

L.N. 147 of 2025

**Dental Council (Organization Representatives Election)  
Regulation**

**Contents**

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. Commencement .....	B4269
2. Interpretation .....	B4269
3. Nomination period .....	B4273
4. Polling period .....	B4273
5. Number of persons to be elected in election .....	B4273
<b>Part 2</b>	
<b>Registration of Electors</b>	
6. Announcement of compilation of first electoral register .....	B4275
7. Announcement of compilation of subsequent electoral registers .....	B4275
8. Eligibility for registration .....	B4277
9. Application for registration .....	B4279
10. Electoral register .....	B4281
11. Authorized representative .....	B4283

Section	Page
12.	Secretary may determine procedures .....B4287

**Part 3**

**Notice of Election**

13.	Notice of election .....B4289
-----	-------------------------------

**Part 4**

**Nomination of Candidates**

14.	How to nominate candidate .....B4291
15.	Who is eligible to be nominated as candidate .....B4293
16.	Withdrawal of nomination .....B4293
17.	Determination as to validity of nomination of candidates .....B4295

**Part 5**

**Nomination Result**

**Division 1—Interpretation**

18.	Interpretation of Part 5 .....B4301
-----	-------------------------------------

**Division 2—Nomination Result**

19.	Notice of nomination result .....B4301
20.	Poll to be conducted in contested election .....B4303
21.	If number of candidates does not exceed number of persons to be elected .....B4303
22.	If there is no candidate .....B4303

Section	Page
---------	------

**Division 3—Variation of Nomination Result**

23.	Variation of nomination result .....	B4305
24.	If, after variation, number of remaining candidates does not exceed number of persons to be elected .....	B4307

**Part 6**

**Polling**

**Division 1—Preliminary**

25.	Interpretation of Part 6 .....	B4313
26.	Application of Part 6 .....	B4313

**Division 2—Ballot Forms and Declaration Forms etc.**

27.	Issue of ballot forms and declaration forms etc. ....	B4313
28.	Replacement of ballot forms and declaration forms .....	B4315

**Division 3—Voting**

29.	Elector may vote for one or more candidates .....	B4317
30.	How to vote .....	B4317
31.	Death or disqualification during polling period .....	B4319

**Division 4—Counting of Votes**

32.	Counting of votes .....	B4325
33.	Rejecting ballot forms .....	B4325

**Division 5—Result of Election etc.**

34.	Ascertaining result of election after poll .....	B4327
35.	Death or disqualification after polling period .....	B4331

Section	Page
36.	Death after declaration of result of election .....B4337

**Part 7**

**Election Petition**

37.	Questioning election by election petition .....B4339
38.	Who may present election petition .....B4339
39.	Respondent to election petition .....B4341
40.	How to present election petition .....B4341
41.	Chairperson may dismiss election petition .....B4343
42.	Procedural matters before hearing .....B4343
43.	Withdrawal of election petition .....B4345
44.	Hearing of election petition .....B4345
45.	Determination of Council .....B4349
46.	Restriction on participation in business of Council relating to election petition .....B4351
47.	Council may regulate procedure .....B4351

**Part 8**

**Miscellaneous**

48.	Disposal of documents .....B4353
49.	Secretary may specify forms .....B4355
50.	Secretary may specify ways of signature .....B4355
51.	Secretary may delegate functions .....B4355
52.	Effects of inclement weather .....B4355

Dental Council (Organization Representatives Election) Regulation

L.N. 147 of 2025  
B4267

---

Section	Page
Schedule 1	Disqualifying Events .....B4361
Schedule 2	Prohibited Acts .....B4363

# Dental Council (Organization Representatives Election) Regulation

(Made by the Permanent Secretary for Health under section 29(1AB) of the Dentists Registration Ordinance (Cap. 156))

## 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—

**authorized representative** (獲授權代表)—see section 11;

**by-election** (補選) means an election held for the purposes of section 4AAC(2)(a) of the Ordinance;

**date of nomination** (提名日期), in relation to a person nominated under a nomination form submitted under section 14(1), means the date of nomination of the person as specified in section 14(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 38;

***elector*** (選舉人), in relation to an election, means an organization whose name is contained in an electoral register that is in effect at the time when the Secretary issues a notice of election for the election under section 13(1);

***electoral register*** (選舉名冊) means an electoral register compiled under section 10;

***first ordinary election*** (首屆普通選舉) means an ordinary election that is held for the first time after the date on which this Regulation comes into operation;

***nomination period*** (提名期)—see section 3;

***notice of nomination result*** (提名結果通知) means a notice of nomination result issued under section 19(1);

***notice of variation*** (更改通知) means a notice of variation of nomination result issued under section 23(4);

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

***Permanent Secretary*** (常任秘書長) means the Permanent Secretary for Health;

***polling period*** (投票期)—see section 4;

***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 49;

***specified lay member*** (指明業外委員) means a member of the Council described in section 4(2)(j) of the Ordinance.

**3. 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 13(1) for the election.

**4. Polling period**

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

**5. 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 6 as the number of persons to be elected in the election.
-



## **Part 2**

### **Registration of Electors**

#### **6. Announcement of compilation of first electoral register**

- (1) The Secretary must, before the first ordinary election is held, announce that an electoral register is to be compiled for the purposes of this Regulation.
- (2) An announcement under subsection (1) must—
  - (a) be made by notice published in the Gazette;
  - (b) invite applications for registration in the electoral register; and
  - (c) specify—
    - (i) a period of not less than 28 days within which an application for registration in that register may be made; and
    - (ii) the way in which the application is to be submitted.

#### **7. Announcement of compilation of subsequent electoral registers**

- (1) The Secretary must, not less than 9 months before the date of expiry of the term of office of a specified lay member, announce that an electoral register is to be compiled for the purposes of this Regulation.
- (2) An announcement under subsection (1) must—
  - (a) be made by notice published in the Gazette;
  - (b) invite applications for registration in the electoral register; and
  - (c) specify—

- (i) a period of not less than 28 days within which an application for registration in that register may be made; and
  - (ii) the way in which the application is to be submitted.
- (3) To avoid doubt, if the term of office of both specified lay members expires on the same date—
  - (a) the Secretary may make 1 announcement under subsection (1) to cover both offices; and
  - (b) if the Secretary exercises the power under paragraph (a)—the compilation of 1 electoral register is to be announced.

## **8. Eligibility for registration**

An organization is eligible for registration in an electoral register announced to be compiled under section 6(1) or 7(1) if—

- (a) it is recognized by the Registrar as an organization that provides publicly funded dental services; or
- (b) all of the following conditions are met—
  - (i) throughout the 2 years immediately before the end of the period specified under section 6(2)(c)(i) or 7(2)(c)(i)—
    - (A) it has been—
      - (I) a company as defined by section 2(1) of the Companies Ordinance (Cap. 622); or
      - (II) a society or a branch of a society registered, or exempted from registration, under section 5A of the Societies Ordinance (Cap. 151); and

- (B) it has been carrying on activities to safeguard or represent the interests of patients;
- (ii) its principal objective is to safeguard or represent the interests of patients;
- (iii) it is recognized by the Registrar as an organization that safeguards or represents the interests of patients in relation to the use of dental services.

## **9. Application for registration**

- (1) An organization that wishes to be registered in an electoral register announced to be compiled under section 6(1) or 7(1) may apply for registration under this section.
- (2) The application must—
  - (a) be made in the specified form; and
  - (b) be made in accordance with the procedures specified by the Secretary.
- (3) The Secretary may only process an application that is received by the Secretary within the period specified under section 6(2)(c)(i) or 7(2)(c)(i).
- (4) The Secretary must—
  - (a) assess the applicant's eligibility for registration; and
  - (b) send to the Permanent Secretary the assessment together with a recommendation as to whether the application should be approved.
- (5) The Permanent Secretary must—
  - (a) consider the application and the Secretary's assessment and recommendation;

- (b) determine whether the applicant is eligible for registration; and
  - (c) if the applicant is determined to be eligible—approve the application.
- (6) The Secretary and the Permanent Secretary may make any inquiry that they consider appropriate for assessing or determining the applicant’s eligibility for registration.
- (7) A determination under subsection (5)(b) is final.

**10. Electoral register**

- (1) The Secretary must, not less than 1 week before a notice of election is issued under section 13(1) for the first ordinary election—
  - (a) compile an electoral register as announced under section 6(1) and publish it by notice in the Gazette; and
  - (b) inform applicants for registration in that register of the results of their applications.
- (2) The Secretary must, not less than 1 week before a notice of election is issued under section 13(1) for the ordinary election held to fill the vacancy that will arise after the expiry of the term of office mentioned in section 7(1)—
  - (a) compile an electoral register as announced under section 7(1) and publish it by notice in the Gazette; and
  - (b) inform applicants for registration in that register of the results of their applications.
- (3) An electoral register—
  - (a) must contain the name of each organization whose application for registration is approved under section 9(5)(c); and

- (b) may contain any other particulars of those organizations that the Secretary considers appropriate.
- (4) An electoral register takes effect on the date of publication and continues to have effect until the publication of the next electoral register.
- (5) The Secretary may amend an electoral register to—
  - (a) rectify a clerical or printing error in the register; or
  - (b) reflect a change in the particulars of an elector entered into the register.

## 11. Authorized representative

- (1) An organization applying for registration in an electoral register announced to be compiled under section 6(1) or 7(1) must appoint an individual as its authorized representative to act on its behalf for purposes relating to an election.
- (2) For the purposes of subsection (1), an organization must appoint an individual who meets both of the following conditions—
  - (a) the individual has attained the age of 18 years;
  - (b) the individual is not appointed as an authorized representative of another organization for the purposes of that subsection.
- (3) An appointment under subsection (1) must—
  - (a) be made by a written notice in the specified form (*appointment form*) attached to the application for registration; and
  - (b) provide the particulars of the organization's authorized representative as specified in the appointment form.

- (4) If the Secretary receives from more than one organization an appointment form in relation to the same individual within the period specified under section 6(2)(c)(i) or 7(2)(c)(i) (***application period***), only the appointment form first received is valid.
- (5) If—
  - (a) the Secretary receives from more than one organization an appointment form in relation to the same individual within the application period; and
  - (b) it is not clear which appointment form is first received by the Secretary,the Secretary may make any inquiry that the Secretary considers appropriate for determining which appointment form is valid and make the determination.
- (6) If the Secretary makes a determination under subsection (5), the Secretary must give a written notice to all relevant organizations of the determination.
- (7) An elector may from time to time appoint an individual in relation to whom both conditions specified in subsection (2)(a) and (b) are met as its authorized representative to replace its current authorized representative to act on its behalf for purposes relating to an election.
- (8) An appointment under subsection (7) must be made by giving a written notice in the specified form to the Secretary.
- (9) The Secretary must give a written notice to the elector to confirm the appointment under subsection (7).
- (10) An appointment under subsection (7) takes effect on the date on which the notice under subsection (9) is given.

**12. Secretary may determine procedures**

Subject to sections 6, 7, 8, 9, 10 and 11, the Secretary may determine the procedures in relation to the matters set out in this Part.

---

## **Part 3**

### **Notice of Election**

#### **13. 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 4

### Nomination of Candidates

#### 14. 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 subscribers each of whom must be the authorized representative of an elector for the election (other than the nominee);
  - (e) contain a declaration by each subscriber mentioned in paragraph (d) that the subscription is authorized by a decision of the elector made under its rules;
  - (f) contain a statement by the nominee indicating the nominee's consent to the nomination; and
  - (g) 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.

**15. Who is eligible to be nominated as candidate**

A person who has attained the age of 18 years is eligible to be nominated as a candidate for an election unless the person—

- (a) is not a lay person;
- (b) is, on the date of nomination, subject to a sentence of imprisonment for an offence;
- (c) is, on the date of nomination, the subject of an order made under section 18 or 18A of the Ordinance;
- (d) is, on the date of nomination, an undischarged bankrupt;
- (e) is, on the date of nomination, detained in a mental hospital;
- (f) 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
- (g) has committed a prohibited act on or before the date of nomination.

**16. 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.

**17. 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 14(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 14 is not complied with in relation to the nomination;
  - (b) an elector whose authorized representative signed the nomination form for the purposes of section 14(2)(d) is not a qualified nominator for the election;
  - (c) it is proved to the satisfaction of the Secretary that—

- (i) an authorized representative of an elector who signed the nomination form as a subscriber was not authorized to do so by a decision of the elector made under its rules;
  - (ii) the nominee is deceased;
  - (iii) the nominee is, under section 15, not eligible to be nominated for the election; or
  - (iv) 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 7, 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—

# Dental Council (Organization Representatives Election) Regulation

Part 4  
Section 17

L.N. 147 of 2025  
B4299

---

- (a) the person withdraws the nomination under section 16(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).
-

## Part 5

### Nomination Result

#### Division 1—Interpretation

##### 18. Interpretation of Part 5

In this Part—

***candidate*** (候選人), in relation to an election, means a person who is determined under section 17(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 17(1)(b) has not been varied under section 23(3)(a).

#### Division 2—Nomination Result

##### 19. 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.

**20. Poll to be conducted in contested election**

Subject to section 24, a poll is to be conducted under Part 6 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.

**21. 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.

**22. 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**

#### **23. 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 15, 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 21(2)(a)(ii).
- (3) The Secretary must—
  - (a) vary the determination under section 17(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 7, a variation under subsection (3)(a) is final.

**24. 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 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay

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 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay 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 vacancies in the Council that have arisen from the vacation of the office of both specified lay members and, had the vacation not occurred, the remainder of the term of office of one of those specified lay members would have been not less than

1 year on the date of the notice of variation (*Member A*) and the remainder of the term of office of the other specified lay member would have been less than 1 year on that date (*Member B*)—

- (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 Member A (*first by-election*);
    - (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of Member B (*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.
-

## Part 6

### Polling

#### Division 1—Preliminary

##### 25. Interpretation of Part 6

In this Part—

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

- (a) who is determined under section 17(1)(b) to be validly nominated for the election; and
- (b) in respect of whom the determination has not been varied under section 23(3)(a).

##### 26. Application of Part 6

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

#### Division 2—Ballot Forms and Declaration Forms etc.

##### 27. Issue of ballot forms and declaration 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, a ballot form and a declaration 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; and
- (b) 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) The declaration form must—
  - (a) be in the specified form; and
  - (b) bear a unique serial number.
- (5) In subsection (1)—  
***working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday that is not a general holiday.

## 28. Replacement of ballot forms and declaration forms

- (1) This section applies if the Secretary has, in respect of an election, issued a ballot form (***previous ballot form***) or a declaration form (***previous declaration 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) The Secretary may, on the application of the elector, issue another declaration form to the elector if—

- (a) the elector does not receive the previous declaration form;
  - (b) the previous declaration form is lost; or
  - (c) the previous declaration form has been inadvertently marked, mutilated or spoilt or is otherwise in such a state that the authorized representative of the elector cannot make the declaration under section 30(2)(c)(i).
- (4) On issuing a ballot form or a declaration form under subsection (2) or (3), the previous ballot form or the previous declaration form becomes invalid.

### **Division 3—Voting**

#### **29. 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.

#### **30. 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 27(1) or 28(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 authorized representative of the elector;
  - (c) accompanied by the declaration form issued under section 27(1) or 28(3) that—

- (i) contains a declaration by the authorized representative that the vote recorded on the ballot form reflects the decision of the elector made under its rules; and
  - (ii) is signed by the authorized representative; and
  - (d) 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.

### **31. 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 15, 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 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay 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.
- (4) If the election is a by-election to fill 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay 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 vacancies in the Council that have arisen from the vacation of the office of both specified lay members and, had the vacation not occurred, the remainder of the term of office of one of those specified lay 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 A**) and the remainder of the term of office of the other specified lay member would have been less than 1 year on that date (**Member B**)—
- (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 Member A (**first by-election**);
    - (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of Member B (**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**

### **32. 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 and the accompanying declaration form submitted for the election before a vote recorded on the ballot 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.

### **33. 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 or the accompanying declaration form is substantially mutilated;

- (d) the ballot form is not the one issued to the elector under section 27(1) or 28(2) in respect of the election;
  - (e) the accompanying declaration form is not the one issued to the elector under section 27(1) or 28(3) in respect of the election;
  - (f) the ballot form is invalid under section 28(4) or 30(4);
  - (g) the accompanying declaration form is invalid under section 28(4);
  - (h) section 29(2) or 30(2) is not complied with in relation to the ballot form;
  - (i) the Secretary receives the ballot form after the expiry of the polling period for the election;
  - (j) the Secretary determines that any vote recorded on the ballot form is void for uncertainty; or
  - (k) it is proved to the satisfaction of the Secretary that the vote recorded on the ballot form does not reflect the decision of the elector made under its rules.
- (2) A vote recorded on a ballot form that is rejected under subsection (1) must not be counted.
  - (3) Subject to Part 7, a decision of the Secretary in respect of a ballot form is final.

## **Division 5—Result of Election etc.**

### **34. 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 5(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.

**35. 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 34(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 15, 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 34.
- (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 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay 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 1 or 2 vacancies in the Council that have arisen from the vacation of the office of one or both specified lay members and, had the vacation not occurred, the remainder of the term of office of that specified lay member or both specified lay 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 vacancies in the Council that have arisen from the vacation of the office of both specified lay members and, had the vacation not occurred, the remainder of the term of office of one of those specified lay 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 A**) and the remainder of the term of office of the other specified lay member would have been less than 1 year on that date (**Member B**)—
- (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 Member A (**first by-election**);

- (ii) the other one is taken to have been held under this Regulation consequential on the vacation of the office of Member B (*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.

### 36. **Death after declaration of result of election**

If, after the result of an election is declared under section 34(4)(a) and before the Chief Executive makes an appointment under section 4(2)(j) or 4AAC(2)(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
  - (c) issue the notice to each elector for the election.
-



## **Part 7**

### **Election Petition**

#### **37. 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 21(2)(a)(i) or 34(1) to be elected in the election was not duly elected because—
    - (i) the person was, under section 15, 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 17(1)(b) or 23(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 5 or 6.

#### **38. Who may present election petition**

An election petition questioning an election may be presented—

- (a) jointly by not less than 5 electors for the election;

- (b) by a candidate (as defined by section 25) for the election; or
- (c) by a person who is determined under section 17(1)(b) or 23(3)(a) to be not validly nominated for the election.

**39. Respondent to election petition**

- (1) If an election petition is presented on the ground specified in section 37(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 37(1)(b), (c) or (d), the Secretary must be made a respondent to the petition.

**40. 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—the authorized representative of 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 21(2)(a)(ii), 22(a)(ii), 24(4)(a)(ii), 31(4)(a)(ii), 34(4)(a) or 35(7)(a)(ii).
- (2) The election petition must state—
  - (a) under which paragraph of section 38 the petition is presented;

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

**41. 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 38, 39 or 40 is not complied with in relation to the petition;
  - (b) the ground for the petition is not one specified in section 37(1); or
  - (c) the petition is presented in relation to an election that is countermanded under Part 5 or 6.
- (3) A determination under subsection (1) is final.

**42. Procedural matters before hearing**

- (1) Unless the Chairperson dismisses an election petition under section 41(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.

#### **43. 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—the authorized representative of each of the electors; or
  - (b) otherwise—the person who presents the petition.

#### **44. 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 the authorized representative of one of the electors 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 42(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.

#### **45. 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 21(2)(a)(i) or 34(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.

**46. 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.

**47. Council may regulate procedure**

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

---

## Part 8

### Miscellaneous

#### 48. 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 40(1)(c)—the date of a declaration made under section 21(2)(a)(ii), 22(a)(ii) or 24(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 40(1)(c)—the date on which the votes are counted under section 32(1);
  - (c) if only 1 election petition has been presented in relation to the election within the period specified in section 40(1)(c)—the date on which the petition is withdrawn under section 43(1) or otherwise disposed of under Part 7; or



- (d) if 2 or more election petitions have been presented in relation to the election within the period specified in section 40(1)(c) and all of them are withdrawn under section 43(1) or otherwise disposed of under Part 7—
  - (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.

**49. Secretary may specify forms**

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

**50. 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).

**51. 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).

**52. 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 lay person.
  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.

Dental Council (Organization Representatives Election) Regulation

Schedule 2  
Section 10

L.N. 147 of 2025  
B4375

---

- (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 and replacement of declaration forms**

A person must not in an election make an application under section 28 in the name of any other person.

Thomas CHAN Chung-ching  
Permanent Secretary for Health

2 July 2025

---

## **Explanatory Note**

This Regulation provides for the election of lay persons for the purposes of appointment to the Dental Council of Hong Kong (***Council***) under section 4(2)(j) or 4AAC(2)(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—Registration of Electors**

3. Part 2 provides for the registration of electors. In particular—
  - (a) sections 6 and 7 provide for the announcement of compilation of an electoral register;
  - (b) section 8 sets out the eligibility requirements for an organization to be registered as an elector;
  - (c) section 9 sets out the procedures in relation to the application for registration as an elector;
  - (d) section 10 provides for the compilation of an electoral register;
  - (e) section 11 provides for the appointment of an authorized representative by an organization; and
  - (f) section 12 provides that the Secretary of the Council (***Secretary***) may determine the procedures in relation to the matters set out in Part 2.

### **Part 3—Notice of Election**

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

### **Part 4—Nomination of Candidates**

5. Part 4 provides for the nomination of candidates. In particular—
- (a) section 14 explains how to nominate a candidate for an election;
  - (b) section 15 sets out the eligibility requirements for a person to be nominated as a candidate for an election;
  - (c) section 16 deals with withdrawal of nomination; and
  - (d) section 17 provides for the determination by the Secretary as to the validity of nomination of candidates.

### **Part 5—Nomination Result**

6. Part 5 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 6—Polling**

7. Part 6 deals with polling. In particular—

- (a) sections 27 and 28 provide for the issue and replacement of ballot forms and declaration forms;
- (b) section 29 sets out the number of candidates that an elector may vote for in an election;
- (c) section 30 explains how to vote;
- (d) section 32 deals with counting of votes;
- (e) section 33 sets out the circumstances under which the Secretary must reject a ballot form;
- (f) section 34 deals with ascertaining the result of an election after a poll; and
- (g) sections 31, 35 and 36 deal with death or disqualification of candidates during polling period, after polling period and after the declaration of the result of an election.

## **Part 7—Election Petition**

8. Part 7 deals with election petitions. In particular—

- (a) section 37 sets out the grounds on which an election may be questioned;
- (b) section 38 sets out who may present an election petition;
- (c) section 40 explains how to present an election petition;
- (d) section 41 sets out the circumstances under which the Chairperson of the Council may dismiss an election petition;
- (e) section 42 provides for certain procedural matters before the hearing of an election petition;

- (f) section 43 deals with withdrawal of an election petition;
- (g) sections 44 and 45 deal with the hearing and determination of an election petition;
- (h) section 46 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 47 empowers the Council to regulate its procedure in relation to an election petition.

## **Part 8—Miscellaneous**

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