretary must—
- (a) by written notice—
 - (i) declare that no person is elected in the election; and
 - (ii) declare the result of the election;
 - (b) publish the notice in the Gazette; and
 - (c) issue the notice to each elector for the election.
- (5) If the election is a by-election to fill 2 or more vacancies in the Council that have arisen from the vacation of the office of 2 or more members of the Council and, had the vacation not occurred, the remainder of the term of office of at least 1 of those members would have been not less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved (*member of the first category*) and the remainder of the term of office of at least 1 of those members would have been less than 1 year on that date (*member of the second category*)—
- (a) the election is taken to be 2 separate by-elections where—
 - (i) one of them is taken to have been held under this Regulation consequential on the vacation of the office of the members of the first category (*first by-election*);

- (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of the members of the second category (*second by-election*); and
- (iii) anything that has been done under this Regulation in respect of the election is taken to have been done once in respect of the first by-election and once in respect of the second by-election;
- (b) subsection (3) applies to the first by-election accordingly; and
- (c) subsection (4) applies to the second by-election accordingly.

Division 4—Counting of Votes

26. Counting of votes

- (1) Within 30 days after the expiry of the polling period for an election, the Secretary must verify, record and count the number of votes cast at the poll for each candidate for the election.
- (2) The Secretary must verify the details of each ballot form submitted for the election before a vote recorded on the form is accepted and recorded.
- (3) The Secretary must, before the date of the counting of votes, notify in writing each candidate for the election—
 - (a) of the place, date and time of the counting of votes; and
 - (b) that the candidate may be present at the counting of votes.

- (4) The following persons may be present at the counting of votes—
 - (a) a candidate for the election;
 - (b) the Chairperson; and
 - (c) any person with the Chairperson's permission.

27. Rejecting ballot forms

- (1) The Secretary must reject a ballot form submitted by an elector for an election if—
 - (a) the ballot form is unmarked or not clearly marked;
 - (b) the ballot form has been altered;
 - (c) the ballot form is substantially mutilated;
 - (d) the ballot form is not the one issued to the elector under section 21(1) or 22(2) in respect of the election;
 - (e) the ballot form is invalid under section 22(3) or 24(4);
 - (f) section 23(2) or 24(2) is not complied with in relation to the ballot form;
 - (g) the Secretary receives the ballot form after the expiry of the polling period for the election; or
 - (h) the Secretary determines that any vote recorded on the ballot form is void for uncertainty.
- (2) A vote recorded on a ballot form that is rejected under subsection (1) must not be counted.
- (3) Subject to Part 6, a decision of the Secretary in respect of a ballot form is final.

Division 5—Result of Election etc.

28. Ascertaining result of election after poll

- (1) Subject to subsection (3), after the completion of the counting of votes for an election, the result of the election is to be ascertained as follows—
 - (a) the Secretary must—
 - (i) if the highest number of votes among all candidates is obtained by only 1 candidate—declare that candidate to be elected; or
 - (ii) if the highest number of votes among all candidates is obtained by 2 or more candidates (*front-runners*)—declare the front-runners to be elected;
 - (b) if paragraph (a)(i) applies, or if paragraph (a)(ii) applies and the number of candidates who have been declared under paragraph (a)(ii) to be elected is smaller than the number of persons to be elected in the election (*required number*), the Secretary must—
 - (i) if the highest number of votes among the candidates who have not been declared to be elected is obtained by only 1 candidate—declare that candidate to be elected; or
 - (ii) if the highest number of votes among the candidates who have not been declared to be elected is obtained by 2 or more candidates (*front-runners*)—declare the front-runners to be elected; and
 - (c) if, after taking the step described in paragraph (b)(i) or (ii), the number of candidates who have been declared to be elected is still smaller than the

required number, the Secretary must repeat that step (as may be applicable) until the number of candidates who have been declared to be elected is not smaller than the required number.

- (2) Despite section 6(1), the number of candidates declared under subsection (1) to be elected may exceed the required number if the operation of that subsection results in the excess.
- (3) A candidate who has obtained zero vote at the poll must not be declared to be elected.
- (4) After the result of the election is ascertained in accordance with subsection (1), the Secretary must—
 - (a) by written notice declare the result of the election;
 - (b) publish the notice in the Gazette; and
 - (c) issue the notice to each elector for the election.

29. Death or disqualification after polling period

- (1) This section applies if, after the expiry of the polling period for an election but before the result of the election is declared under section 28(4)(a), it is proved to the satisfaction of the Secretary that—
 - (a) a candidate for the election is deceased;
 - (b) a candidate for the election is, under section 9, not eligible to be nominated for the election; or
 - (c) a disqualifying event has occurred in relation to a candidate for the election after the date of nomination of the candidate.
- (2) If the counting of votes for the election has not begun or is in progress, the counting is to begin or continue as if the circumstance described in subsection (1)(a), (b) or (c) had not occurred.

- (3) If, after the completion of the counting of votes, the votes cast for the candidate are not sufficient for returning the candidate, the result of the election is to be declared as if the circumstance described in subsection (1)(a), (b) or (c) had not occurred.
- (4) If, after the completion of the counting of votes, the votes cast for the candidate would have been sufficient for returning the candidate if this section had not applied, subsections (5), (6), (7) and (8) apply despite section 28.
- (5) If the election is an ordinary election—
 - (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice the ground for the declaration; and
 - (iii) issue the notice to each elector for the election; and
 - (b) a further round of ordinary election is to be held.
- (6) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would have been not less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved—
 - (a) the Secretary must—
 - (i) by written notice declare that the election is countermanded;
 - (ii) state in the notice the ground for the declaration; and

- (iii) issue the notice to each elector for the election;
and
 - (b) a further round of by-election is to be held.
- (7) If the election is a by-election to fill one or more vacancies in the Council that have arisen from the vacation of the office of one or more members of the Council and, had the vacation not occurred, the remainder of the term of office of that member or each of those members would have been less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved, the Secretary must—
 - (a) by written notice—
 - (i) declare that no person is elected in the election;
and
 - (ii) declare the result of the election;
 - (b) publish the notice in the Gazette; and
 - (c) issue the notice to each elector for the election.
- (8) If the election is a by-election to fill 2 or more vacancies in the Council that have arisen from the vacation of the office of 2 or more members of the Council and, had the vacation not occurred, the remainder of the term of office of at least 1 of those members would have been not less than 1 year on the date on which the Secretary is satisfied that the matter mentioned in subsection (1)(a), (b) or (c) is proved (*member of the first category*) and the remainder of the term of office of at least 1 of those members would have been less than 1 year on that date (*member of the second category*)—
 - (a) the election is taken to be 2 separate by-elections where—

- (i) one of them is taken to have been held under this Regulation consequential on the vacation of the office of the members of the first category (*first by-election*);
 - (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of the members of the second category (*second by-election*); and
 - (iii) anything that has been done under this Regulation in respect of the election is taken to have been done once in respect of the first by-election and once in respect of the second by-election;
- (b) subsection (6) applies to the first by-election accordingly; and
 - (c) subsection (7) applies to the second by-election accordingly.

30. Death after declaration of result of election

If, after the result of an election is declared under section 28(4)(a) and before the Chief Executive makes an appointment under section 4(2)(g) or 4AAC(1)(a) of the Ordinance (as the case requires), it is proved to the satisfaction of the Secretary that a person who is declared to be elected in the election is deceased, the Secretary must—

- (a) by written notice—
 - (i) declare that the person was not duly elected; and
 - (ii) declare the result of the election as varied;
- (b) publish the notice in the Gazette; and

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(c) issue the notice to each elector for the election.

Part 6

Election Petition

31. Questioning election by election petition

- (1) An election may only be questioned by presenting an election petition on the ground that—
 - (a) a person who was declared under section 15(2)(a)(i) or 28(1) to be elected in the election was not duly elected because—
 - (i) the person was, under section 9, not eligible to be nominated for the election;
 - (ii) a disqualifying event occurred in relation to the person after the date of nomination of the person and before the declaration; or
 - (iii) a prohibited act has been committed by or in respect of the person in relation to the election;
 - (b) a person should not have been determined under section 11(1)(b) or 17(3)(a) to be not validly nominated for the election;
 - (c) a prohibited act has been committed generally in relation to the election; or
 - (d) a material irregularity has otherwise occurred in relation to the election.
- (2) No election petition may be presented in relation to an election that is countermanded under Part 4 or 5.

32. Who may present election petition

An election petition questioning an election may be presented—

- (a) jointly by not less than 10 electors for the election;

- (b) by a candidate (as defined by section 19) for the election; or
- (c) by a person who is determined under section 11(1)(b) or 17(3)(a) to be not validly nominated for the election.

33. Respondent to election petition

- (1) If an election petition is presented on the ground specified in section 31(1)(a), the person whose return is questioned by the petition must be made a respondent to the petition.
- (2) If an election petition is presented on the ground specified in section 31(1)(b), (c) or (d), the Secretary must be made a respondent to the petition.

34. How to present election petition

- (1) An election petition questioning an election must be—
 - (a) in writing;
 - (b) signed by—
 - (i) if the petition is presented jointly by any electors for the election—each of the electors; or
 - (ii) otherwise—the person who presents the petition; and
 - (c) served on the Chairperson and the respondent within the 30-day period following the date on which the result of the election is declared under section 15(2)(a)(ii), 16(a)(ii), 18(4)(a)(ii), 25(4)(a)(ii), 28(4)(a) or 29(7)(a)(ii).
- (2) The election petition must state—
 - (a) under which paragraph of section 32 the petition is presented;

- (b) if applicable—the name of the person whose return is questioned; and
- (c) the ground for the petition.

35. Chairperson may dismiss election petition

- (1) After receiving an election petition, the Chairperson must determine whether or not to dismiss the petition.
- (2) The Chairperson may dismiss the election petition if—
 - (a) section 32, 33 or 34 is not complied with in relation to the petition;
 - (b) the ground for the petition is not one specified in section 31(1); or
 - (c) the petition is presented in relation to an election that is countermanded under Part 4 or 5.
- (3) A determination under subsection (1) is final.

36. Procedural matters before hearing

- (1) Unless the Chairperson dismisses an election petition under section 35(1), the Chairperson—
 - (a) must direct the Secretary to specify—
 - (i) the date on which and the time at which the hearing of the petition is to be held; and
 - (ii) the way in which the hearing is to be held; and
 - (b) may direct the Secretary to review the procedure or result of the election being questioned by the petition.
- (2) The Secretary must give 14 days' notice of the hearing to each party to the election petition.
- (3) A party to the election petition may, not later than 7 days before the date fixed for the hearing (or a later date that

the Chairperson permits), serve a written representation for the petition on the Chairperson and any other party to the petition.

- (4) If 2 or more election petitions are presented in relation to the same election, the Chairperson may order those petitions be consolidated in a manner that the Chairperson considers appropriate so that they may be heard at the same time or one immediately after another.

37. Withdrawal of election petition

- (1) The party who presents an election petition questioning an election may, before the hearing of the petition, withdraw the petition by giving a written notice to the Chairperson and the respondent.
- (2) The notice must be signed by—
 - (a) if the election petition is presented jointly by any electors for the election—each of the electors; or
 - (b) otherwise—the person who presents the petition.

38. Hearing of election petition

- (1) An election petition is to be heard by the Council.
- (2) For hearing an election petition, 5 members of the Council (including the Chairperson) form a quorum.
- (3) The Chairperson is to preside at the hearing.
- (4) However, if the Chairperson is, for any reason, unable to preside at the hearing, the other members who attend the hearing must elect one of them to preside at the hearing.
- (5) A party to the election petition may attend the hearing—
 - (a) for the electors who jointly present the petition—
 - (i) through a solicitor or counsel; or

- (ii) through a representative selected among the electors;
 - (b) for the Secretary—
 - (i) in person;
 - (ii) through a solicitor or counsel; or
 - (iii) through a staff member of the Secretariat of the Council authorized by the Secretary; or
 - (c) in any other case—
 - (i) in person; or
 - (ii) through a solicitor or counsel.
- (6) If a party to the election petition fails to attend the hearing in the manner specified in subsection (5), the Council may—
 - (a) adjourn the hearing to a later date;
 - (b) proceed to hear the petition in the absence of the party; or
 - (c) if the petition is presented by the party—dismiss the petition.
- (7) If the Council hears the election petition in the absence of a party to the petition, it must consider any written representation served by the party under section 36(3).
- (8) If, at the hearing, a party to the election petition claims that—
 - (a) the respondent was not duly elected; and
 - (b) another person should be declared to be duly elected,

the respondent may give evidence to prove that had that other person been declared to be elected, that other person would not be duly elected in the same manner as if the respondent had presented an election petition questioning the return of that other person.

- (9) The Chairperson—
- (a) may postpone the date or time fixed for the hearing of the election petition;
 - (b) may adjourn the hearing of the petition; and
 - (c) may, at the written request of a party to the petition, summon any person to appear at the hearing of the petition as a witness and to give evidence either on oath or otherwise.

39. Determination of Council

- (1) After hearing an election petition, the Council must determine—
 - (a) whether the ground for the petition has been proved; and
 - (b) if the return of a person is questioned by the petition—whether a person declared under section 15(2)(a)(i) or 28(1) to be elected was duly elected.
- (2) If the Council determines under subsection (1)(b) that a person was not duly elected, it must further determine whether another person was duly elected in that person's place.
- (3) The Council may also make any other determination in relation to the election petition as it considers necessary.
- (4) A determination under this section is final.

- (5) Within 28 days after the determination of the Council, the Secretary must—
 - (a) issue a notice of the determination to each party to the election petition; and
 - (b) publish the notice in the Gazette.

40. Restriction on participation in business of Council relating to election petition

A member of the Council must not participate in the business of the Council relating to an election petition questioning an election if the member—

- (a) is nominated as a candidate for the election; or
- (b) is a party to the petition.

41. Council may regulate procedure

Subject to this Part, the Council may regulate its procedure in relation to an election petition.

Part 7

Miscellaneous

42. Disposal of documents

- (1) The Secretary must—
 - (a) keep in safe custody all documents received by the Secretary in relation to an election for a 3-month period after the relevant date; and
 - (b) unless directed by an order of court, destroy those documents after the expiry of the period.
- (2) In this section—

relevant date (有關日期), in relation to an election, means—

 - (a) if no poll was conducted for the election and no election petition has been presented in relation to the election within the period specified in section 34(1)(c)—the date of a declaration made under section 15(2)(a)(ii), 16(a)(ii) or 18(2)(a)(i), (3)(a)(i) or (4)(a)(ii);
 - (b) if a poll was conducted for the election and no election petition has been presented in relation to the election within the period specified in section 34(1)(c)—the date on which the votes are counted under section 26(1);
 - (c) if only 1 election petition has been presented in relation to the election within the period specified in section 34(1)(c)—the date on which the petition is withdrawn under section 37(1) or otherwise disposed of under Part 6; or

- (d) if 2 or more election petitions have been presented in relation to the election within the period specified in section 34(1)(c) and all of them are withdrawn under section 37(1) or otherwise disposed of under Part 6—
 - (i) if they are so withdrawn or disposed of on the same date—that date; or
 - (ii) if they are so withdrawn or disposed of on different dates—the last of those dates.

43. Secretary may specify forms

The Secretary may specify any form for the purposes of this Regulation.

44. Secretary may specify ways of signature

- (1) The Secretary may specify a way of signature that is to be accepted for the purposes of this Regulation.
- (2) If a provision of this Regulation requires a document to be signed, the document must be signed in a way specified under subsection (1).

45. Secretary may delegate functions

The Secretary may delegate to a staff member of the Secretariat of the Council any function conferred or imposed on the Secretary by this Regulation (except this section).

46. Effects of inclement weather

- (1) If any of the following periods ends on a day that is an inclement weather warning day, the period is extended and is to end on the next working day following the last day of the period—
 - (a) the nomination period for an election;

(b) the polling period for an election.

(2) If—

(a) an act is required or permitted under this Regulation to be done within a particular period; and

(b) the period ends on a day that is an inclement weather warning day,

the period is extended and is to end on the next working day following the last day of the period.

(3) If—

(a) an act is required or permitted under this Regulation to be done not later than, or on or before, a particular date; and

(b) the date falls on a day that is an inclement weather warning day,

the act is required or permitted to be done not later than, or on or before, the next working day following that particular date.

(4) In this section—

gale warning (烈風警告) has the meaning given by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

inclement weather warning day (惡劣天氣警告日) means a day that meets any of the following descriptions—

(a) there is in force at any time on the day a gale warning or rainstorm warning;

(b) at any time on the day, extreme conditions exist as specified in an extreme conditions announcement within the meaning of section 5(4)(f)(C) of the Employees' Compensation Ordinance (Cap. 282);

rainstorm warning (暴雨警告) has the meaning given by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);

working day (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday that is not—

- (a) a general holiday; or
 - (b) an inclement weather warning day.
-

Schedule 1

[s. 2]

Disqualifying Events

1. The person is no longer a person with full registration whose name is contained in the practising list.
 2. The person is subject to a sentence of imprisonment for an offence.
 3. The person is the subject of an order made under section 18 or 18A of the Ordinance.
 4. The person is an undischarged bankrupt.
 5. The person is detained in a mental hospital.
 6. The person is convicted of an offence of having engaged in corrupt conduct or illegal conduct under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).
 7. The person commits a prohibited act.
-

Schedule 2

[s. 2]

Prohibited Acts

1. Interpretation of Schedule 2

(1) In this Schedule—

advantage (利益) has the meaning given by section 2(1) of the Prevention of Bribery Ordinance (Cap. 201);

force (武力)—

- (a) includes any form of violence or restraint; and
- (b) in particular, includes—
 - (i) inflicting harm on a person (whether physical or mental); and
 - (ii) causing damage to, or destruction of, a person's property.

(2) For the purposes of this Schedule—

- (a) a person offers an advantage if the person offers an advantage within the meaning of section 2(2)(a) of the Prevention of Bribery Ordinance (Cap. 201);
- (b) a person solicits an advantage if the person solicits an advantage within the meaning of section 2(2)(b) of that Ordinance; and
- (c) a person accepts an advantage if the person accepts an advantage within the meaning of section 2(2)(c) of that Ordinance.

2. Bribery—candidacy

- (1) A person must not, except with lawful authority or reasonable excuse, offer an advantage to another person (or to any person on behalf of that other person) as an inducement to or reward for or otherwise on account of that other person's—
 - (a) standing (or having stood) as a candidate in an election;
 - (b) refraining (or having refrained) from standing as a candidate in an election; or
 - (c) withdrawing (or having withdrawn) his or her nomination after being nominated as a candidate for an election.
- (2) A person must not, except with lawful authority or reasonable excuse, solicit or accept an advantage as an inducement to or reward for or otherwise on account of the person's—
 - (a) standing (or having stood) as a candidate in an election;
 - (b) refraining (or having refrained) from standing as a candidate in an election; or
 - (c) withdrawing (or having withdrawn) his or her nomination after being nominated as a candidate for an election.

3. Bribery—voting

- (1) A person must not, except with lawful authority or reasonable excuse, offer an advantage to another person (or to any person on behalf of that other person) as an inducement to or reward for or otherwise on account of that other person's—

- (a) voting (or having voted) in an election;
 - (b) refraining (or having refrained) from voting in an election; or
 - (c) procuring or endeavouring to procure—
 - (i) the vote of any person in an election; or
 - (ii) the return of any person in an election.
- (2) A person must not, except with lawful authority or reasonable excuse, solicit or accept an advantage as an inducement to or reward for or otherwise on account of the person's—
- (a) voting (or having voted) in an election;
 - (b) refraining (or having refrained) from voting in an election; or
 - (c) procuring or endeavouring to procure—
 - (i) the vote of any person in an election; or
 - (ii) the return of any person in an election.

4. Use of force or duress etc.—**candidacy**

- (1) A person must not, directly or indirectly by himself or herself, or by any other person on his or her behalf, use force or threaten to use force against another person (**relevant person**) as an inducement or compulsion to or otherwise on account of the relevant person's—
- (a) standing (or having stood) as a candidate in an election;
 - (b) refraining (or having refrained) from standing as a candidate in an election; or

- (c) withdrawing (or having withdrawn) his or her nomination after being nominated as a candidate for an election.
- (2) A person must not, directly or indirectly by himself or herself, or by any other person on his or her behalf, by abduction, duress or any fraudulent contrivance—
 - (a) impede or prevent the free exercise of the rights of another person to stand as a candidate in an election; or
 - (b) induce or compel another person either to stand or to refrain from standing as a candidate in an election.

5. Use of force or duress etc.—voting

- (1) A person must not, directly or indirectly by himself or herself, or by any other person on his or her behalf, use force or threaten to use force against another person (*relevant person*) as an inducement or compulsion to or otherwise on account of the relevant person's—
 - (a) voting (or having voted) in an election; or
 - (b) refraining (or having refrained) from voting in an election.
- (2) A person must not, directly or indirectly by himself or herself, or by any other person on his or her behalf, by abduction, duress or any fraudulent contrivance—
 - (a) impede or prevent the free exercise of the rights of another person to vote in an election; or
 - (b) induce or compel another person either to vote or to refrain from voting in an election.
- (3) A person must not, directly or indirectly by himself or herself, or by any other person on his or her behalf, use force or threaten to use force against another person

(*relevant person*) as an inducement or compulsion to the relevant person's persuading any person to support or refrain from supporting a candidate in an election.

6. Treating

- (1) A person (*Person A*) must not, before, during or after an election, directly or indirectly by himself or herself, or by any other person on his or her behalf—
 - (a) give or provide, or pay wholly or in part the expense of giving or providing, any meal, drink, entertainment or provision to or for another person (*Person B*)—
 - (i) for the purpose of influencing Person B or any other person to vote or refrain from voting in the election; or
 - (ii) on account of Person B or any other person having voted or refrained from voting in the election; or
 - (b) solicit, accept or take any meal, drink, entertainment or provision as an inducement to or reward for or otherwise on account of Person A's—
 - (i) voting (or having voted) in an election; or
 - (ii) refraining (or having refrained) from voting in an election.
- (2) The serving of non-alcoholic beverages incidental to a meeting is not prohibited by subsection (1).
- (3) Unless the contrary is proved, the serving of meals of any kind incidental to a meeting is of itself taken to be an act prohibited by subsection (1).

7. False statement relating to withdrawal

A person must not, before or during an election, knowingly publish a false statement of a candidate's withdrawal of his or her nomination in the election for the purpose of promoting or procuring the return of another candidate.

8. False statement relating to candidate

- (1) A candidate must not, before or during an election, for the purpose of promoting or procuring his or her return in the election, wilfully make or publish any false statement of fact in relation to himself or herself including his or her character, qualifications or conduct.
- (2) A person does not contravene subsection (1) if the person establishes that he or she had reasonable grounds for believing, and did believe, the statement to be true.

9. False claim of support

- (1) A candidate must not, without reasonable excuse, before or during an election, for the purpose of promoting or procuring his or her return in the election, use or publish in any form the name or device of any person or organization, or a name or device that is substantially similar to the name or device of any person or organization, in such a way as to infer, or to be likely to cause, encourage or persuade any person to believe, that the candidate's candidature is supported by that person or organization.
- (2) Subsection (1) does not apply if the candidate has obtained or received from the relevant person or organization prior consent or permission in writing to the use or publication of the relevant name or device in connection with the election.

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- (3) For the purposes of subsection (1), an oral consent or permission by any person or organization does not constitute a reasonable excuse.

10. Personation when applying for replacement of ballot forms

A person must not in an election make an application under section 22(2) in the name of any other person.

Raymond LEE Kin-man
Dental Council of Hong Kong

4 July 2025

Explanatory Note

This Regulation provides for the election of dentists for the purposes of appointment to the Dental Council of Hong Kong (***Council***) under section 4(2)(g) or 4AAC(1)(a) of the Dentists Registration Ordinance (Cap. 156).

Part 1—Preliminary

2. Part 1 provides for the commencement and interpretation of this Regulation.

Part 2—Notice of Election

3. Part 2 requires a notice of election to be issued to commence an election.

Part 3—Nomination of Candidates

4. Part 3 provides for the nomination of candidates. In particular—
 - (a) section 8 explains how to nominate a candidate for an election;
 - (b) section 9 sets out the eligibility requirements for a person to be nominated as a candidate for an election;
 - (c) section 10 deals with withdrawal of nomination; and
 - (d) section 11 provides for the determination by the Secretary of the Council (***Secretary***) as to the validity of nomination of candidates.

Part 4—Nomination Result

5. Part 4 deals with—
- (a) the nomination result of an election and what is to be done according to the result; and
 - (b) the variation of the nomination result of an election in the event of death or disqualification of candidates and what is to be done according to the varied result.

Part 5—Polling

6. Part 5 deals with polling. In particular—
- (a) sections 21 and 22 provide for the issue and replacement of ballot forms;
 - (b) section 23 sets out the number of candidates that an elector may vote for in an election;
 - (c) section 24 explains how to vote;
 - (d) section 26 deals with counting of votes;
 - (e) section 27 sets out the circumstances under which the Secretary must reject a ballot form;
 - (f) section 28 deals with ascertaining the result of an election after a poll; and
 - (g) sections 25, 29 and 30 deal with death or disqualification of candidates during polling period, after polling period and after the declaration of the result of an election.

Part 6—Election Petition

7. Part 6 deals with election petitions. In particular—
- (a) section 31 sets out the grounds on which an election may be questioned;
 - (b) section 32 sets out who may present an election petition;
 - (c) section 34 explains how to present an election petition;
 - (d) section 35 sets out the circumstances under which the Chairperson of the Council may dismiss an election petition;
 - (e) section 36 provides for certain procedural matters before the hearing of an election petition;
 - (f) section 37 deals with withdrawal of an election petition;
 - (g) sections 38 and 39 deal with the hearing and determination of an election petition;
 - (h) section 40 sets out the circumstances under which a member of the Council must not participate in the business of the Council relating to an election petition; and
 - (i) section 41 empowers the Council to regulate its procedure in relation to an election petition.

Part 7—Miscellaneous

8. Part 7 provides for miscellaneous matters such as disposal of documents in relation to an election, powers of the Secretary and effects of inclement weather.