

## 《區議會條例》

## 目錄

條次		頁次
	第 I 部	
	導言	
1.	簡稱及生效日期 .....	A146
2.	釋義 .....	A146
	第 II 部	
	地方行政區的宣布、區議會的設立、民選議員 及委任議員的人數的宣布 以及選區的宣布	
3.	地方行政區的宣布 .....	A152
4.	區議會的設立 .....	A152
5.	區議會通過選舉產生的議員人數及通過委任產生的議員人數 .....	A154
6.	選區的宣布 .....	A154
7.	每個選區所須選出的民選議員人數 .....	A156
8.	行政長官會同行政會議可修訂附表 1、2 或 3 .....	A156
	第 III 部	
	區議會的組成	
9.	區議會由民選議員、委任議員及當然議員組成 .....	A156
10.	民選議員或委任議員成為當然議員時即視為已辭去民選議員或委任議員席位 .....	A158
	第 IV 部	
	區議會議員	
	第 1 分部——委任議員	
11.	由行政長官委任議員及委任議員的任期 .....	A158
12.	可委任為區議會議員的人 .....	A158
13.	委任議員接受席位 .....	A160
14.	喪失委任議員資格的情況 .....	A160
15.	委任議員辭去席位的方式 .....	A162

## DISTRICT COUNCILS ORDINANCE

## CONTENTS

Section		Page
	PART I	
	PRELIMINARY	
1.	Short title and commencement .....	A147
2.	Interpretation .....	A147
	PART II	
	DECLARATION OF DISTRICTS, ESTABLISHMENT OF DISTRICT COUNCILS, DECLARATION OF NUMBER OF ELECTED MEMBERS AND APPOINTED MEMBERS AND DECLARATION OF CONSTITUENCIES	
3.	Declaration of Districts .....	A153
4.	Establishment of District Councils .....	A153
5.	Number of members to be elected to a District Council and the number of members to be appointed to it .....	A155
6.	Declaration of constituencies .....	A155
7.	Number of elected members to be returned for each constituency .....	A157
8.	Chief Executive in Council may amend Schedule 1, 2 or 3 .....	A157
	PART III	
	COMPOSITION OF A DISTRICT COUNCIL	
9.	District Councils to consist of elected members, appointed members and ex officio members .....	A157
10.	An elected member or appointed member taken to have resigned on becoming an ex officio member .....	A159
	PART IV	
	MEMBERSHIP OF A DISTRICT COUNCIL	
	Division 1—Appointed Members	
11.	Chief Executive to appoint members and how long appointed members are to hold office .....	A159
12.	Who may be appointed to a District Council .....	A159
13.	Appointed members to accept office .....	A161
14.	Disqualification of appointed members .....	A161
15.	How an appointed member can resign .....	A163

條次		頁次	Section	Page
16.	委任議員席位何時懸空及替代議員的委任 .....	A164	16. When appointed member's office becomes vacant and appointment of a substitute .....	A165
<b>第 2 分部——當然議員</b>			<b>Division 2—Ex Officio Members</b>	
17.	當然議員接受席位 .....	A164	17. Ex officio members to accept office .....	A165
18.	當然議員席位何時懸空 .....	A164	18. When the office of ex officio member becomes vacant .....	A165
19.	喪失當然議員資格的情況 .....	A166	19. Disqualification of ex officio members .....	A167
<b>第 3 分部——民選議員</b>			<b>Division 3—Elected Members</b>	
20.	獲提名為候選人的資格 .....	A168	20. Who is eligible to be nominated as a candidate .....	A169
21.	喪失獲提名為候選人及當選為民選議員的資格的情況 .....	A170	21. When person is disqualified from being nominated as a candidate and from being elected as an elected member .....	A171
22.	民選議員的任期 .....	A172	22. How long elected member is to hold office .....	A173
23.	民選議員接受席位 .....	A172	23. Elected members to accept office .....	A173
24.	喪失民選議員資格的情況 .....	A174	24. Disqualification of elected members .....	A175
25.	民選議員辭去席位的方式 .....	A176	25. How an elected member can resign .....	A177
26.	民選議員席位何時懸空 .....	A176	26. When elected member's office becomes vacant .....	A177
<b>第 V 部</b>			<b>PART V</b>	
<b>選出區議會議員</b>			<b>ELECTION OF MEMBERS TO A DISTRICT COUNCIL</b>	
<b>第 1 分部——舉行一般選舉的日期</b>			<b>Division 1—When an Ordinary Election is to be Held</b>	
27.	行政長官須指明舉行一般選舉的日期 .....	A178	27. Chief Executive to specify dates for holding ordinary elections .....	A179
28.	暫停區議會的運作讓一般選舉得以舉行 .....	A178	28. Suspension of operation of District Councils to enable ordinary election to be held .....	A179
<b>第 2 分部——可在選舉中投票的人</b>			<b>Division 2—Who May Vote at an Election</b>	
29.	有權在選舉中投票的人 .....	A180	29. Who is entitled to vote at an election .....	A181
30.	選民喪失在選舉中投票的資格的情況 .....	A180	30. When an elector is disqualified from voting at an election .....	A181
31.	選舉登記主任須為首屆一般選舉發表選民登記冊 .....	A182	31. Electoral Registration Officer to publish register for the first ordinary election .....	A183
<b>第 3 分部——選舉的進行</b>			<b>Division 3—Conduct of Elections</b>	
32.	區議會民選議員議席空缺須予宣布 .....	A184	32. Vacancy in membership of elected members of a District Council to be declared .....	A185
33.	舉行補選以填補區議會議席空缺 .....	A184	33. By-election to be held to fill vacancy in membership of District Councils .....	A185
34.	獲提名的候選人須遵從的規定 .....	A184	34. What requirements are to be complied with by persons nominated as candidates .....	A185
35.	候選人提名的撤回 .....	A186	35. Withdrawal of candidate's nomination .....	A187
36.	獲有效提名的候選人 .....	A186	36. Who are validly nominated candidates .....	A187
37.	候選人有權免付郵資而向選民寄出信件 .....	A188	37. Candidates entitled to send letters to electors free of postage .....	A189

條次		頁次
38.	一般選舉押後的情況 .....	A188
39.	獲提名的候選人數目不足時須採取的行動 .....	A190
40.	選舉程序終止或未能完成的情況 .....	A190
41.	投票及點票制度 .....	A190
42.	不遵從本條例規定的後果 .....	A192
43.	姓名或名稱出錯或不準確描述並不影響選舉文件的效力 .....	A192
44.	選舉須推定為有效 .....	A194
45.	選舉不得僅因選舉事務主任的委任欠妥而受質疑 .....	A194
46.	選舉主任須刊登選舉結果 .....	A194
47.	選舉事務主任就選舉的進行所犯的罪行 .....	A194
48.	選民無須披露如何投票 .....	A196

#### 第 4 分部——選舉呈請

49.	只可藉基於指明理由提出的選舉呈請而質疑選舉 .....	A196
50.	可提出選舉呈請的人 .....	A198
51.	可列為選舉呈請答辯人的人 .....	A198
52.	原訟法庭有裁定選舉呈請的司法管轄權 .....	A198
53.	提交選舉呈請書的限期 .....	A198
54.	原訟法庭可指示就訟費提供保證金 .....	A198
55.	原訟法庭須對選舉呈請作裁定 .....	A200
56.	選舉呈請被撤回時的情況 .....	A200
57.	選舉呈請終止的時間 .....	A202
58.	答辯人何時可退出選舉呈請的法律程序和由他人代入 .....	A204
59.	被宣布為並非當選並不令作為失效 .....	A204
60.	民選議員被裁定並非妥為選出時出現的情況 .....	A206

### 第 VI 部

#### 區議會的職能、主席及副主席以及程序

##### 第 1 分部——區議會的職能

61.	區議會的職能 .....	A206
-----	--------------	------

##### 第 2 分部——區議會的主席及副主席

62.	首任主席及副主席的選舉 .....	A208
63.	主席或副主席的辭職 .....	A208
64.	主席或副主席的職位何時懸空 .....	A208

Section		Page
38.	When ordinary election can be postponed or adjourned .....	A189
39.	What is to happen if insufficient candidates are nominated .....	A191
40.	When election proceedings are terminated or when an election fails .....	A191
41.	System of voting and counting of votes .....	A191
42.	Consequences of non-compliance with requirements of this Ordinance .....	A193
43.	Misnomer or inaccuracy not to affect operation of election document .....	A193
44.	Election to be presumed to be valid .....	A195
45.	Election not to be questioned only because of defect in the appointment of an electoral officer .....	A195
46.	Returning Officer to publish result of election .....	A195
47.	Offences by electoral officers with respect to conduct of election .....	A195
48.	Elector not to be required to disclose how vote was cast .....	A197

#### Division 4—Election Petitions

49.	Election may be questioned only by election petition made on specified grounds.....	A197
50.	Who may lodge election petition .....	A199
51.	Who may be made respondent to election petition .....	A199
52.	Court to have jurisdiction to determine election petitions .....	A199
53.	Period within which election petition is to be lodged .....	A199
54.	Court may direct security to be given for costs .....	A199
55.	Court to determine election petition .....	A201
56.	What happens if election petition is withdrawn .....	A201
57.	When an election petition is terminated .....	A203
58.	When respondent can withdraw from election petition proceedings and be substituted .....	A205
59.	Acts of person not invalid if declared not to be elected .....	A205
60.	What is to happen if an elected member is determined not to have been duly elected .....	A207

### PART VI

#### FUNCTIONS, CHAIRMAN AND VICE CHAIRMAN AND PROCEDURE OF A DISTRICT COUNCIL

##### Division 1—Functions of a District Council

61.	Functions of a District Council .....	A207
-----	---------------------------------------	------

##### Division 2—Chairman and Vice Chairman of a District Council

62.	Election of first Chairman and Vice Chairman .....	A209
63.	Resignation of Chairman or Vice Chairman .....	A209
64.	When office of Chairman or Vice Chairman becomes vacant .....	A209

A142	1999 年第 8 號條例	《區議會條例》	DISTRICT COUNCILS ORDINANCE	Ord. No. 8 of 1999	A143
條次		頁次	Section		Page
65.	須按照附表 5 選出主席或副主席 .....	A210	65.	Election of Chairman or Vice Chairman to be in accordance with Schedule 5	A211
66.	主席及副主席的職責 .....	A210	66.	Duties of Chairman and Vice Chairman .....	A211
67.	主席或其他主持會議的人可投決定票 .....	A210	67.	Chairman or other person presiding to have a casting vote .....	A211
<b>第 3 分部——區議會的程序</b>			<b>Division 3—Procedure of a District Council</b>		
68.	區議會可訂立常規 .....	A210	68.	District Council may make standing orders .....	A211
69.	區議會可委任秘書 .....	A212	69.	District Council may appoint secretary .....	A213
70.	區議會會議的法定人數 .....	A212	70.	Quorum of a District Council .....	A213
71.	區議會可委出委員會 .....	A212	71.	District Council may appoint committees .....	A213
72.	區議會或委員會的程序不受議席空缺或議員資格有欠妥之處影響 .....	A212	72.	Proceedings of a District Council or a committee not affected by vacancy or defect in membership .....	A213
<b>第 VII 部</b>			<b>PART VII</b>		
各人員在本條例下的職能及職責			FUNCTIONS AND DUTIES OF OFFICERS UNDER THIS ORDINANCE		
73.	選舉登記主任及助理的職能及職責 .....	A214	73.	Functions and duties of Electoral Registration Officer and assistants .....	A215
74.	選舉登記主任可指明格式 .....	A214	74.	Electoral Registration Officer may specify forms .....	A215
75.	選舉主任及助理的委任 .....	A216	75.	Appointment of Returning Officers and assistants .....	A217
76.	妨礙或阻撓選舉事務主任的罪行 .....	A216	76.	Offence to obstruct or hinder electoral officer .....	A217
77.	行政長官可就選舉事務主任的行使職能或履行職責發出指示 .....	A216	77.	Chief Executive may give directions as to exercise or performance of electoral officers' functions and duties .....	A217
78.	選舉事務主任去世或無行為能力並不終止權限 .....	A218	78.	Death or incapacity of electoral officer not to terminate authority .....	A219
<b>第 VIII 部</b>			<b>PART VIII</b>		
法律程序			LEGAL PROCEEDINGS		
79.	以喪失資格為理由針對某人提出法律程序 .....	A218	79.	Proceedings against persons on grounds of disqualification .....	A219
80.	提出申訴或告發的限期 .....	A220	80.	Period within which complaint or information is to be laid .....	A221
<b>第 IX 部</b>			<b>PART IX</b>		
由行政長官會同行政會議訂立規例 及修訂附表 4 或 5			CHIEF EXECUTIVE IN COUNCIL TO MAKE REGULATIONS AND AMEND SCHEDULE 4 OR 5		
81.	行政長官會同行政會議可訂立規例 .....	A220	81.	Chief Executive in Council may make regulations .....	A221
82.	行政長官會同行政會議可修訂附表 4 或 5 .....	A220	82.	Chief Executive in Council may amend Schedule 4 or 5 .....	A221

條次		頁次	Section	Page
	<b>第 X 部</b>			
	雜項條文			
83.	指定人員必須發出關於議員的公告 .....	A222	83. Designated Officer to give notice of membership .....	A223
84.	指定人員必須發出空缺公告 .....	A222	84. Designated Officer to give notice of vacancy .....	A223
85.	行政長官可向區議會發出指示 .....	A222	85. Directions by Chief Executive to a District Council .....	A223
86.	對議員的保障 .....	A222	86. Protection of members .....	A223
87.	過渡性條文：第 28 條對首屆一般選舉的適用情況 .....	A222	87. Transitional: application of section 28 to first ordinary election .....	A223
	<b>第 XI 部</b>			
	廢除及相應修訂			
88.	廢除 .....	A224	88. Repeal .....	A225
89.	相應及雜項修訂 .....	A224	89. Consequential and miscellaneous amendments .....	A225
附表 1	地方行政區的數目及宣布 .....	A224	Schedule 1 Number of and declaration of Districts .....	A225
附表 2	區議會的設立 .....	A228	Schedule 2 Establishment of District Councils .....	A229
附表 3	.....	A228	Schedule 3 .....	A229
附表 4	接受席位書 .....	A232	Schedule 4 Forms for acceptance of office .....	A233
附表 5	本條例第 65 條所指的表決程序 .....	A234	Schedule 5 Voting procedure under section 65 of this Ordinance .....	A235
附表 6	相應及雜項修訂 .....	A236	Schedule 6 Consequential and miscellaneous amendments .....	A237

香港特別行政區

1999 年第 8 號條例

印章位置

行政長官  
董建華  
1999 年 3 月 11 日

本條例旨在就地方行政區的宣布、區議會的設立、組成及職能、選舉區議會議員的程序，以及就有關事宜訂定條文。

[ ]

由立法會制定。

第 I 部

導言

1. 簡稱及生效日期

- (1) 本條例可引稱為《區議會條例》。
- (2) 在不抵觸第 88 及 89 條的規定下，本條例自政制事務局局長以憲報公告指定的日期起實施。

2. 釋義

在本條例中，除文意另有所指外——

“一般選舉” (ordinary election)——

- (a) 就任何區議會而言，指為選出該區議會的民選議員而舉行的首次選舉；或
- (b) 指為填補因區議會議員任期屆滿而出現的空缺而舉行的選舉；

“主席” (Chairman) 就任何區議會而言，指根據第 VI 部擔任該區議會主席的人；

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 8 OF 1999

L.S.

TUNG Chee-hwa  
Chief Executive  
11 March 1999

An Ordinance to provide for the declaration of Districts, the establishment, composition and functions of District Councils, the procedure for election of persons to be members of District Councils; and to provide for related matters.

[ ]

Enacted by the Legislative Council.

PART I

PRELIMINARY

1. Short title and commencement

- (1) This Ordinance may be cited as the District Councils Ordinance.
- (2) Subject to sections 88 and 89, this Ordinance shall come into operation on a day to be appointed by the Secretary for Constitutional Affairs by notice in the Gazette.

2. Interpretation

In this Ordinance, unless the context otherwise requires——

- “appointed member” (委任議員) means a person who is appointed as a member of a District Council under section 11 or 16;
- “by-election” (補選) means an election to elect a person as an elected member otherwise than at an ordinary election;
- “candidate” (候選人) means a candidate nominated for election as an elected member;
- “Chairman” (主席) means, in relation to a District Council, the person holding the office of Chairman of that Council under Part VI;

“司法人員”(judicial officer)指擔任《公務員絨用委員會條例》(第 93 章)第 2 條界定的司法職位的人；

“民政事務專員”(District Officer)就為某地方行政區設立的區議會而言，指就該地方行政區執行民政事務總署內民政事務專員的職能的人；

“民選議員”(elected member)指根據第 V 部當選區議會議員的人；

“地方行政區”(District)指本條例或根據本條例宣布為地方行政區的地區；

“身分證明文件”(identity document)指——

- (a) 根據《人事登記條例》(第 177 章)向某人發出的身分證；或
- (b) 在根據該條例訂立並正有效的規例下向某人發出，並證明該人獲豁免而無須根據該條例登記的文件；或
- (c) 向某人發出的獲選舉登記主任接受為該人的身分證明的任何其他文件；

“委任議員”(appointed member)指根據第 11 或 16 條獲委任為區議會議員的人；

“委員會”(committee)就任何區議會而言，指該區議會根據第 71 條委出的委員會；

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

“指定人員”(Designated Officer)指民政事務總署署長；

“訂明公職人員”(prescribed public officer)指——

- (a) 公務員絨用委員會主席；或
- (b) 廉政專員、副廉政專員及擔任在《總督特派廉政專員公署條例》(第 204 章)下的任何其他職位的人；或
- (c) 申訴專員及根據《申訴專員條例》(第 397 章)第 6 條獲委任的人；或
- (d) 選舉管理委員會的成員；或
- (e) 金融管理局的行政總裁及該局的高層管理人員，包括科主管、行政總監、經理及該局僱用的律師；或
- (f) 個人資料私隱專員及其根據《個人資料(私隱)條例》(第 486 章)僱用或聘用的人；或
- (g) 平等機會委員會的主席及由該委員會根據《性別歧視條例》(第 480 章)僱用或聘用的人；或
- (h) 受僱於政府部門或政策局而在該政府部門或政策局任職(不論該職位屬永久性或臨時性的)的人；

“committee”(委員會) means, in relation to a District Council, a committee appointed by it under section 71;

“constituency”(選區) means an area declared to be a constituency under section 6(1)(a);

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

“costs”(費用、訟費) includes charges and expenses;

“Court” means the Court of First Instance;

“Designated Officer”(指定人員) means the Director of Home Affairs;

“District”(地方行政區) means an area declared to be a District in or under this Ordinance;

“District Council”(區議會) means a body established as a District Council by or under this Ordinance;

“District Officer”(民政事務專員) means, in relation to a District Council, the person who performs the functions of the office of District Officer in the Home Affairs Department for the District for which that District Council is established;

“elected member”(民選議員) means a person who is elected as a member of a District Council under Part V;

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

“election petition”(選舉呈請、選舉呈請書) means an election petition lodged under Part V;

“elector”(選民) means any person whose name is included in the existing final register;

“Electoral Affairs Commission”(選舉管理委員會) means the Electoral Affairs Commission established by section 3 of the Electoral Affairs Commission Ordinance (Cap. 541);

“electoral officer”(選舉事務主任) includes a Returning Officer, an Assistant Returning Officer, the Electoral Registration Officer, or any other person who is appointed under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) to exercise functions or perform duties at or in connection with an election;

“Electoral Registration Officer”(選舉登記主任) has the meaning given by the Legislative Council Ordinance (Cap. 542);

“existing final register”(現有的正式選民登記冊) means a final register of geographical constituencies compiled and published by the Electoral Registration Officer under section 32 of the Legislative Council Ordinance (Cap. 542) which is currently in force;

“ex officio member”(當然議員) means a person who holds office as such under section 9(1)(c);

“function”(職能) includes a power and an authority;

“identity document”(身分證明文件) means—

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

“候選人” (candidate) 指獲提名競選民選議員的候選人；

“副主席” (Vice Chairman) 就任何區議會而言，指根據第 VI 部擔任該區議會副主席的人；

“區議會” (District Council) 指本條例或根據本條例設立為區議會的團體；

“現有的正式選民登記冊” (existing final register) 指由選舉登記主任根據《立法會條例》(第 542 章) 第 32 條編製和發表的現正有效的地方選區的正式選民登記冊；

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

“費用”、“訟費” (costs) 包括收費及支出；

“鄉事委員會” (Rural Committee) 具有《鄉議局條例》(第 1097 章) 第 3(3) 條給予該詞的涵義；

“當然議員” (ex officio member) 指根據第 9(1)(c) 條擔任當然議員的人；

“補選” (by-election) 指並非通過一般選舉而選出一名民選議員的選舉；

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

“選民” (elector) 指名列現有的正式選民登記冊的人；

“選區” (constituency) 指根據第 6(1)(a) 條宣布為選區的地區；

“選舉” (election) 指一般選舉或補選；

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

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

“選舉事務主任” (electoral officer) 包括選舉主任、助理選舉主任、選舉登記主任或任何其他根據本條例或《選舉管理委員會條例》(第 541 章) 獲委任以在選舉中行使職能或履行職責或就選舉而行使職能或履行職責的人；

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

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

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

“judicial officer” (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap. 93);

“member” (議員) means an elected member, an appointed member or an ex officio member;

“ordinary election” (一般選舉) means—

(a) in relation to a District Council, the first election to elect persons to be the elected members of the District Council; or

(b) elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils;

“prescribed public officer” (訂明公職人員) means any of the following—

(a) the Chairman of the Public Service Commission; or

(b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap. 204); or

(c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap. 397); or

(d) a member of the Electoral Affairs Commission; or

(e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority; or

(f) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap. 486); or

(g) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); or

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

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



- “選舉登記主任”(Electoral Registration Officer)具有《立法會條例》(第542章)給予該詞的涵義；
- “選舉管理委員會”(Electoral Affairs Commission)指《選舉管理委員會條例》(第541章)第3條設立的選舉管理委員會；
- “職能”(function)包括權力及權限；
- “議員”(member)指民選議員、委任議員或當然議員。

## 第II部

地方行政區的宣布、區議會的設立、民選議員  
及委任議員的人數的宣布  
以及選區的宣布

### 3. 地方行政區的宣布

- (1) 為施行本條例，現宣布每個名列附表1第II部第2欄的地區(該等地區在該部第3欄中與其相對之處指明的地圖上劃定範圍)為地方行政區。
- (2) 附表1第I部所指明的數目，是為施行本條例而宣布的地方行政區的數目。
- (3) 指定人員必須確保每張界定地方行政區範圍的地圖，最少有一份備存於指定人員的辦事處，供公眾人士在該辦事處的通常辦公時間內查閱。
- (4) 欲查閱該等地圖的公眾人士無須繳費。
- (5) 經指定人員核證為界定地方行政區範圍的地圖的真確副本的地圖，是該地方行政區的範圍的不可推翻的證據。

### 4. 區議會的設立

現為附表2第2欄所指明的地方行政區設立名為區議會並具有該附表第3欄中與該等地方行政區相對之處指明的名稱的團體，自該附表第4欄中就該等地方行政區指明的日期起生效。

- “Returning Officer”(選舉主任) means a person holding office as a Returning Officer under section 75 and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;
- “Rural Committee”(鄉事委員會) has the meaning given by section 3(3) of the Heung Yee Kuk Ordinance (Cap. 1097);
- “Vice Chairman”(副主席) means, in relation to a District Council, the person holding the office of Vice Chairman of that Council under Part VI.

## PART II

DECLARATION OF DISTRICTS, ESTABLISHMENT OF DISTRICT COUNCILS,  
DECLARATION OF NUMBER OF ELECTED MEMBERS AND  
APPOINTED MEMBERS AND DECLARATION  
OF CONSTITUENCIES

### 3. Declaration of Districts

- (1) Each area named in column 2 of Part II of Schedule 1 and delineated on the map specified opposite to it in column 3 of that Part is declared to be a District for the purposes of this Ordinance.
- (2) The number specified in Part I of Schedule 1 is the number of Districts to be declared for the purposes of this Ordinance.
- (3) The Designated Officer must ensure that at least one copy of each map that defines the area of a District is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office.
- (4) No charge is payable by a member of the public who wishes to inspect a copy of the map.
- (5) A map certified by the Designated Officer as a true copy of a map that defines the area of a District is conclusive evidence of the area of the District.

### 4. Establishment of District Councils

There is established for a District specified in column 2 of Schedule 2, the body known as a District Council having the name specified opposite to it in column 3 of that Schedule, with effect from the date specified in relation to it in column 4 of that Schedule.

## 5. 區議會通過選舉產生的議員人數及 通過委任產生的議員人數

(1) 就附表 3 第 I 部第 2 欄所指明的區議會而於該部第 3 欄中指明的數目，是有關區議會須通過選舉產生的議員人數。

(2) 就附表 3 第 I 部第 2 欄所指明的區議會而於該部第 4 欄中指明的數目，是有關區議會須通過委任產生的議員人數上限。

## 6. 選區的宣布

(1) 行政長官會同行政會議可藉在憲報刊登的命令——

- (a) 宣布某地方行政區內的任何地區為選區，以在該選區舉行選舉選出為該地方行政區設立的區議會的議員；及
- (b) 為該等選區命名。

(2) 在根據第 (1) 款作出命令時，行政長官會同行政會議必須顧及選舉管理委員會為該命令所關乎的選舉的目的，而在其按照《選舉管理委員會條例》(第 541 章) 第 18 條提交的該委員會的最後報告中作出的建議。

(3) 如本條所指的命令提述界定選區範圍的地圖——

- (a) 選舉登記主任必須確保最少有一份該地圖備存於選舉登記主任的辦事處，供公眾人士在該辦事處的通常辦公時間內查閱；及
- (b) 指定人員必須確保最少有一份該地圖備存於指定人員的辦事處，供公眾人士在該辦事處的通常辦公時間內查閱。

(4) 欲查閱該等地圖的公眾人士無須繳費。

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

## 5. Number of members to be elected to a District Council and the number of members to be appointed to it

(1) The number specified in column 3 of Part I of Schedule 3 in relation to a District Council specified in column 2 of that Part is the number of members to be elected to that Council.

(2) The number specified in column 4 of Part I of Schedule 3 in relation to a District Council specified in column 2 of that Part is the maximum number of members to be appointed to that Council.

## 6. Declaration of constituencies

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

- (a) declare any area within a District to be a constituency for the purposes of an election to elect the members of the District Council established for that District; and
- (b) give names to those constituencies.

(2) When making an order under subsection (1), the Chief Executive in Council must have regard to the recommendations made by the Electoral Affairs Commission in the last report of the Commission submitted in accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap. 541) for the purposes of the election to which the order relates.

(3) If an order under this section refers to a map that defines the area of a constituency—

- (a) the Electoral Registration Officer must ensure that at least one copy of the map is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office; and
- (b) the Designated Officer must ensure that at least one copy of the map is kept at that Officer's office and is made available for inspection by members of the public during ordinary business hours of that office.

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

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

**7. 每個選區所須選出的民選議員人數**

每個選區所須選出的民選議員人數為 1 名。

**8. 行政長官會同行政會議可修訂附表 1、2 或 3**

(1) 行政長官會同行政會議如經立法會批准，可藉在憲報刊登的命令修訂附表 1、2 或 3。

(2) 在不局限第 (1) 款的一般性的原則下，第 (1) 款給予行政長官會同行政會議的權力，包括作出以下各項的權力——

- (a) 決定地方行政區的數目；及
- (b) 宣布新的地方行政區以代替在作出第 (1) 款所指的命令時存在的地方行政區；及
- (c) 為任何根據第 3 條或本條宣布的地方行政區設立一個區議會以及指明該區議會的設立日期；及
- (d) 指明某區議會須通過選舉產生的議員人數及須通過委任產生的議員人數；及
- (e) 指明根據本條作出的命令所適用的選舉。

(3) 根據本條作出的命令，可載有因該命令而需要或適宜訂立的附帶條文、相應條文、補充條文、過渡性條文或保留條文。

**第 III 部****區議會的組成****9. 區議會由民選議員、委任議員及當然議員組成**

(1) 區議會由以下人士組成——

- (a) 民選議員；及
- (b) 委任議員；及
- (c) (如屬為有 1 個或多於 1 個鄉事委員會的地方行政區設立的區議會) 在不抵觸第 (2) 款及第 17、18 及 19 條的規定下，每個該等鄉事委員會的主席在出任主席的期間擔任當然議員。

**7. Number of elected members to be returned for each constituency**

The number of elected members to be returned for each constituency is one.

**8. Chief Executive in Council may amend Schedule 1, 2 or 3**

(1) The Chief Executive in Council may subject to the approval of the Legislative Council, by order published in the Gazette, amend Schedule 1, 2 or 3.

(2) Without limiting the generality of subsection (1), the power given to the Chief Executive in Council under that subsection includes a power—

- (a) to determine the number of Districts; and
- (b) to declare new Districts in place of the Districts existing at the time an order under subsection (1) is made; and
- (c) to establish a District Council for any District declared under section 3 or this section and specify a date for the establishment; and
- (d) to specify the number of members to be elected to a District Council and the number of members to be appointed to it; and
- (e) to specify the election for which an order made under this section applies.

(3) An order under this section may contain such incidental, consequential, supplemental, transitional or saving provisions necessary or expedient in consequence of the order.

**PART III****COMPOSITION OF A DISTRICT COUNCIL****9. District Councils to consist of elected members, appointed members and ex officio members**

(1) A District Council is to consist of—

- (a) elected members; and
- (b) appointed members; and
- (c) if it is a District Council established for a District in which there is one or more Rural Committees, subject to subsection (2) and sections 17, 18 and 19, as ex officio members, the Chairman of each such Rural Committee while holding office as the Chairman.

(2) 如任何在附表 3 第 II 部第 5 欄所指明的鄉事委員會的負責區域橫跨多於一個地方行政區，則就第 (1)(c) 款而言，該鄉事委員會即視為處於該部第 2 欄與其相對之處所指明的地方行政區內。

(3) 在附表 3 第 II 部第 5 欄所指明的每個鄉事委員會的主席，均有資格根據第 (1)(c) 款成為該部第 3 欄與有關鄉事委員會相對之處所指明的區議會的當然議員。

(4) 第 (2) 及 (3) 款及附表 3 第 II 部均不損害任何其他規管鄉事委員會的法律。

**10. 民選議員或委任議員成為當然議員時  
即視為已辭去民選議員或  
委任議員席位**

如任何擔任區議會民選議員或委任議員席位（“首述席位”）的人有權擔任同一區議會或另一區議會當然議員席位（“第二個席位”），則該人須視為已在緊接他開始擔任第二個席位的日期前辭去首述席位。

**第 IV 部**

**區議會議員**

**第 1 分部——委任議員**

**11. 由行政長官委任議員及  
委任議員的任期**

(1) 行政長官可委任區議會議員，人數不得超逾附表 3 第 I 部第 4 欄就有關區議會指明的數目。

(2) 在不抵觸第 13 條的規定下，委任議員自委任書所指明的日期起任職，並於委任後舉行下一屆一般選舉所在年份的 12 月 31 日離任。

**12. 可委任為區議會議員的人**

符合以下條件的人方有資格獲委任為區議會議員——

(2) If a Rural Committee specified in column 5 of Part II of Schedule 3 is a Rural Committee that falls within more than one District, for the purposes of subsection (1)(c), it is taken to be in the District specified opposite to it in column 2 of that Part.

(3) The Chairman of each Rural Committee specified in column 5 of Part II of Schedule 3 is eligible under subsection (1)(c) to become ex officio member of the District Council specified opposite to it in column 3 of that Part.

(4) Subsections (2) and (3) and Part II of Schedule 3 are without prejudice to any other law governing Rural Committees.

**10. An elected member or appointed member  
taken to have resigned on becoming  
an ex officio member**

If a person holding office as an elected member or appointed member of a District Council (“the first office”) becomes entitled to hold office as an ex officio member of the same or another District Council (“the second office”), that person is taken to have resigned from the first office with effect immediately before the date on which the person commences to hold the second office.

**PART IV**

**MEMBERSHIP OF A DISTRICT COUNCIL**

**Division 1— Appointed Members**

**11. Chief Executive to appoint members and how  
long appointed members are to hold office**

(1) The Chief Executive may appoint as members of a District Council a number of persons not exceeding the number specified in column 4 of Part I of Schedule 3 in relation to that District Council.

(2) Subject to section 13, an appointed member holds office from the date specified in the letter of appointment and vacates office on 31 December of the year in which an ordinary election is next held after the appointment.

**12. Who may be appointed to a District Council**

A person is eligible for appointment as a member of a District Council only if the person——

- (a) 年滿 21 歲；及
- (b) 是一名選民；及
- (c) 並未有喪失在選舉中投票的資格；及
- (d) 並未有憑藉第 14 條或任何其他法律喪失擔任委任議員的資格；及
- (e) 在緊接委任前的 3 年內通常在香港居住。

### 13. 委任議員接受席位

根據第 11 或 16 條獲委任的人必須在委任書為此目的所指明的限期內採用附表 4 內的表格 1 宣誓接受席位並將該接受席位書提交指定人員，其委任方才生效。

### 14. 喪失委任議員資格的情況

- (1) 任何人如有以下情況，即喪失獲委任為委任議員及擔任委任議員的資格——
  - (a) 是——
    - (i) 司法人員；或
    - (ii) 訂明公職人員；或
  - (b) 已在香港或任何其他地方被判處死刑或監禁（不論如何稱述），但——
    - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
    - (ii) 亦未獲赦免；或
  - (c) 已被裁定犯叛逆罪；或
  - (d) 在不局限 (b) 段的原則下，曾於在原定任期開始之日屆滿的 5 年內被裁定犯以下罪行，或在任期開始後，被裁定犯以下罪行——
    - (i) 任何罪行（不論是在香港或是在任何其他地方被定罪），並就該罪行被判處為期超逾 3 個月而又不得選擇以罰款代替的監禁（不論是否獲得緩刑）；或
    - (ii) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》（第 288 章）第 19 條而構成的非法行為除外；或
    - (iii) 對舞弊行為或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊行為或非法行為；或

- (a) has reached 21 years of age; and
- (b) is an elector; and
- (c) is not disqualified from voting at an election; and
- (d) is not disqualified from being an appointed member by virtue of section 14 or any other law; and
- (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the appointment.

### 13. Appointed members to accept office

An appointment under section 11 or 16 does not take effect unless the person appointed swears acceptance of office in Form 1 set out in Schedule 4 and lodges the form of acceptance with the Designated Officer within the period specified for the purpose in the letter of appointment.

### 14. Disqualification of appointed members

- (1) A person is disqualified for appointment and from holding office as an appointed member, if the person—
  - (a) is—
    - (i) a judicial officer; or
    - (ii) a prescribed public officer; or
  - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
    - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
    - (ii) received a free pardon; or
  - (c) has been convicted of treason; or
  - (d) without limiting paragraph (b), where the term of office is to commence within 5 years from the date of the person's conviction, has been convicted, or is convicted after the commencement of the term of office—
    - (i) of any offence in Hong Kong or any other place in respect of which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
    - (ii) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
    - (iii) of a corrupt practice or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt practices or illegal practices; or

- (iv) 《防止賄賂條例》(第 201 章) 第 II 部所訂的任何罪行；或
  - (v) 根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的任何罪行；或
  - (e) 是香港以外地方的政府的代表或該政府的受薪政府人員；或
  - (f) 是香港以外任何地方的國家級、地區級或市級立法機關、議院或議會(中華人民共和國的全國或地方人民代表大會或人民協商機構除外)的成員；或
  - (g) 是未獲解除破產的人，或於過去 5 年內在沒有向債權人全數償還債務的情況下，獲解除破產、作出自願安排或與其債權人達成債務重整協議的人。
- (2) 任何委任議員如被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務的，亦即喪失擔任議員的資格。
- (3) 如在其後原訟法庭根據《精神健康條例》(第 136 章) 裁斷有關人士的精神不健全的狀況已終止，則第 (2) 款並不阻止該人獲委任為議員。
- (4) 在不抵觸第 (6) 款的規定下，任何委任議員如連續 4 個月(“喪失資格限期”)沒有出席有關區議會的會議而又沒有在該限期完結前取得該區議會的同意，則該議員亦即喪失在其餘下的任期中擔任議員的資格。
- (5) 第 (4) 款所指的喪失資格限期自有關議員首次在沒有取得同意下沒有出席的區議會會議的日期的翌日起計。
- (6) 如在喪失資格限期內沒有舉行會議或只舉行了一次會議，則該限期即延展至緊接有關議員連續沒有出席的第三個會議之後完結。
- (7) 任何委任議員如未能符合第 12 條所列之可委任為區議會議員的條件，該議員亦即喪失擔任議員的資格。

#### 15. 委任議員辭去席位的方式

- (1) 委任議員可隨時向指定人員發出書面辭職通知而辭去委任議員席位。
- (2) 辭職通知須由有關的議員簽署，否則不具效力。

- (iv) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (v) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
  - (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
  - (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
  - (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.
- (2) An appointed member is also disqualified from holding office if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs.
- (3) Subsection (2) does not prevent a person from being eligible for appointment as a member if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person's unsoundness of mind has ceased.
- (4) Subject to subsection (6), an appointed member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months ("disqualifying period") without obtaining the consent of the Council before the end of that period.
- (5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.
- (6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.
- (7) An appointed member is also disqualified from holding office if the person was not eligible for appointment as a member under section 12.

#### 15. How an appointed member can resign

- (1) An appointed member may at any time resign from office as an appointed member by giving written notice of resignation to the Designated Officer.
- (2) A notice of resignation is not effective unless it is signed by the member concerned.

- (3) 辭職通知——
- (a) 於指定人員接獲該通知的日期生效；或
  - (b) 如指明一個較後的生效日期，則於該較後的日期生效。

**16. 委任議員席位何時懸空  
及替代議員的委任**

- (1) 委任議員如有以下情況，其席位即告懸空——
- (a) 去世；或
  - (b) 按照第 15 條辭去席位或根據第 10 條視為已辭去席位；或
  - (c) 根據第 14 條喪失擔任委任議員的資格。
- (2) 當有委任議員的席位根據第 (1) 款懸空，行政長官可委任另一人代替該議員擔任委任議員席位。
- (3) 在不抵觸第 13 條的規定下，根據第 (2) 款獲委任的人自委任書所指明的日期起任職，並於委任後舉行下一屆一般選舉所在年份的 12 月 31 日離任。

**第 2 分部——當然議員**

**17. 當然議員接受席位**

- (1) 身為鄉事委員會主席的人必須採用附表 4 內的表格 2 宣誓接受席位並將該接受席位書提交指定人員，方會成為當然議員。
- (2) 身為鄉事委員會主席的人不能同時接受多於一個區議會的當然議員席位。

**18. 當然議員席位何時懸空**

身為當然議員的人如去世、停任鄉事委員會主席或根據第 19 條喪失擔任當然議員的資格，該當然議員的席位即告懸空，直至該人或接替該人出任鄉事委員會主席的人按照第 17 條成為當然議員為止。

- (3) A notice of resignation takes effect—
- (a) on the date on which the notice is received by the Designated Officer; or
  - (b) if a later date is specified in the notice, on that later date.

**16. When appointed member's office becomes  
vacant and appointment of a substitute**

- (1) An appointed member's office becomes vacant if the member—
- (a) dies; or
  - (b) resigns in accordance with section 15 or is taken to have resigned under section 10; or
  - (c) is disqualified under section 14 from holding office as an appointed member.
- (2) When the office of an appointed member becomes vacant under subsection (1), the Chief Executive may appoint another person to hold office as an appointed member in that member's place.
- (3) Subject to section 13, a person appointed under subsection (2) holds office from the date specified in the letter of appointment and vacates office on 31 December of the year in which an ordinary election is next held after the appointment.

**Division 2—Ex Officio Members**

**17. Ex officio members to accept office**

- (1) A person who is a Chairman of a Rural Committee does not become an ex officio member unless the person swears acceptance of office in Form 2 set out in Schedule 4 and lodges the form of acceptance with the Designated Officer.
- (2) A person who is a Chairman of a Rural Committee cannot accept office as an ex officio member in more than one District Council concurrently.

**18. When the office of ex officio member becomes vacant**

Where a person who is an ex officio member dies, ceases to hold office as Chairman of a Rural Committee or is disqualified from holding office as an ex officio member under section 19, the office of the ex officio member becomes vacant until that person or that person's successor as the Chairman of the Rural Committee becomes an ex officio member in accordance with section 17.

## 19. 喪失當然議員資格的情況

- (1) 身為鄉事委員會主席的人如有以下情況，即喪失擔任當然議員的資格——
- (a) 是——
- (i) 司法人員；或
  - (ii) 訂明公職人員；或
- (b) 已在香港或任何其他地方被判處死刑或監禁(不論如何稱述)，但——
- (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (c) 已被裁定犯叛逆罪；或
- (d) 在不局限(b)段的原則下，曾於在原定任期開始之日屆滿的5年內被裁定犯以下罪行，或在任期開始後，被裁定犯以下罪行——
- (i) 任何罪行(不論是在香港或是在任何其他地方被定罪)，並就該罪行被判處為期超逾3個月而又不得選擇以罰款代替的監禁(不論是否獲得緩刑)；或
  - (ii) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》(第288章)第19條而構成的非法行為除外；或
  - (iii) 對舞弊行為或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊行為或非法行為；或
  - (iv) 《防止賄賂條例》(第201章)第II部所訂的任何罪行；或
  - (v) 根據《選舉管理委員會條例》(第541章)訂立並正有效的規例所訂明的任何罪行；或
- (e) 是香港以外地方的政府的代表或該政府的受薪政府人員；或
- (f) 是香港以外任何地方的國家級、地區級或市級立法機關、議院或議會(中華人民共和國的全國或地方人民代表大會或人民協商機構除外)的成員；或
- (g) 是未獲解除破產的人，或於過去5年內在沒有向債權人全數償還債務的情況下，獲解除破產、作出自願安排或與其債權人達成債務重整協議的人。

## 19. Disqualification of ex officio members

- (1) A person who is a Chairman of a Rural Committee is disqualified from holding office as an ex officio member, if the person—
- (a) is—
- (i) a judicial officer; or
  - (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
  - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) without limiting paragraph (b), where the term of office is to commence within 5 years from the date of the person's conviction, has been convicted, or is convicted after the commencement of the term of office—
- (i) of any offence in Hong Kong or any other place in respect of which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
  - (ii) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (iii) of a corrupt practice or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt practices or illegal practices; or
  - (iv) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (v) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.



(2) 任何當然議員如被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務的，亦即喪失擔任議員的資格。

(3) 如在其後原訟法庭根據《精神健康條例》(第 136 章) 裁斷有關人士的精神不健全的狀況已終止，則第 (2) 款並不阻止該人擔任當然議員。

(4) 在不抵觸第 (6) 款的規定下，任何當然議員如連續 4 個月（“喪失資格限期”）沒有出席有關區議會的會議而又沒有在該限期完結前取得該區議會的同意，則該議員亦即喪失擔任議員的資格，直至在下一屆的一般選舉選出的議員的任期開始為止。

(5) 第 (4) 款所指的喪失資格限期自有關議員首次在沒有取得同意下沒有出席的區議會會議的日期的翌日起計。

(6) 如在喪失資格限期內沒有舉行會議或只舉行了一次會議，則該限期即延展至緊接有關議員連續沒有出席的第三個會議之後完結。

### 第 3 分部——民選議員

#### 20. 獲提名為候選人的資格

- (1) 符合以下條件的人方有資格在選舉中獲提名為候選人——
  - (a) 年滿 21 歲；及
  - (b) 是一名選民；及
  - (c) 並未有喪失在選舉中投票的資格；及
  - (d) 並未有憑藉第 21 條或任何其他法律喪失獲提名為候選人或當選為民選議員的資格；及
  - (e) 在緊接提名前的 3 年內通常在香港居住。
- (2) 擔任區議會議員的人並無資格在補選中獲提名為候選人。
- (3) 擔任鄉事委員會主席的人並無資格在選舉中獲提名為候選人。
- (4) 任何人如獲提名為某選區的候選人，則並無資格同時獲提名為另一選區的候選人。

(2) An ex officio member is also disqualified from holding office if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs.

(3) Subsection (2) does not prevent a person from holding office as an ex officio member if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person's unsoundness of mind has ceased.

(4) Subject to subsection (6), an ex officio member is also disqualified from holding office until the members elected at the next ordinary election commence their term of office if the member does not attend meetings of the District Council for 4 consecutive months (“disqualifying period”) without obtaining the consent of the Council before the end of that period.

(5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

### Division 3—Elected Members

#### 20. Who is eligible to be nominated as a candidate

- (1) A person is eligible to be nominated as a candidate at an election only if the person—
  - (a) has reached 21 years of age; and
  - (b) is an elector; and
  - (c) is not disqualified from voting at an election; and
  - (d) is not disqualified from being nominated as a candidate or elected as an elected member by virtue of section 21 or any other law; and
  - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination.
- (2) A person who holds office as a member of a District Council is not eligible to be nominated in a by-election as a candidate.
- (3) A person who holds office as the Chairman of a Rural Committee is not eligible to be nominated as a candidate at an election.
- (4) A person is not eligible to be nominated as a candidate for a constituency if the person is currently nominated as a candidate for another constituency.

**21. 喪失獲提名為候選人及當選為  
民選議員的資格的情況**

(1) 任何人如有以下情況，即喪失在選舉中獲提名為候選人的資格及當選為民選議員的資格——

- (a) 是——
- (i) 司法人員；或
  - (ii) 訂明公職人員；或
- (b) 已在香港或任何其他地方被判處死刑或監禁（不論如何稱述），但——
- (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (c) 已被裁定犯叛逆罪；或
- (d) 在提名當日或選舉當日，正因服刑而受監禁；或
- (e) 在不局限 (b) 段的原則下，被裁定或曾被裁定犯以下罪行，而選舉於或將於自其被定罪的日期起計的 5 年內舉行——
- (i) 任何罪行（不論是在香港或是在任何其他地方被定罪），並就該罪行被判處為期超逾 3 個月而又不得選擇以罰款代替的監禁（不論是否獲得緩刑）；或
  - (ii) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》(第 288 章) 第 19 條而構成的非法行為除外；或
  - (iii) 對舞弊行為或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊行為或非法行為；或
  - (iv) 《防止賄賂條例》(第 201 章) 第 II 部所訂的任何罪行；或
  - (v) 根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的任何罪行；或
- (f) 因本條例或任何其他法律的施行而沒有資格擔任候選人或當選為民選議員；或
- (g) 是香港以外地方的政府的代表或該政府的受薪政府人員；或
- (h) 是香港以外任何地方的國家級、地區級或市級立法機關、議院或議會(中華人民共和國的全國或地方人民代表大會或人民協商機構除外)的成員；或

**21. When person is disqualified from being nominated  
as a candidate and from being elected  
as an elected member**

(1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the person—

- (a) is—
- (i) a judicial officer; or
  - (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
  - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
- (e) without limiting paragraph (b), where the election is to be held or is held within 5 years from the date of the person's conviction, is or has been convicted—
- (i) of any offence in Hong Kong or any other place in respect of which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
  - (ii) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (iii) of a corrupt practice or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt practices or illegal practices; or
  - (iv) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (v) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (f) is ineligible to be a candidate or to be elected as an elected member because of the operation of this Ordinance or any other law; or
- (g) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or

(i) 是未獲解除破產的人，或於過去 5 年內在沒有向債權人全數償還債務的情況下，獲解除破產、作出自願安排或與其債權人達成債務重整協議的人。

(2) 任何人如被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務的，亦即喪失在選舉中獲提名為候選人的資格，但如在其後原訟法庭根據該條例裁斷該人的精神不健全的狀況已終止，則該人復有獲提名為候選人的資格。

(3) 任何人如被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務的，亦即喪失當選為民選議員的資格，但如在其後原訟法庭根據該條例裁斷該人的精神不健全的狀況已終止，則該人復有當選為民選議員的資格。

## 22. 民選議員的任期

(1) 於某屆一般選舉中當選的民選議員的任期為自緊接該項選舉之後的 1 月 1 日起計的 4 年，並於該任期完結時離任。

(2) 凡某民選議員（“首述民選議員”）的席位在其整段任期屆滿前懸空，而某人在補選中獲選填補該空缺，則該人自該項補選的結果宣布的日期起任職，並於首述民選議員假若擔任席位至整段任期屆滿則本應離任之日離任。

## 23. 民選議員接受席位

(1) 當選議員的人除非在憲報刊登其當選的公告的日期後 7 天內向指定人員發出不接受席位的書面通知，否則須視為已接受該席位。

(2) 不接受席位的通知須由有關的人簽署，否則不具效力。

(3) 不接受席位的通知於指定人員接獲該通知的日期生效，而發出該通知的人須視為已自該日起辭去民選議員席位。

(4) 如任何人按照本條發出通知，指定人員必須在接獲該通知後 21 天內在憲報刊登公告示明該人不接受議員席位。

(i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.

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

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

## 22. How long elected member is to hold office

(1) An elected member holds office for a period of 4 years beginning on 1 January next following the ordinary election in which the member was elected and vacates office at the end of that period.

(2) A person elected to fill a vacancy caused by an elected member's ("first elected member") office becoming vacant before the expiry of the full term, holds office from the date on which the result of the by-election at which the person was elected is declared and vacates office on the day the first elected member would have vacated office had that member served the full term.

## 23. Elected members to accept office

(1) A person who is elected to be a member is to be regarded as having accepted office unless the person gives written notice of non-acceptance to the Designated Officer not later than 7 days after the date on which notification of the person's election is published in the Gazette.

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

(3) A notice of non-acceptance takes effect on the date on which the notice is received by the Designated Officer and the person giving the notice is taken to have resigned from office as an elected member from that date.

(4) If a person gives notice in accordance with this section, the Designated Officer must, within 21 days after receiving the notice, publish in the Gazette a notice to the effect that the person has not accepted office as a member.

**24. 喪失民選議員資格的情況**

- (1) 任何民選議員如有以下情況，即喪失擔任議員的資格——
- (a) 成為——
- (i) 司法人員；或
- (ii) 訂明公職人員；或
- (b) 已在香港或任何其他地方被判處死刑或監禁（不論如何稱述），但——
- (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
- (ii) 亦未獲赦免；或
- (c) 已被裁定犯叛逆罪；或
- (d) 在不局限 (b) 段的原則下，在當選後被裁定犯以下罪行——
- (i) 任何罪行（不論是在香港或是在任何其他地方被定罪），並就該罪行被判處為期超逾 3 個月而又不得選擇以罰款代替的監禁（不論是否獲得緩刑）；或
- (ii) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》(第 288 章) 第 19 條而構成的非法行為除外；或
- (iii) 對舞弊行為或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊行為或非法行為；或
- (iv) 《防止賄賂條例》(第 201 章) 第 II 部所訂的任何罪行；或
- (v) 根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的任何罪行；或
- (e) 是香港以外地方的政府的代表或該政府的受薪政府人員；或
- (f) 是香港以外任何地方的國家級、地區級或市級立法機關、議院或議會(中華人民共和國的全國或地方人民代表大會或人民協商機構除外) 的成員；或
- (g) 是未獲解除破產的人，或於過去 5 年內在沒有向債權人全數償還債務的情況下，獲解除破產、作出自願安排或與其債權人達成債務重整協議的人。
- (2) 第 (1)(d) 款並不阻止有關人士在於其喪失擔任議員的資格 5 年後舉行的選舉中擔任候選人。

**24. Disqualification of elected members**

- (1) An elected member is disqualified from holding office if the member—
- (a) becomes—
- (i) a judicial officer; or
- (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
- (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) without limiting paragraph (b), after being elected, is convicted—
- (i) of any offence in Hong Kong or any other place in respect of which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
- (ii) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
- (iii) of a corrupt practice or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt practices or illegal practices; or
- (iv) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
- (v) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.
- (2) Subsection (1)(d) does not prevent a person from being eligible to be a candidate at an election to be held 5 years after the disqualification.

(3) 任何民選議員如被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務的，亦即喪失擔任議員的資格。

(4) 如在其後原訟法庭根據《精神健康條例》(第 136 章) 裁斷有關人士的精神不健全的狀況已終止，則第 (3) 款並不阻止該人在選舉中擔任候選人。

(5) 在不抵觸第 (7) 款的規定下，任何民選議員如連續 4 個月（“喪失資格限期”）沒有出席有關區議會的會議而又沒有在該限期完結前取得該區議會的同意，則該議員亦即喪失在其餘下的任期中擔任議員的資格。

(6) 第 (5) 款所指的喪失資格限期，自有關議員首次在沒有取得同意下沒有出席的區議會會議的日期的翌日起計。

(7) 如在喪失資格限期內沒有舉行會議或只舉行了一次會議，則該限期即延展至緊接有關議員連續沒有出席的第三個會議之後完結。

(8) 任何民選議員如未能符合第 20 條所列出之可獲提名為候選人的條件，該議員亦即喪失擔任議員的資格。

## 25. 民選議員辭去席位的方式

- (1) 民選議員可隨時向指定人員發出書面辭職通知而辭去民選議員席位。
- (2) 辭職通知須由有關的議員簽署，否則不具效力。
- (3) 辭職通知——
  - (a) 於指定人員接獲該通知的日期生效；或
  - (b) 如指明一個較後的生效日期，則於該較後的日期生效。

## 26. 民選議員席位何時懸空

民選議員如有以下情況，其席位即告懸空——

- (a) 去世；或
- (b) 按照第 25 條辭去席位或根據第 10 或 23(3) 條視為已辭去席位；或
- (c) 根據第 24 條喪失擔任民選議員的資格；或
- (d) 原訟法庭根據第 55 條裁定該議員並非妥為選出，並且裁定沒有另一人妥為選出。

(3) An elected member is also disqualified from holding office if, in accordance with the Mental Health Ordinance (Cap. 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs.

(4) Subsection (3) does not prevent a person from being eligible to be a candidate at an election if subsequently it is found under the Mental Health Ordinance (Cap. 136) that the person's unsoundness of mind has ceased.

(5) Subject to subsection (7), an elected member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months ("disqualifying period") without obtaining the consent of the Council before the end of that period.

(6) The disqualifying period under subsection (5) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(7) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

(8) An elected member is also disqualified from holding office if the person was not eligible to be nominated as a candidate under section 20.

## 25. How an elected member can resign

- (1) An elected member may at any time resign from office as an elected member by giving written notice of resignation to the Designated Officer.
- (2) A notice of resignation is not effective unless it is signed by the member concerned.
- (3) A notice of resignation takes effect—
  - (a) on the date on which the notice is received by the Designated Officer; or
  - (b) if a later date is specified in the notice, on that later date.

## 26. When elected member's office becomes vacant

An elected member's office becomes vacant if—

- (a) the member dies; or
- (b) the member resigns in accordance with section 25 or is taken to have resigned under section 10 or 23(3); or
- (c) the member is disqualified under section 24 from holding office as an elected member; or
- (d) the Court determines under section 55 that the member was not duly elected and that no other person was duly elected instead.

## 第 V 部

## 選出區議會議員

## 第 1 分部——舉行一般選舉的日期

## 27. 行政長官須指明舉行一般選舉的日期

- (1) 首屆一般選舉必須在 1999 年舉行。
- (2) 在根據第 (1) 款舉行首屆一般選舉之後每四年必須舉行一般選舉。
- (3) 行政長官必須決定根據本條舉行一般選舉的日期，並在憲報刊登關於該日期的公告。
- (4) 根據第 (3) 款指明的日期必須是在民選議員的新任期開始前的 60 天至民選議員的新任期開始前的 15 天的期間內。

28. 暫停區議會的運作讓  
一般選舉得以舉行

- (1) 行政長官根據第 27(3) 條決定舉行一般選舉的日期並刊登公告後，指定人員可為利便該選舉的舉行而決定一個各區議會在該選舉中選出的議員的任期開始之前暫停運作的開始暫停運作日期。
- (2) 指定人員必須在憲報刊登關於他根據第 (1) 款決定的日期的公告。
- (3) 在不抵觸第 (4) 款的規定下，自指定人員根據第 (1) 款決定的日期起，所有區議會及其轄下的委員會均暫停運作。
- (4) 指定人員如認為按情況有足夠理由准許或要求某區議會或某委員會在暫停運作期間舉行一次或多於一次會議，即可如此准許或要求。
- (5) 當某區議會的運作根據本條暫停，本條不得解釋為影響該區議會議員的任期。

## PART V

## ELECTION OF MEMBERS TO A DISTRICT COUNCIL

## Division 1—When an Ordinary Election is to be Held

27. Chief Executive to specify dates  
for holding ordinary elections

- (1) The first ordinary election must be held in 1999.
- (2) An ordinary election must be held in each subsequent fourth year after the first ordinary election is held under subsection (1).
- (3) The Chief Executive must determine a date for holding an ordinary election under this section and give notice of that date in the Gazette.
- (4) The date specified in the notice must be not earlier than 60 days and not later than 15 days before the new term of office of the elected members is to begin.

28. Suspension of operation of District Councils  
to enable ordinary election to be held

- (1) After the Chief Executive determines a date for holding an ordinary election and gives notice under section 27(3), the Designated Officer may, to facilitate the holding of such election, determine a date with effect from which the operation of the District Councils is to be suspended until the commencement of the term of office of the members elected at that ordinary election.
- (2) The Designated Officer must give notice in the Gazette of the date determined by that Officer under subsection (1).
- (3) Subject to subsection (4), the operation of all District Councils and their committees stand suspended with effect from the date determined by the Designated Officer under subsection (1).
- (4) If the Designated Officer is of the opinion that circumstances so warrant, that Officer may permit or request a District Council or a committee to hold one or more meetings during the period of suspension.
- (5) Nothing in this section is to be construed as affecting the term of office of a person who is a member of a District Council when the operation of that District Council is suspended under this section.

## 第 2 分部——可在選舉中投票的人

## 29. 有權在選舉中投票的人

- (1) 身為選民的人方有權在選舉中投票。
- (2) 就首屆一般選舉而言，選民只有權在其獲選舉登記主任根據第 31 條編配的選區中投票。
- (3) 就其後各屆一般選舉而言，就根據本條例宣布的選區而於現有的正式選民登記冊內登記為選民的人，只有權在該選區中投票。
- (4) 選民只有權在選舉中投票一次。
- (5) 在首屆一般選舉中，選民不得僅因選民本不應名列現有的正式選民登記冊或第 31 條所提述的選民登記冊而無權在該選舉中投票。
- (6) 在其後的選舉中，選民不得僅因選民本不應名列現有的正式選民登記冊而無權在選舉中投票。
- (7) 第 (5) 或 (6) 款並不——
  - (a) 阻止原訟法庭根據第 55 條作出裁定；或
  - (b) 影響該人被控和被裁定犯與上述選舉的投票有關的罪行的法律責任。

## 30. 選民喪失在選舉中投票的資格的情況

任何選民如有以下情況，即喪失在選舉中投票的資格——

- (a) 已不再有資格根據《立法會條例》(第 542 章) 登記為選民；或
- (b) 已在香港或任何其他地方被判處死刑或監禁(不論如何稱述)，但——
  - (i) 既未服該刑罰或主管當局用以替代該項刑罰的其他懲罰；而
  - (ii) 亦未獲赦免；或
- (c) 在選舉當日，正因服刑而受監禁；或

## Division 2—Who May Vote at an Election

## 29. Who is entitled to vote at an election

- (1) A person is entitled to vote at an election only if the person is an elector.
- (2) In the case of the first ordinary election, an elector is entitled to vote only in the constituency allocated to the elector by the Electoral Registration Officer under section 31.
- (3) In any subsequent ordinary election a person is entitled to vote only in the constituency (being a constituency declared under this Ordinance) for which the person is registered as an elector in the existing final register.
- (4) An elector is entitled to vote only once at an election.
- (5) In the first ordinary election an elector may not be prevented from voting in that election only because the elector's name should not have been included in the existing final register or the register referred to in section 31.
- (6) In any subsequent election, an elector may not be prevented from voting at an election only because the elector's name should not have been included in the existing final register.
- (7) Subsection (5) or (6) does not—
  - (a) preclude the Court from making a determination under section 55; or
  - (b) affect the person's liability to be charged with, and convicted of, an offence relating to voting at the election concerned.

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

An elector is disqualified from voting at an election if the elector—

- (a) has ceased to be eligible to be registered as an elector under the Legislative Council Ordinance (Cap. 542); or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either—
  - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
  - (ii) received a free pardon; or
- (c) on the date of the election, is serving a sentence of imprisonment; or

- (d) 在不局限 (b) 段的原則下，被裁定或曾被裁定犯以下罪行，而選舉於或將於自其被定罪的日期起計的 3 年內舉行——
- (i) 舞弊行為或非法行為，但違反《舞弊及非法行為條例》(第 288 章) 第 19 條而構成的非法行為除外；或
  - (ii) 對舞弊行為或非法行為訂下懲罰規定的任何其他成文法則所指的舞弊行為或非法行為；或
  - (iii) 《防止賄賂條例》(第 201 章) 第 II 部所訂的任何罪行；或
  - (iv) 根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的任何罪行；或
- (e) 被原訟法庭按照《精神健康條例》(第 136 章) 裁斷為精神不健全而又無能力照顧自己和處理其事務；或
- (f) 是中央人民政府或任何其他國家或地區的武裝部隊的成員。

**31. 選舉登記主任須為首屆一般選舉  
發表選民登記冊**

- (1) 就首屆一般選舉而言，選舉登記主任必須——
- (a) 按照選民在現有的正式選民登記冊內所記錄的住址，給選民編配其有權在該屆選舉中投票的所在選區；及
  - (b) 在根據第 27 條指明的舉行首屆一般選舉的日期前的 2 個月之前，發表一份顯示每名選民根據 (a) 段獲編配的選區的選民登記冊。
- (2) 選舉登記主任可修訂第 (1) 款所提述的選民登記冊，以更正任何文書上或印刷上的錯誤，或選民登記冊所記錄的人的任何不正確姓名、地址或其他個人詳情。

- (d) without limiting paragraph (b), where the election is to be held or is held within 3 years from the date of the elector's conviction, is or has been convicted—
- (i) of a corrupt practice or an illegal practice (other than the illegal practice consisting of a contravention of section 19 of the Corrupt and Illegal Practices Ordinance (Cap. 288)); or
  - (ii) of a corrupt practice or an illegal practice within the meaning of any other enactment providing for the punishment of corrupt practices or illegal practices; or
  - (iii) of any offence under Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (e) is, in accordance with the Mental Health Ordinance (Cap. 136), found by the Court to be of unsound mind and incapable of managing himself or herself and his or her affairs; or
- (f) is a member of the armed forces of the Central People's Government or any other country or territory.

**31. Electoral Registration Officer to  
publish register for the first  
ordinary election**

- (1) In the case of the first ordinary election, the Electoral Registration Officer must—
- (a) allocate to an elector a constituency in which he is entitled to vote at that election, according to the elector's residential address as recorded in the existing final register; and
  - (b) not later than 2 months before the date specified under section 27 for holding the first ordinary election, publish a register showing the constituency allocated to each elector under paragraph (a).
- (2) The Electoral Registration Officer may amend the register referred to in subsection (1) so as to rectify any clerical or printing error or any incorrect name, address or other personal particulars of a person who is recorded in the register.



## 第 3 分部——選舉的進行

## 32. 區議會民選議員議席空缺須予宣布

(1) 如民選議員議席出現空缺，指定人員必須在知悉出現空缺後 21 天內，藉憲報公告宣布民選議員議席出現空缺。

(2) 在不局限第 (1) 款的原則下，如在選舉投票結束後，有在選舉中當選的候選人在其獲宣布如此當選為民選議員之前死亡，則指定人員在知悉此事後，必須宣布區議會民選議員議席出現空缺。

## 33. 舉行補選以填補區議會議席空缺

(1) 選舉管理委員會必須在以下情況而不得在其他情況下，按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例，安排舉行一項補選——

- (a) 在指定人員根據第 32 條宣布區議會議席出現空缺時；及
- (b) 在選舉主任根據第 40(1) 條宣布某選區的選舉程序已經終止時；及
- (c) 在選舉主任根據第 39(2) 條宣布某選區的選舉因無候選人獲有效提名參加選舉而未能完成時；及
- (d) 在選舉主任根據第 40(3) 條宣布某選區的選舉因在該項選舉中勝出的候選人去世或喪失資格而未能完成時。

(2) 然而填補區議會議席空缺的補選，不得在民選議員的現屆任期結束前的 4 個月內舉行。

## 34. 獲提名的候選人須遵從的規定

(1) 除非符合以下條件，否則任何人不屬獲有效提名參加選舉的候選人——

- (a) 該人已以或已由他人代其以根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的方式，向有關的選舉主任繳存按金；及

## Division 3—Conduct of Elections

## 32. Vacancy in membership of elected members of a District Council to be declared

(1) If a vacancy arises in the office of an elected member, the Designated Officer must, by notice published in the Gazette, declare the existence of the vacancy within 21 days after becoming aware of the vacancy.

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

## 33. By-election to be held to fill vacancy in membership of District Councils

(1) The Electoral Affairs Commission must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), arrange for a by-election to be held in the following circumstances and not otherwise—

- (a) on the making of a declaration as to the existence of a vacancy in the membership of a District Council under section 32; and
- (b) on the making of a declaration under section 40(1) that the proceedings for the election for a constituency have been terminated; and
- (c) on the making of a declaration under section 39(2) that an election for a constituency has failed because no candidate has been validly nominated for the election; and
- (d) on the making of a declaration under section 40(3) that an election for a constituency has failed because of the death or disqualification of the successful candidate at the election.

(2) However, a by-election to fill a vacancy occurring in the membership of a District Council is not to be held within the 4 months preceding the end of the current term of office of the elected members.

## 34. What requirements are to be complied with by persons nominated as candidates

(1) A person is not validly nominated as a candidate for an election unless—

- (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), been lodged by or on behalf of the person with the Returning Officer concerned; and

- (b) 提名表格載有或附有一項示明該人會擁護《基本法》和保證效忠香港特別行政區的聲明。
- (2) 按金的款額為《規例》為施行本條而訂明者。

### 35. 候選人提名的撤回

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

(2) 某項選舉中的候選人的提名的撤回須以書面作出並由該候選人簽署, 且須符合根據《選舉管理委員會條例》(第 541 章) 為施行本條而訂立並正有效的規例, 否則不具效力。

### 36. 獲有效提名的候選人

(1) 選舉主任在收到符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例的提名表格後, 必須在切實可行的範圍內, 盡快按照該等規例決定有關的人是否獲有效提名為候選人。

(2) 選舉主任在根據第 (1) 款作出決定指某候選人是獲有效提名參加某選區的選舉之後, 如在指明舉行選舉的日期前, 選舉主任得悉該候選人已去世, 則選舉主任必須按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例——

(a) 公開宣布該候選人已去世; 及

(b) 進一步宣布哪名候選人或哪些候選人獲有效提名參加該選區的選舉。

(3) 如選舉主任已根據第 39(1) 條公開宣布有關候選人為妥為選出的民選議員, 則第 (2) 款不適用。

(4) 選舉主任在根據第 (1) 款作出決定指某候選人是獲有效提名參加某選區的選舉之後, 如在指明舉行選舉的日期前, 選舉主任得悉該候選人喪失獲提名為候選人的資格, 則選舉主任必須按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例更改該項決定, 示明該候選人並非獲有效提名。如選舉主任如此更改該項決定, 則他必須按照該等規例——

- (b) the nomination form includes or is accompanied by a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region.

(2) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

### 35. Withdrawal of candidate's nomination

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

(2) The withdrawal of a candidate's nomination has effect only if it is in writing signed by the candidate and complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) for the purposes of this section.

### 36. Who are validly nominated candidates

(1) The Returning Officer must, as soon as practicable after receiving a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), decide in accordance with those regulations whether or not a person is validly nominated as a candidate.

(2) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, it comes to the knowledge of the Returning Officer that the candidate has died, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541)—

(a) publicly declare that the candidate has died; and

(b) further declare which candidate or candidates are validly nominated for election for that constituency.

(3) Subsection (2) does not apply if the Returning Officer has publicly declared under section 39(1) that the candidate was duly elected as an elected member.

(4) If, after the Returning Officer has made a decision under subsection (1) that a candidate is validly nominated for election for a constituency but before the date specified for holding the election, it comes to the knowledge of the Returning Officer that the candidate is disqualified from being nominated as a candidate, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer must, in accordance with those regulations—

- (a) 公開宣布該項決定已被更改；及
  - (b) 進一步宣布哪名候選人或哪些候選人獲有效提名參加該選區的選舉。
- (5) 如選舉主任已根據第 39(1) 條公開宣布有關候選人為妥為選出的民選議員，則第 (4) 款不適用。

### 37. 候選人有權免付郵資而向選民寄出信件

- (1) 就某選區獲有效提名的候選人，可免付郵資而向該選區的每名選民寄出或由他人代為如此寄出一封信件。
- (2) 每封信件必須是關乎有關的選舉，並必須符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂明的所有規定及限制(如有的話)。
- (3) 郵政署署長為使各候選人能夠行使本條所訂的權利而承擔的費用，須從政府一般收入中撥付。

### 38. 一般選舉押後的情況

- (1) 如在一般選舉舉行前，行政長官認為該項選舉相當可能受騷亂、公開暴力或任何危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將該項選舉押後。
- (2) 如在就一般選舉進行投票或點票期間，行政長官認為投票或點票相當可能受騷亂、公開暴力或任何危害公安的事故妨礙、干擾、破壞或嚴重影響，或正受騷亂、公開暴力或任何危害公安的事故妨礙、干擾、破壞或嚴重影響，則行政長官可藉命令指示將該項投票或點票押後。
- (3) 有關的選舉主任在接獲關於根據本條發出的指示的通知後，必須在切實可行的範圍內盡快執行該項指示。
- (4) 如行政長官根據本條指示將一般選舉或一般選舉的投票或點票押後，行政長官必須藉憲報公告指明一個日期舉行選舉、投票或點票，以代替被押後的選舉、投票或點票；該日期不得遲於自若非有該項指示則該項選舉、投票或點票本會進行的日期起計的 14 天。

- (a) publicly declare that the decision has been varied; and
- (b) further declare which candidate or candidates are validly nominated for election for that constituency.

(5) Subsection (4) does not apply if the Returning Officer has publicly declared under section 39(1) that the candidate was duly elected as an elected member.

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

- (1) One letter, addressed to each elector in the constituency for which the candidate is validly nominated, may be sent free of postage by or on behalf of the candidate.
- (2) Each letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).
- (3) The cost to the Postmaster General of enabling candidates to exercise their entitlements under this section is a charge on, and is payable from, the general revenue.

### 38. When ordinary election can be postponed or adjourned

- (1) The Chief Executive may, by order, direct the postponement of an ordinary election if, before the holding of the election, the Chief Executive is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes in respect of an ordinary election if, during the polling or counting of votes in respect of the election, the Chief Executive is of the opinion that the polling or counting of votes is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.
- (3) The Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.
- (4) If an ordinary election, or the polling or counting of votes at an ordinary election, is directed to be postponed or adjourned under this section, the Chief Executive must, by notice published in the Gazette, specify a date for the holding of an election, or a poll or the counting of votes, in place of the postponed election or the adjourned polling or counting. That date must not be later than 14 days from the date on which the election, poll or count would have taken place but for the direction.

### 39. 獲提名的候選人數目不足時 須採取的行動

(1) 如在某選區的選舉中，在候選人提名期結束後，只有一名獲有效提名的候選人，則選舉主任必須按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例，公開宣布該名候選人為妥為選出的民選議員。

(2) 如在某選區的選舉中，在候選人提名期結束後，沒有獲有效提名的候選人，則選舉主任必須藉憲報公告宣布該項選舉未能完成。

### 40. 選舉程序終止或未能完成的情況

(1) 如在指明舉行選舉之日但在選舉投票結束前，選舉主任得悉獲有效提名參加某選區的選舉的候選人已去世或喪失當選資格，則選舉主任必須按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例公開宣布該選區的選舉程序終止。

(2) 如在選舉投票結束後但在宣布選舉結果前，選舉主任得悉參加某選區的選舉的任何候選人已去世或喪失當選資格，則該選區的選舉程序不得在該階段終止。如就該選舉進行的點票仍未開始或正在進行，則須開始進行或繼續進行點票，猶如該候選人去世或喪失當選資格一事並無發生一樣。

(3) 如在點票結束後，發覺第 (2) 款所提述的候選人在選舉中勝出，則選舉主任必須按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例公開宣布該項選舉未能完成。

### 41. 投票及點票制度

(1) 在每項有競逐的選舉中——

- (a) 須在舉行選舉的每一選區或各選區內進行一次投票；及
- (b) 投票須以不記名投票方式進行；及
- (c) 選舉須按照《規例》及根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例進行。

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

(1) If, after the close of nomination of candidates for election for a constituency, only one candidate has been validly nominated, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the candidate to be duly elected as an elected member.

(2) If, after the close of nomination of candidates for election for a constituency, no candidate was validly nominated, the Returning Officer must, by notice published in the Gazette, declare the election to have failed.

### 40. When election proceedings are terminated or when an election fails

(1) If, on the day specified for the holding of an election but before the close of polling for the election, it comes to the knowledge of the Returning Officer that a validly nominated candidate for election for a constituency has died or is disqualified from being elected, that Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare that the proceedings for the election for the constituency are terminated.

(2) If, after the close of polling for an election but before declaring the result of the election, it comes to the knowledge of the Returning Officer that a candidate for election for a constituency has died or is disqualified from being elected, the proceedings for the election for the constituency are not to be terminated at that stage. If the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.

(3) If, after the counting of votes is finished, the candidate referred to in subsection (2) is found to be successful at the election, the Returning Officer must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), publicly declare the election to have failed.

### 41. System of voting and counting of votes

(1) At every election which is contested—

- (a) a poll shall be taken in each constituency or constituencies in which the election is held; and
- (b) the voting at that poll shall be by secret ballot; and
- (c) the election shall be conducted in accordance with the regulations and regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

(2) 投票及點票均須按照簡單或相對多數選舉制(亦稱為“得票最多者當選”投票制)進行,根據該制度,每名選民只可投其中一名候選人一票,而選舉主任須宣布獲得最多票數的候選人為唯一當選的候選人。

(3) 如在點票結束後,多於一名候選人同得最多票數,則選舉主任必須以抽籤的方式決定選舉結果。選舉主任必須決定中籤者是有關的選區的民選議員。

(4) 在決定選舉結果後,選舉主任必須在切實可行的範圍內盡快公開宣布在選舉中勝出的候選人當選。

(5) 儘管有第(4)款的規定,如在宣布某選區的選舉結果前,選舉主任得悉在選舉中勝出的候選人已去世或喪失當選資格,則該選舉主任——

(a) 不得宣布該候選人當選;及

(b) 必須根據第40(3)條公開宣布該項選舉未能完成。

#### 42. 不遵從本條例規定的後果

在為質疑選舉的有效性而提出的任何法律程序中,如原訟法庭覺得該項選舉按照本條例及《選舉管理委員會條例》(第541章)所定的原則進行,而——

(a) 《規例》或根據《選舉管理委員會條例》(第541章)訂立並正有效的規例未獲遵從;或

(b) 在使用提名表格方面有錯誤,

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

#### 43. 姓名或名稱出錯或不準確描述並不影響選舉文件的效力

(1) 如本條適用的文件所指明的人、所指明的某人的身分證明文件或所指明的地方的姓名或名稱出錯,或對該人、身分證明文件或地方的描述不準確,然而對該人、身分證明文件或地方的描述足以令一般人明瞭所指的人、身分證明文件或地方為何,則該出錯的姓名或名稱或不準確描述並不限制該文件就該人、身分證明文件或地方具有十足效力。

(2) The votes shall be given and counted in accordance with the simple or relative majority system of election (otherwise known as the “first past the post” voting system) whereby the elector shall vote for not more than one of the candidates and the candidate to whom the greatest number of votes have been given shall be declared by the Returning Officer as the only candidate to be elected.

(3) If, after the counting of votes is finished, 2 or more of the most successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The person on whom the lot falls must be determined by the Returning Officer to be the elected member for the constituency concerned.

(4) As soon as practicable after determining the result of the election, the Returning Officer must publicly declare as elected the candidate who was successful at the election.

(5) Despite subsection (4), if, before declaring the result of an election for a constituency, it comes to the knowledge of the Returning Officer that the candidate who was successful at the election has died or is disqualified from being elected, that Officer—

(a) must not declare that candidate as elected; and

(b) must publicly declare, under section 40(3), that the election has failed.

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

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

(a) a failure to comply with the regulations or with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or

(b) a mistake in the use of a nomination form,

if it appears to the Court that the election was conducted in accordance with the principles laid down in this Ordinance and the Electoral Affairs Commission Ordinance (Cap. 541) and that the failure to comply or mistake did not affect the result of the election.

#### 43. Misnomer or inaccuracy not to affect operation of election document

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

(2) 本條適用於為選舉而製備的登記冊、提名書、選票、公告或其他文件。

#### 44. 選舉須推定為有效

除非有人在第 53 條准許的限期內以選舉呈請質疑選舉，而原訟法庭在聆訊呈請後裁定該項選舉無效，否則該項選舉須推定為有效。

#### 45. 選舉不得僅因選舉事務主任的委任欠妥而受質疑

獲委任為選舉事務主任的人如在有關時間在選舉中擔任選舉事務主任或以選舉事務主任的身分行事，則該項選舉不得僅因該人的委任有欠妥之處而受質疑。

#### 46. 選舉主任須刊登選舉結果

(1) 負責一項選出某選區民選議員的選舉的選舉主任必須在憲報刊登公告，宣布在該選區的選舉中當選的候選人是該選區的妥為選出的民選議員。

(2) 有關的選舉主任必須確保本條所規定的刊登及公告符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例。

#### 47. 選舉事務主任就選舉的進行所犯的罪行

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

(2) 就本條所訂罪行提出檢控必須獲律政司司長同意。

(3) 除非指稱某人犯本條所訂罪行的申訴或告發是於所指稱犯罪的日期後的 3 個月內提出，否則不得根據本條將該人定罪。

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

#### 44. Election to be presumed to be valid

Every election is presumed to be valid until it is questioned by an election petition within the period permitted by section 53 and the Court, on the hearing of the petition, determines that the election is invalid.

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

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

#### 46. Returning Officer to publish result of election

(1) The Returning Officer for an election to return an elected member for a constituency must publish in the Gazette a notice declaring that the candidate returned at the election is the elected member duly elected for the constituency.

(2) The Returning Officer concerned must ensure that the publication and notice required by this section comply with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).

#### 47. Offences by electoral officers with respect to conduct of election

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

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

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

**48. 選民無須披露如何投票**

- (1) 選民在被要求披露其在選舉中投票所選的候選人的姓名或關於該候選人的任何詳情時，無須回答有關的問題。
- (2) 任何人如無合法權限，則不得規定或看來是規定選民披露其在選舉中投票所選的候選人的姓名或關於該候選人的任何詳情。
- (3) 任何人違反第(2)款，即屬犯罪，一經定罪，可處第 2 級罰款。

**第 4 分部——選舉呈請****49. 只可藉基於指明理由提出的選舉呈請而質疑選舉**

- (1) 選出民選議員的選舉只可基於以下理由而受質疑——
  - (a) 選舉主任按照根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例宣布在該項選舉中當選民選議員的人，因以下理由而並非妥為選出——
    - (i) 該人沒有在該項選舉中擔任候選人的資格或已喪失該資格；或
    - (ii) 該人在該項選舉中或與該項選舉有關連的事宜中作出或有人就該人在該項選舉中或該等事宜中作出舞弊行為或非法行為；或
    - (iii) 在該項選舉中或與該項選舉有關連的事宜中普遍存在舞弊行為或非法行為；或
    - (iv) 有任何關乎該項選舉或該項選舉的投票或點票的具關鍵性的欠妥之處；或
  - (b) 任何其他成文法則所指明的令人能夠質疑選舉的理由。
- (2) 選出民選議員的選舉只可藉根據第 50 條提出的選舉呈請予以質疑。
- (3) 在本條中，“選舉”(election) 包括提名程序及選舉主任或任何助理選舉主任的決定。

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

- (1) An elector who is asked to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at the election is not required to answer the question.
- (2) A person must not, without lawful authority, require, or purport to require, an elector to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at an election.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.

**Division 4—Election Petitions****49. Election may be questioned only by election petition made on specified grounds**

- (1) An election to return an elected member may be questioned only on the following grounds—
  - (a) the ground that the person declared by the Returning Officer in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541) to have been elected as an elected member at the election was not duly elected because—
    - (i) the person was ineligible to be, or was disqualified from being, a candidate at the election; or
    - (ii) a corrupt practice or an illegal practice was engaged in by or in respect of that person at or in connection with the election; or
    - (iii) a corrupt practice or an illegal practice was generally prevalent at or in connection with the election; or
    - (iv) material irregularity occurred in relation to the election, or to the polling or counting of votes at the election; or
  - (b) a ground specified in any other enactment that enables an election to be questioned.
- (2) An election to return an elected member may be questioned only by an election petition lodged under section 50.
- (3) In this section, “election” (選舉) includes nomination proceedings and the decisions of the Returning Officer or any Assistant Returning Officer.

**50. 可提出選舉呈請的人**

選舉呈請可——

- (a) 由 10 名或多於 10 名有權在有關選區中投票的選民提出；或
- (b) 由一名聲稱曾是有關選區的候選人提出。

**51. 可列為選舉呈請答辯人的人**

凡某人的當選遭人藉選舉呈請質疑，則該當選的人以及有關選舉的選舉主任，均可列為該呈請的答辯人。

**52. 原訟法庭有裁定選舉呈請的司法管轄權**

(1) 原訟法庭就選舉呈請所具有的司法管轄權及職能，與原訟法庭就在其司法管轄權以內的一般訴訟因由所具有的相同。

(2) 選舉呈請在公開法庭進行審訊，而除非終審法院首席法官另有指示，否則審訊須在一名法官席前進行。

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

**53. 提交選舉呈請書的限期**

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

**54. 原訟法庭可指示就訟費提供保證金**

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

**50. Who may lodge election petition**

An election petition may be lodged—

- (a) by 10 or more electors entitled to vote in the relevant constituency; or
- (b) by a person claiming to have been a candidate in the relevant constituency.

**51. Who may be made respondent to election petition**

Any person whose election is questioned by an election petition and the Returning Officer in respect of the election may be made a respondent to the petition.

**52. Court to have jurisdiction to determine election petitions**

(1) The Court has the same jurisdiction and the same functions in respect of an election petition as it has in respect of an ordinary cause of action within its jurisdiction.

(2) An election petition is triable in open court and, unless the Chief Justice otherwise directs, before one judge.

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

**53. Period within which election petition is to be lodged**

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

**54. Court may direct security to be given for costs**

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



- (2) 根據本條須提供的保證金的款額為原訟法庭所指示者，但不得超過 \$20,000。該款項須按原訟法庭所指示的方式及形式提供。
- (3) 如本條不獲遵從，選舉呈請即視為已被撤回。

#### 55. 原訟法庭須對選舉呈請作裁定

- (1) 選舉呈請如與無競逐的選舉有關，則在該呈請的審訊完結時，原訟法庭必須裁定選舉主任就某項提名的有效性所作的決定是否正確，如該決定不正確，則須裁定被選舉主任宣布為在該項選舉中當選的人是否妥為選出。
- (2) 選舉呈請如與有競逐的選舉有關，則在該呈請的審訊完結時，原訟法庭必須裁定其當選受質疑的人是否妥為選出，如非妥為選出，則須裁定是否有另一人妥為選出。
- (3) 原訟法庭必須在選舉呈請的審訊完結時，以書面證明法庭的裁定。主審法官必須在證明書上簽署，並確保該證明書蓋有原訟法庭印章；而經證明的裁定即為關於該選舉呈請的受爭議事宜的最終裁定。
- (4) 高等法院司法常務官必須安排將原訟法庭的證明書的文本一份，交付政制事務局局長、選舉管理委員會及民政事務總署署長。
- (5) 原訟法庭如認為應該就在選舉呈請的審訊過程中出現的任何事宜提交報告，可主動向政制事務局局長、選舉管理委員會或民政事務總署署長提交報告。
- (6) 原訟法庭必須遵從政制事務局局長、選舉管理委員會或民政事務總署署長的任何要求，就在選舉呈請的審訊中出現的任何指明事宜提交報告。

#### 56. 選舉呈請被撤回時的情況

- (1) 在不抵觸第 54(3) 條的規定下，除非獲原訟法庭許可，否則呈請人不得撤回、放棄或停止進行有關的選舉呈請。
- (2) 在第 (1) 款所提述的許可申請的聆訊中——

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

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

#### 55. Court to determine election petition

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

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

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

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

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

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

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

- (1) Subject to section 54(3), a petitioner must not withdraw or abandon, or cease to prosecute, an election petition unless the petitioner has obtained the leave of the Court.

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

(a) 任何本可就有關的選舉提出選舉呈請的人或律政司司長，均可向原訟法庭申請代入為呈請人；及

(b) 原訟法庭如認為適當，可據此將該人或律政司司長代入。

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

(4) 如原訟法庭並無如此指示，則代入的呈請人在進行被代入的選舉呈請之前，必須親自或由他人代其提供保證金，款額與原有呈請提出時根據第 54 條所須提供的相同，並且須按原訟法庭所指示的方式及形式和在原訟法庭所指示的限期內提供。本款不適用於律政司司長。

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

(6) 如原來的呈請人被另一呈請人代入，則原來的呈請人必須向該代入的呈請人提供所有他可用的與該選舉呈請的繼續進行有關的證據。

(7) 如呈請人——

(a) 撤回或放棄選舉呈請；或

(b) 的選舉呈請根據第 54(3) 條視為已被撤回；或

(c) 停止進行呈請，

則呈請人有法律責任支付答辯人的訟費。

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

(9) 任何人——

(a) 違反第 (1) 款；或

(b) 不遵從第 (6) 款而無合理辯解，

即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。

## 57. 選舉呈請終止的時間

(1) 如選舉呈請是由一個人提出而該人去世，則該呈請即告終止。

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

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

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

(4) If the Court does not so direct, then before the substituted petitioner may proceed with the substituted election petition, security of the same amount as would be required to be given under section 54 in the case of an original election petition must be given by or on behalf of that petitioner in the same manner and form, and within such period, as the Court directs. This subsection does not apply to the Secretary for Justice.

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

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

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

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

(b) the petition is taken to have been withdrawn under section 54(3); or

(c) the petitioner ceases to prosecute the petition.

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

(9) Any person who—

(a) contravenes subsection (1); or

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

## 57. When an election petition is terminated

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

(2) 如選舉呈請是由多於一名呈請人提出的，則該呈請於該等呈請人中最後尚存者去世時即告終止。

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

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

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

#### 58. 答辯人何時可退出選舉呈請的法律程序和由他人代入

(1) 如在任何選舉呈請的審訊開始前，答辯人（選舉主任除外）——

(a) 去世、辭職或在其他情況下停任與該呈請有關的席位；或

(b) 向高等法院司法常務官發出他不擬反對該項呈請的通知，

司法常務官必須在憲報刊登關於此事的公告。

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

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

#### 59. 被宣布為並非當選並不令作為失效

如原訟法庭就根據第 55(3) 條作出的裁定發出證明書，證明任何本已被宣布為在選舉中當選的人並非妥為選出，該證明書的發出並不令該人在指定人員接獲證明書之前本意是以民選議員身分作出的作為失效。

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

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

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

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

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

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

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

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

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

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

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

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

The certification by the Court of a determination under section 55(3) that a person who was originally declared to have been elected at an election has not been duly elected does not invalidate acts purporting to have been done by the person as an elected member before the certificate is received by the Designated Officer.

**60. 民選議員被裁定並非妥為選出時出現的情況**

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

(2) 如原訟法庭在聆訊選舉呈請時，裁定某人是妥為選出的民選議員以取代被原訟法庭裁定為並非在選舉中妥為選出的人，則前者自該項裁定的日期起成為民選議員。

**第 VI 部**

區議會的職能、主席及副主席以及程序

**第 1 分部——區議會的職能**

**61. 區議會的職能**

區議會的職能如下——

- (a) 就以下項目向政府提供意見——
- (i) 影響有關的地方行政區內的人的福利的事宜；及
  - (ii) 有關的地方行政區內的公共設施及服務的提供和使用；及
  - (iii) 政府為有關的地方行政區制訂的計劃是否足夠及施行的先後次序；及
  - (iv) 為進行地區公共工程和舉辦社區活動而撥給有關的地方行政區的公帑的運用；及
- (b) 在就有關目的獲得撥款的情況下，承擔——
- (i) 有關的地方行政區內的環境改善事務；
  - (ii) 有關的地方行政區內的康樂及文化活動促進事務；及
  - (iii) 有關的地方行政區內的社區活動。

**60. What is to happen if an elected member is determined not to have been duly elected**

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

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

**PART VI**

FUNCTIONS, CHAIRMAN AND VICE CHAIRMAN AND PROCEDURE OF A DISTRICT COUNCIL

**Division 1— Functions of a District Council**

**61. Functions of a District Council**

The functions of a District Council are—

- (a) to advise the Government—
- (i) on matters affecting the well-being of the people in the District; and
  - (ii) on the provision and use of public facilities and services within the District; and
  - (iii) on the adequacy and priorities of Government programmes for the District; and
  - (iv) on the use of public funds allocated to the District for local public works and community activities; and
- (b) where funds are made available for the purpose, to undertake—
- (i) environmental improvements within the District;
  - (ii) the promotion of recreational and cultural activities within the District; and
  - (iii) community activities within the District.

## 第2分部——區議會的主席及副主席

## 62. 首任主席及副主席的選舉

(1) 區議會須在其於每屆一般選舉之後所舉行的首次會議上，從其議員中選出主席及副主席。

(2) 第(1)款所提述的首次會議，必須在於有關的一般選舉中選出的議員的任期開始後的30天內舉行。

(3) 在不抵觸第(2)款的規定下，民政事務專員必須決定舉行首次會議的時間、日期及地點並通知議員。

(4) 民政事務專員必須主持區議會的首次會議，直至主席及副主席選出為止。

(5) 在不抵觸第64(1)條的規定下，主席及副主席須於其擔任區議會議員的期間，擔任主席及副主席職位。

(6) 任何人均不能同時擔任主席及副主席的職位。

(7) 在本條中，“首次會議”(first meeting)指根據第(1)及(2)款舉行的會議。

## 63. 主席或副主席的辭職

(1) 主席或副主席可隨時向民政事務專員發出書面辭職通知而辭去其主席或副主席的職位。

(2) 辭職通知須由有關的主席或副主席(視屬何情況而定)簽署，否則不具效力。

(3) 辭職通知——

(a) 於民政事務專員接獲該通知的日期生效；或

(b) 如指明一個較後的生效日期，則於該較後的日期生效。

## 64. 主席或副主席的職位何時懸空

(1) 如主席或副主席去世或辭職，或擔任主席或副主席的議員不再是議員，則主席或副主席(視屬何情況而定)的職位即告懸空。

(2) 如主席或副主席的職位懸空，議員必須在區議會於有關職位懸空後首次舉行的會議上互選選出主席或副主席(視屬何情況而定)。

## Division 2—Chairman and Vice Chairman of a District Council

## 62. Election of first Chairman and Vice Chairman

(1) A District Council is to elect a Chairman and a Vice Chairman from amongst its members at the first meeting of the Council held after each ordinary election.

(2) The first meeting referred to in subsection (1) must be held within the period of 30 days after the term of office of the members elected at the ordinary election begins.

(3) Subject to subsection (2), the District Officer must decide the time, date and place of the first meeting and notify the members.

(4) The District Officer must preside at the first meeting of a District Council until the Chairman and Vice Chairman are elected.

(5) Subject to section 64(1), the Chairman and Vice Chairman are to hold office as long as they are members of the Council.

(6) A person cannot hold office as the Chairman and Vice Chairman at the same time.

(7) In this section, “first meeting” (首次會議) means the meeting to be held under subsections (1) and (2).

## 63. Resignation of Chairman or Vice Chairman

(1) The Chairman or Vice Chairman may at any time resign from his or her office as such by giving written notice of resignation to the District Officer.

(2) A notice of resignation is not effective unless it is signed by the Chairman or Vice Chairman concerned, as the case may be.

(3) A notice of resignation takes effect—

(a) on the date on which the notice is received by the District Officer; or

(b) if a later date is specified in the notice, on that later date.

## 64. When office of Chairman or Vice Chairman becomes vacant

(1) If the Chairman or Vice Chairman dies or resigns or the member holding office as the Chairman or Vice Chairman ceases to be a member, the office of the Chairman or Vice Chairman, as the case may be, becomes vacant.

(2) If the office of Chairman or Vice Chairman becomes vacant, the members must elect a Chairman or Vice Chairman, as the case may be, from amongst themselves at the first meeting of the District Council after the office becomes vacant.

(3) 如主席或副主席的職位皆懸空，民政事務專員必須主持為選舉主席及副主席而舉行的會議，直至主席及副主席選出為止。

(4) 如主席的職位懸空而副主席獲提名擔任主席職位，則民政事務專員必須主持為選舉主席而舉行的會議。

#### 65. 須按照附表 5 選出主席或副主席

主席及副主席的選舉必須按照附表 5 所列的程序舉行。

#### 66. 主席及副主席的職責

(1) 主席須主持區議會的會議。

(2) 如主席不能行事、缺勤或主席的職位懸空，副主席須履行主席的職責(包括主持會議)。

(3) 如主席及副主席皆在會議上缺席，出席會議的議員須互選選出一名議員主持會議。

#### 67. 主席或其他主持會議的人可投決定票

(1) 除第(2)款另有規定外，在區議會會議中，主席或其他根據第 66(2) 或 (3) 條主持會議的議員可投其原有的一票，並可在票數相等的情況下投決定票。

(2) 主持為選舉主席或副主席而舉行的會議的議員，無權投決定票。

### 第 3 分部——區議會的程序

#### 68. 區議會可訂立常規

(1) 區議會可訂立常規，以規管其程序及其轄下委員會的程序。

(2) 在不局限第(1)款的一般性的原則下，常規可就以下事項訂定條文——

(a) 區議會或委員會舉行會議的時間及地點；或

(3) If the office of Chairman and Vice Chairman both become vacant, the District Officer must preside at the meeting held for the purpose of electing the Chairman and Vice Chairman, until the Chairman and Vice Chairman are elected.

(4) If the office of Chairman becomes vacant, and the Vice Chairman is nominated for the office of Chairman, the District Officer must preside at the meeting held for the purpose of electing the Chairman.

#### 65. Election of Chairman or Vice Chairman to be in accordance with Schedule 5

The election of Chairman and Vice Chairman must be held in accordance with the procedure set out in Schedule 5.

#### 66. Duties of Chairman and Vice Chairman

(1) The Chairman is to preside at meetings of the District Council.

(2) The Vice Chairman is to perform the duties of the Chairman (including presiding at meetings) if the Chairman is unable to act, is absent or if the office of the Chairman becomes vacant.

(3) If both the Chairman and Vice Chairman are absent from a meeting, the members present are to elect a member from amongst themselves to preside at the meeting.

#### 67. Chairman or other person presiding to have a casting vote

(1) Subject to subsection (2), at a meeting of a District Council, the Chairman, or other member presiding under section 66(2) or (3) is to have an original vote and a casting vote if the votes are equal.

(2) A member presiding at a meeting for the purpose of electing a Chairman or Vice Chairman does not have a casting vote.

### Division 3—Procedure of a District Council

#### 68. District Council may make standing orders

(1) A District Council may make standing orders for regulating its procedure and that of its committees.

(2) Without limiting the generality of subsection (1), the standing orders may make provision for—

(a) times and places of meetings of the District Council or of a committee; or

- (b) 會議的召集、通知及會議程序紀錄的備存；或
  - (c) 就提交會議的事項進行表決；或
  - (d) 藉傳閱文件而決定任何事宜；或
  - (e) 維持會議秩序。
- (3) 區議會必須在其常規中訂定由其委出的委員會會議的法定人數。

#### 69. 區議會可委任秘書

- (1) 為執行區議會職能的目的，區議會可委任一名公職人員擔任該區議會的秘書。
- (2) 區議會可決定根據第(1)款獲委任為秘書的人的職責。

#### 70. 區議會會議的法定人數

區議會會議的法定人數為不少於當其時擔任該區議會議員的人數的二分之一。

#### 71. 區議會可委出委員會

- (1) 為執行區議會職能的目的，區議會可按照本條委出委員會。
- (2) 並非議員的人如符合第20(1)條所列的資格，區議會可委任該人為委員會成員。
- (3) 區議會轄下的委員會須選出一名本身亦是該區議會議員的委員會成員擔任該委員會的主席。
- (4) 根據第(2)款獲委任的成員可在委員會會議中投票，並可為計算法定人數的目的被計算在內。
- (5) 區議會可將其任何職能轉授予任何委員會。

#### 72. 區議會或委員會的程序不受議席空缺或議員資格有欠妥之處影響

- (1) 區議會議席空缺並不影響該區議會處理事務的權力。
- (2) 區議會程序的有效性不受以下情況影響——
  - (a) 該區議會議席有空缺；
  - (b) 其任何議員的委任或選舉有欠妥之處；
  - (c) 任何人擔任其議員的資格有欠妥之處。

- (b) the summoning, notices, keeping of minutes of proceedings of meetings; or
  - (c) the voting on matters put before a meeting; or
  - (d) the determination of any matter by circulation of papers; or
  - (e) the preservation of order at meetings.
- (3) A District Council must, in its standing orders, provide for the quorum of the committees appointed by it.

#### 69. District Council may appoint secretary

- (1) For the purpose of carrying out its functions, a District Council may appoint a public officer to act as the secretary of that District Council.
- (2) A District Council may determine the duties of the person appointed as secretary under subsection (1).

#### 70. Quorum of a District Council

The quorum of a District Council is not less than half the members of the Council holding office for the time being.

#### 71. District Council may appoint committees

- (1) For the purpose of carrying out its functions, a District Council may appoint committees in accordance with this section.
- (2) A District Council may appoint to a committee any person who is not a member if the person satisfies the qualifications set out in section 20(1).
- (3) A committee of a District Council is to elect a member of the committee who is also a member of that Council, as the chairman of the committee.
- (4) A member appointed under subsection (2) may vote at a meeting of the committee and is to be counted for the purpose of constituting a quorum.
- (5) A District Council may delegate any of its functions to a committee.

#### 72. Proceedings of a District Council or a committee not affected by vacancy or defect in membership

- (1) A vacancy in the membership of a District Council does not affect its power to transact business.
- (2) The validity of proceedings of a District Council are not affected by—
  - (a) a vacancy in the membership of the District Council;
  - (b) a defect in the appointment or election of a member;
  - (c) a defect as to the eligibility of a person to be a member.

(3) 委員會程序的有效性不受任何人在委任為委員會成員方面或擔任委員會成員的資格方面有欠妥之處所影響。

(4) 就本條而言——

- (a) 區議會議席空缺，包括該區議會在一般選舉後首次開會時所出現的議席空缺；及
- (b) 某人擔任其委任議員或當然議員的資格有欠妥之處，包括沒有宣誓接受席位。

## 第 VII 部

### 各人員在本條例下的職能及職責

#### 73. 選舉登記主任及助理的職能及職責

- (1) 選舉登記主任具有本條例或根據本條例賦予他的職能及委予他的職責。
- (2) 助理選舉登記主任可在選舉登記主任的授權下，行使選舉登記主任的職能和履行選舉登記主任的職責。
- (3) 政府的行政機關必須確保選舉登記主任獲提供他根據本條例行使其職能和履行其職責所需的職員。
- (4) 選舉登記主任在根據本條例或《選舉管理委員會條例》(第 541 章) 行使其職能或履行其職責時所正當招致的支出，須從政府一般收入中撥付。

#### 74. 選舉登記主任可指明格式

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

(3) The validity of proceedings of a committee are not affected by a defect in the appointment of or eligibility of a person to be a member of the committee.

(4) For the purposes of this section—

- (a) a vacancy in the membership of a District Council includes a vacancy in its membership when it first meets after an ordinary election; and
- (b) a defect in the eligibility of a person to be an appointed member or ex officio member includes failure to swear acceptance of office.

## PART VII

### FUNCTIONS AND DUTIES OF OFFICERS UNDER THIS ORDINANCE

#### 73. Functions and duties of Electoral Registration Officer and assistants

- (1) The Electoral Registration Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.
- (2) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, exercise and perform the functions and duties of the Electoral Registration Officer.
- (3) The executive authorities of the Government must ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to exercise and perform that Officer's functions and duties under this Ordinance.
- (4) Expenses properly incurred by the Electoral Registration Officer in the exercise or performance of that Officer's functions or duties under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) are a charge on, and are payable from, the general revenue.

#### 74. Electoral Registration Officer may specify forms

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



**75. 選舉主任及助理的委任**

(1) 選舉管理委員會為使選舉能在每個選區舉行，必須為每個選區委任一名選舉主任及符合選舉管理委員會覺得需有的數目的助理選舉主任。

(2) 選舉主任具有本條例或根據本條例賦予他的職能或委予他的職責。

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

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

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

(6) 選舉主任在根據本條例或《選舉管理委員會條例》(第 541 章) 行使其職能或履行其職責時所正當招致的支出，須從政府一般收入中撥付。

**76. 妨礙或阻撓選舉事務主任的罪行**

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

**77. 行政長官可就選舉事務主任的行使職能或履行職責發出指示**

(1) 行政長官可一般地或在任何特定情況下，就選舉事務主任行使或履行他根據本條例具有的關於舉行或進行選舉的職能或職責發出指示。該等指示在與本條例或《選舉管理委員會條例》(第 541 章) 抵觸的範圍內無效。

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

**75. Appointment of Returning Officers and assistants**

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

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

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

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

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

(6) Expenses properly incurred by a Returning Officer in the exercise or performance of that Officer's functions or duties under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) are a charge on, and are payable from, the general revenue.

**76. Offence to obstruct or hinder electoral officer**

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

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

(1) The Chief Executive may give directions, either generally or in any particular case, with respect to the exercise or performance by an electoral officer of any of the officer's functions or duties under this Ordinance with respect to the holding or conduct of an election. The directions have no effect to the extent that they are inconsistent with this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541).

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

**78. 選舉事務主任去世或無行為能力並不終止權限**

選舉事務主任去世或無行為能力，並不終止他為施行本條例而賦予他人的權限。

第 VIII 部

法律程序

**79. 以喪失資格為理由針對某人提出法律程序**

(1) 凡任何人以議員身分行事或聲稱有權以該身分行事，律政司司長可以該人已喪失以該身分行事的資格為理由，在原訟法庭提起法律程序。

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

(3) 如在根據本條提起的法律程序中，證明被告人在喪失以議員身分行事的資格的情況下以該身分行事，則原訟法庭可——

- (a) 發表示明此事的聲明；及
- (b) 批出強制令，制止被告人以該身分行事；及
- (c) 命令被告人向政府繳付一筆原訟法庭認為適當的款項，款額須按該人在喪失資格的情況下如此行事的次數計算，就每次而言款額不得超過 \$5,000。

(4) 如在根據本條提起的法律程序中，證明被告人在喪失以議員身分行事的資格的情況下聲稱有權以該身分行事，則原訟法庭可——

- (a) 發表示明此事的聲明；及
- (b) 批出強制令，制止被告人以該身分行事。

(5) 以某人在喪失以議員身分行事的資格的情況下以該身分行事或聲稱有權以該身分行事為理由針對該人而提起的法律程序，只可由律政司司長按照本條提起。

(6) 就本條而言，任何人如有以下情況，即喪失以議員身分行事的資格——

- (a) 他不符合擔任議員的資格或已喪失擔任議員的資格；或
- (b) 他已停任議員。

**78. Death or incapacity of electoral officer not to terminate authority**

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

PART VIII

LEGAL PROCEEDINGS

**79. Proceedings against persons on grounds of disqualification**

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

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

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

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

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

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

(5) Proceedings against a person on the ground that the person has acted, while disqualified from acting, or claimed to have been entitled to act, as a member may be brought only in accordance with this section and by the Secretary for Justice.

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

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

**80. 提出申訴或告發的限期**

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

## 第 IX 部

由行政長官會同行政會議訂立規例及修訂附表 4 或 5

**81. 行政長官會同行政會議可訂立規例**

- (1) 行政長官會同行政會議可為更佳地施行本條例而訂立規例。
- (2) 根據本條訂立的規例，尤其可就所有或任何以下事項作出規定——
  - (a) 須為任何候選人填寫提名書的簽署人數目或資格；及
  - (b) 任何候選人在選舉中須繳存的按金款額；及
  - (c) 在該候選人於選舉中不能取得訂明比例數目的票數的情況下沒收按金，以及在該候選人於選舉中取得該比例數目的票數的情況下發還該按金。
- (3) 規例的條文可訂明任何人違反該規例的條文，即屬犯罪，可處不超過第 2 級的罰款。
- (4) 規例——
  - (a) 可就不同情況訂立不同條文，並可就特定個案或某特定類別個案作出規定；及
  - (b) 的訂立情況可使其僅適用於指明的情況；及
  - (c) 可就規例的施行而訂明費用。

**82. 行政長官會同行政會議可修訂附表 4 或 5**

行政長官會同行政會議可藉在憲報刊登的命令修訂附表 4 或 5。

**80. Period within which complaint or information is to be laid**

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

## PART IX

CHIEF EXECUTIVE IN COUNCIL TO MAKE REGULATIONS  
AND AMEND SCHEDULE 4 OR 5

**81. Chief Executive in Council may make regulations**

- (1) The Chief Executive in Council may make regulations for the better carrying out of the purposes of this Ordinance.
- (2) In particular, a regulation under this section may provide for all or any of the following—
  - (a) the number or qualifications of subscribers required to complete a nomination paper for a candidate; and
  - (b) the amount that a candidate is required to lodge as a deposit at an election; and
  - (c) the forfeiture of the deposit if the candidate fails to obtain a prescribed proportion of the votes cast at the election and for the return of the deposit if the candidate obtains that proportion of votes at the election.
- (3) A provision of a regulation may make it an offence, punishable by a fine not exceeding level 2, for a person to contravene a provision of the regulation.
- (4) A regulation may—
  - (a) make different provisions for different circumstances and provide for a particular case or class of cases; and
  - (b) be made so as to apply only in specified circumstances; and
  - (c) prescribe fees for the purposes of the regulation.

**82. Chief Executive in Council may amend Schedule 4 or 5**

The Chief Executive in Council may, by order published in the Gazette, amend Schedule 4 or 5.

## 第 X 部

## 雜項條文

**83. 指定人員必須發出關於議員的公告**

指定人員必須在接獲根據第 13 及 17(1) 條提交的接受席位書後 21 天內，在憲報刊登成為委任議員及當然議員的人的姓名以及其各別的任期。

**84. 指定人員必須發出空缺公告**

如委任議員或當然議員的議席出現空缺，指定人員必須在知悉出現空缺後 21 天內，在憲報刊出關於該空缺的公告。

**85. 行政長官可向區議會發出指示**

(1) 行政長官在諮詢有關區議會後，可就影響公眾利益的事宜向該區議會發出關乎該區議會履行其職能方面的一般指示。

(2) 區議會必須執行根據第 (1) 款發出的指示。

**86. 對議員的保障**

區議會議員或委員會成員如為了施行本條例的條文或任何其他向區議會賦予職能的成文法則的條文而真誠地作出任何事情，均無須因此而承擔任何法律責任、訴訟、申索或要求。

**87. 過渡性條文：第 28 條對首屆****一般選舉的適用情況**

第 28 條就根據本條例舉行的首屆一般選舉具有效力，猶如“區議會”已由“臨時區議會”代入一樣。

## PART X

## MISCELLANEOUS

**83. Designated Officer to give notice of membership**

The Designated Officer must, within 21 days after receiving notices of acceptance lodged under sections 13 and 17(1), publish in the Gazette the names of persons who have become appointed members and ex officio members and their terms of office.

**84. Designated Officer to give notice of vacancy**

If a vacancy arises in the membership of an appointed member or ex officio member, the Designated Officer must give notice of the vacancy in the Gazette within 21 days after becoming aware of the vacancy.

**85. Directions by Chief Executive to a District Council**

(1) The Chief Executive may, after consultation with a District Council, give that Council directions of a general character, in the performance of its functions, in relation to matters which affect the public interest.

(2) A District Council must give effect to directions given under subsection (1).

**86. Protection of members**

A member of a District Council or a committee shall not be subjected to any liability, action, claim or demand by reason of anything done bona fide for the purpose of carrying into effect the provisions of this Ordinance or any other enactment conferring functions on a District Council.

**87. Transitional: application of section 28 to first ordinary election**

In relation to the first ordinary election to be held under this Ordinance, section 28 is to have effect as if “Provisional District Board” and “Provisional District Boards” were substituted for “District Council” and “District Councils” respectively.

## 第 XI 部

## 廢除及相應修訂

## 88. 廢除

- (1) 《臨時區議會條例》(第 366 章) 現予廢除。
- (2) 第 (1) 款自 2000 年 1 月 1 日起實施。

## 89. 相應及雜項修訂

- (1) 附表 6 所指明的成文法則，按該附表所示方式並在該附表所示範圍內修訂。
- (2) 除第 (3) 款另有規定外，附表 6 所載的修訂自 2000 年 1 月 1 日起實施。
- (3) 附表 6 第 2、3、4、8、11、12、13(b)、(c) 及 (d)、14、19、20、22、23、24、26、27、28、29 及 30 條所載的修訂，自政制事務局局長以憲報公告指定的日期起實施。

## 附表 1

[第 3 及 8 條]

## 地方行政區的數目及宣布

## 第 I 部

## 地方行政區的數目

為施行本條例而宣布的地方行政區的數目為 18 個。

## 第 II 部

## 地方行政區的宣布

項	地方行政區	地方行政區範圍的劃定
1.	中西區	在存放於指定人員的辦事處編號為 DC/2000/A 的地圖上所劃定並以灰色界線標明的地區。
2.	東區	在存放於指定人員的辦事處編號為 DC/2000/C 的地圖上所劃定並以灰色界線標明的地區。
3.	九龍城區	在存放於指定人員的辦事處編號為 DC/2000/G 的地圖上所劃定並以灰色界線標明的地區。

## PART XI

## REPEALS AND CONSEQUENTIAL AMENDMENTS

## 88. Repeal

- (1) The Provisional District Boards Ordinance (Cap. 366) is repealed.
- (2) Subsection (1) comes into operation on 1 January 2000.

## 89. Consequential and miscellaneous amendments

(1) The enactments specified in Schedule 6 are amended in the manner and to the extent shown in that Schedule.

(2) Subject to subsection (3), the amendments in Schedule 6 come into operation on 1 January 2000.

(3) The amendments in sections 2, 3, 4, 8, 11, 12, 13(b), (c) and (d), 14, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 30 of Schedule 6 come into operation on a day to be appointed by the Secretary for Constitutional Affairs by notice published in the Gazette.

## SCHEDULE 1

[ss. 3 &amp; 8]

## NUMBER OF AND DECLARATION OF DISTRICTS

## PART I

## NUMBER OF DISTRICTS

The number of Districts to be declared for the purposes of this Ordinance is 18.

## PART II

## DECLARATION OF DISTRICTS

Item	District	Delineation of District area
1.	Central and Western District	That area delineated and edged grey on the map numbered DC/2000/A and deposited in the office of the Designated Officer.
2.	Eastern District	That area delineated and edged grey on the map numbered DC/2000/C and deposited in the office of the Designated Officer.
3.	Kowloon City District	That area delineated and edged grey on the map numbered DC/2000/G and deposited in the office of the Designated Officer.

項	地方行政區	地方行政區範圍的劃定	Item	District	Delineation of District area
4.	觀塘區	在存放於指定人員的辦事處編號為 DC/2000/J 的地圖上所劃定並以灰色界線標明的地區。	4.	Kwun Tong District	That area delineated and edged grey on the map numbered DC/2000/J and deposited in the office of the Designated Officer.
5.	深水埗區	在存放於指定人員的辦事處編號為 DC/2000/F 的地圖上所劃定並以灰色界線標明的地區。	5.	Sham Shui Po District	That area delineated and edged grey on the map numbered DC/2000/F and deposited in the office of the Designated Officer.
6.	南區	在存放於指定人員的辦事處編號為 DC/2000/D1 及 DC/2000/D2 的地圖上所劃定並以灰色界線標明的地區。	6.	Southern District	That area delineated and edged grey on the maps numbered DC/2000/D1 and DC/2000/D2 and deposited in the office of the Designated Officer.
7.	灣仔區	在存放於指定人員的辦事處編號為 DC/2000/B 的地圖上所劃定並以灰色界線標明的地區。	7.	Wan Chai District	That area delineated and edged grey on the map numbered DC/2000/B and deposited in the office of the Designated Officer.
8.	黃大仙區	在存放於指定人員的辦事處編號為 DC/2000/H 的地圖上所劃定並以灰色界線標明的地區。	8.	Wong Tai Sin District	That area delineated and edged grey on the map numbered DC/2000/H and deposited in the office of the Designated Officer.
9.	油尖旺區	在存放於指定人員的辦事處編號為 DC/2000/E 的地圖上所劃定並以灰色界線標明的地區。	9.	Yau Tsim Mong District	That area delineated and edged grey on the map numbered DC/2000/E and deposited in the office of the Designated Officer.
10.	離島區	在存放於指定人員的辦事處編號為 DC/2000/T 的地圖上所劃定並以灰色界線標明的地區。	10.	Islands District	That area delineated and edged grey on the map numbered DC/2000/T and deposited in the office of the Designated Officer.
11.	葵青區	在存放於指定人員的辦事處編號為 DC/2000/S 的地圖上所劃定並以灰色界線標明的地區。	11.	Kwai Tsing District	That area delineated and edged grey on the map numbered DC/2000/S and deposited in the office of the Designated Officer.
12.	北區	在存放於指定人員的辦事處編號為 DC/2000/N1 及 DC/2000/N2 的地圖上所劃定並以灰色界線標明的地區。	12.	North District	That area delineated and edged grey on the maps numbered DC/2000/N1 and DC/2000/N2 and deposited in the office of the Designated Officer.
13.	西貢區	在存放於指定人員的辦事處編號為 DC/2000/Q1 及 DC/2000/Q2 的地圖上所劃定並以灰色界線標明的地區。	13.	Sai Kung District	That area delineated and edged grey on the maps numbered DC/2000/Q1 and DC/2000/Q2 and deposited in the office of the Designated Officer.
14.	沙田區	在存放於指定人員的辦事處編號為 DC/2000/R 的地圖上所劃定並以灰色界線標明的地區。	14.	Sha Tin District	That area delineated and edged grey on the map numbered DC/2000/R and deposited in the office of the Designated Officer.
15.	大埔區	在存放於指定人員的辦事處編號為 DC/2000/P1 及 DC/2000/P2 的地圖上所劃定並以灰色界線標明的地區。	15.	Tai Po District	That area delineated and edged grey on the maps numbered DC/2000/P1 and DC/2000/P2 and deposited in the office of the Designated Officer.
16.	荃灣區	在存放於指定人員的辦事處編號為 DC/2000/K 的地圖上所劃定並以灰色界線標明的地區。	16.	Tsuen Wan District	That area delineated and edged grey on the map numbered DC/2000/K and deposited in the office of the Designated Officer.
17.	屯門區	在存放於指定人員的辦事處編號為 DC/2000/L 的地圖上所劃定並以灰色界線標明的地區。	17.	Tuen Mun District	That area delineated and edged grey on the map numbered DC/2000/L and deposited in the office of the Designated Officer.
18.	元朗區	在存放於指定人員的辦事處編號為 DC/2000/M 的地圖上所劃定並以灰色界線標明的地區。	18.	Yuen Long District	That area delineated and edged grey on the map numbered DC/2000/M and deposited in the office of the Designated Officer.

附表 2

[第 4 及 8 條]

## 區議會的設立

項	地方行政區名稱	區議會名稱	設立日期
1.	中西區	中西區區議會	2000年1月1日
2.	東區	東區區議會	2000年1月1日
3.	九龍城區	九龍城區議會	2000年1月1日
4.	觀塘區	觀塘區議會	2000年1月1日
5.	深水埗區	深水埗區議會	2000年1月1日
6.	南區	南區區議會	2000年1月1日
7.	灣仔區	灣仔區議會	2000年1月1日
8.	黃大仙區	黃大仙區議會	2000年1月1日
9.	油尖旺區	油尖旺區議會	2000年1月1日
10.	離島區	離島區議會	2000年1月1日
11.	葵青區	葵青區議會	2000年1月1日
12.	北區	北區區議會	2000年1月1日
13.	西貢區	西貢區議會	2000年1月1日
14.	沙田區	沙田區議會	2000年1月1日
15.	大埔區	大埔區議會	2000年1月1日
16.	荃灣區	荃灣區議會	2000年1月1日
17.	屯門區	屯門區議會	2000年1月1日
18.	元朗區	元朗區議會	2000年1月1日

附表 3

[第 5、8、9 及 11 條]

## 第 I 部

## 民選議員及委任議員的數目

項	區議會	民選議員 的數目	委任議員 的數目
1.	中西區區議會	15	4
2.	東區區議會	37	9
3.	九龍城區議會	22	5
4.	觀塘區議會	34	8
5.	深水埗區議會	21	5

SCHEDULE 2

[ss. 4 &amp; 8]

## ESTABLISHMENT OF DISTRICT COUNCILS

Item	Name of District	Name of District Council	Date of establishment
1.	Central and Western District	Central and Western District Council	1 January 2000
2.	Eastern District	Eastern District Council	1 January 2000
3.	Kowloon City District	Kowloon City District Council	1 January 2000
4.	Kwun Tong District	Kwun Tong District Council	1 January 2000
5.	Sham Shui Po District	Sham Shui Po District Council	1 January 2000
6.	Southern District	Southern District Council	1 January 2000
7.	Wan Chai District	Wan Chai District Council	1 January 2000
8.	Wong Tai Sin District	Wong Tai Sin District Council	1 January 2000
9.	Yau Tsim Mong District	Yau Tsim Mong District Council	1 January 2000
10.	Islands District	Islands District Council	1 January 2000
11.	Kwai Tsing District	Kwai Tsing District Council	1 January 2000
12.	North District	North District Council	1 January 2000
13.	Sai Kung District	Sai Kung District Council	1 January 2000
14.	Sha Tin District	Sha Tin District Council	1 January 2000
15.	Tai Po District	Tai Po District Council	1 January 2000
16.	Tsuen Wan District	Tsuen Wan District Council	1 January 2000
17.	Tuen Mun District	Tuen Mun District Council	1 January 2000
18.	Yuen Long District	Yuen Long District Council	1 January 2000

SCHEDULE 3

[ss. 5, 8, 9 &amp; 11]

## PART I

## NUMBER OF ELECTED MEMBERS AND APPOINTED MEMBERS

Item	District Council	Number of elected members	Number of appointed members
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5
4.	Kwun Tong District Council	34	8
5.	Sham Shui Po District Council	21	5

項	區議會	民選議員 的數目	委任議員 的數目
6.	南區區議會	17	4
7.	灣仔區議會	11	3
8.	黃大仙區議會	25	6
9.	油尖旺區議會	16	4
10.	離島區議會	7	4
11.	葵青區議會	28	7
12.	北區區議會	16	5
13.	西貢區議會	17	5
14.	沙田區議會	36	9
15.	大埔區議會	19	5
16.	荃灣區議會	17	5
17.	屯門區議會	29	7
18.	元朗區議會	23	7

Item	District Council	Number of elected members	Number of appointed members
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	16	4
10.	Islands District Council	7	4
11.	Kwai Tsing District Council	28	7
12.	North District Council	16	5
13.	Sai Kung District Council	17	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	23	7

## 第 II 部

## 地方行政區內的鄉事委員會

項	地方行政區	區議會	鄉事委員會數目	鄉事委員會名稱
1.	離島區	離島區議會	8	長洲鄉事委員會 南丫島北段鄉事委員會 南丫島南段鄉事委員會 梅窩鄉事委員會 坪洲鄉事委員會 大嶼山南區鄉事委員會 大澳鄉事委員會 東涌鄉事委員會
2.	葵青區	葵青區議會	1	青衣鄉事委員會
3.	北區	北區區議會	4	粉嶺區鄉事委員會 沙頭角區鄉事委員會 上水區鄉事委員會 打鼓嶺區鄉事委員會
4.	西貢區	西貢區議會	2	坑口鄉事委員會 西貢鄉事委員會
5.	沙田區	沙田區議會	1	沙田鄉事委員會

## PART II

## RURAL COMMITTEES IN DISTRICTS

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
1.	Islands District	Islands District Council	8	Cheung Chau Rural Committee Lamma Island (North) Rural Committee Lamma Island (South) Rural Committee Mui Wo Rural Committee Peng Chau Rural Committee South Lantau Rural Committee Tai O Rural Committee Tung Chung Rural Committee
2.	Kwai Tsing District	Kwai Tsing District	1	Tsing Yi Rural Committee
3.	North District	North District Council	4	Fanling District Rural Committee Sha Tau Kok District Rural Committee Sheung Shui District Rural Committee Ta Kwu Ling District Rural Committee
4.	Sai Kung District	Sai Kung District Council	2	Hang Hau Rural Committee Sai Kung Rural Committee
5.	Sha Tin District	Sha Tin District Council	1	Sha Tin Rural Committee



項	地方行政區	區議會	鄉事委員會數目	鄉事委員會名稱
6.	大埔區	大埔區議會	2	西貢北鄉事委員會 大埔鄉事委員會
7.	荃灣區	荃灣區議會	2	馬灣鄉事委員會 荃灣鄉事委員會
8.	屯門區	屯門區議會	1	屯門鄉事委員會
9.	元朗區	元朗區議會	6	厦村鄉鄉事委員會 錦田鄉事委員會 八鄉鄉事委員會 屏山鄉鄉事委員會 新田鄉鄉事委員會 十八鄉鄉事委員會

## 附表 4

[第 13、17 及 82 條]

## 接受席位書

## 表格 1

《區議會條例》(1999 年第 8 號)

## 第 13 條所指的接受席位書

本人 \*.....  
 地址為 \*.....  
 謹此以 \*\* 非宗教/宗教形式宣誓——  
 (a) 本人接受 \*..... 區議會委任議員席位，並定當竭盡所能，忠於職守；  
 (b) 本人定當擁護《基本法》；  
 (c) 本人定當效忠中華人民共和國香港特別行政區；及  
 (d) 盡本人所知所信，本人並沒有根據《區議會條例》第 14 條喪失獲委任為委任議員及擔任委任議員的資格。  
 此項宣誓於 \*..... 年 ..... 月 ..... 日作出。

(簽署) .....

本人為 \*\* 裁判官/監誓員，上述接受席位宣誓是在本人面前作出及簽署的。

(簽署) .....

\* 填寫適當資料。

\*\* 刪去不適用者。

Item	District	District Council	Number of Rural Committees	Names of Rural Committees
6.	Tai Po District	Tai Po District Council	2	Sai Kung North Rural Committee Tai Po Rural Committee
7.	Tsuen Wan District	Tsuen Wan District Council	2	Ma Wan Rural Committee Tsuen Wan Rural Committee
8.	Tuen Mun District	Tuen Mun District Council	1	Tuen Mun Rural Committee
9.	Yuen Long District	Yuen Long District Council	6	Ha Tsuen Rural Committee Kam Tin Rural Committee Pat Heung Rural Committee Ping Shan Rural Committee San Tin Rural Committee Shap Pat Heung Rural Committee

## SCHEDULE 4

[ss. 13, 17 &amp; 82]

## FORMS FOR ACCEPTANCE OF OFFICE

## FORM 1

DISTRICT COUNCILS ORDINANCE (8 OF 1999)

## ACCEPTANCE OF OFFICE UNDER SECTION 13

I, \*.....  
 of \*.....  
 \*\*affirm/swear that—  
 (a) I take the office as an appointed member of the \*..... District Council upon myself and will duly and faithfully fulfill the duties of the office according to the best of my ability;  
 (b) I will uphold the Basic Law;  
 (c) my allegiance is to the Hong Kong Special Administrative Region of the People's Republic of China; and  
 (d) to the best of my knowledge and belief I am not disqualified for appointment and from holding office as an appointed member by virtue of section 14 of the District Councils Ordinance.  
 \*\*Affirmed/sworn this \*..... day of \*.....

(Signature) .....

This acceptance was \*\*affirmed/sworn and signed before me, a \*\*Magistrate/Commissioner for Oaths.

(Signature) .....

\* Complete as appropriate.

\*\* Delete whichever is inapplicable.

## 表格 2

《區議會條例》(1999年第8號)

## 第 17(1) 條所指的接受席位書

本人 \* .....

地址為 \* .....

謹此以 \*\* 非宗教/宗教形式宣誓——

- (a) 本人接受 \* ..... 區議會當然議員席位，並定當竭盡所能，忠於職守；
- (b) 本人定當擁護《基本法》；
- (c) 本人定當效忠中華人民共和國香港特別行政區；及
- (d) 盡本人所知所信，本人並沒有根據《區議會條例》第 19 條喪失擔任當然議員的資格。

此項宣誓於 \* ..... 年 ..... 月 ..... 日作出。

(簽署) .....

本人為 \*\* 裁判官/監誓員，上述接受席位宣誓是在本人面前作出及簽署的。

(簽署) .....

\* 填寫適當資料。

\*\* 刪去不適用者。

## 附表 5

[第 65 及 82 條]

## 本條例第 65 條所指的表決程序

1. 主席及副主席的選舉，須以在該次選舉中出席並有權表決的人士以一次或多於一次不記名投票的方式並按照本附表的規定進行。
2. 提名必須以書面作出，獲提名的議員必須獲最少一名其他議員提名，而提名表格必須有最少 2 名其他議員 (不包括提名有關候選人的議員) 以附議者身分簽署。
3. 在主持會議的人宣布提名結束之前，可隨時作出提名。獲提名競選某職位的人必須表示同意接受提名及同意在一旦當選時接受該職位。
4. 如主席及副主席的職位皆懸空，可就該兩個職位提名同一人，而該人亦可同意接受提名競選該兩個職位。如同一人獲如此提名，則須先行選舉主席，然後才選舉副主席。如獲提名競選該兩個職位的人當選主席，則在選舉主席的結果公布時，該人即視為已退出競選副主席職位。

FORM 2  
DISTRICT COUNCILS ORDINANCE (8 OF 1999)  
ACCEPTANCE OF OFFICE UNDER  
SECTION 17(1)

I, \* .....

of \* .....

\*\*affirm/swear that—

- (a) I take the office as an ex officio member of the \* ..... District Council upon myself and will duly and faithfully fulfill the duties of the office according to the best of my ability;
- (b) I will uphold the Basic Law;
- (c) my allegiance is to the Hong Kong Special Administrative Region of the People's Republic of China; and
- (d) to the best of my knowledge and belief I am not disqualified from holding office as an ex officio member by virtue of section 19 of the District Councils Ordinance.

\*\*Affirmed/sworn this \* ..... day of \* .....

(Signature) .....

This acceptance was \*\*affirmed/sworn and signed before me, a \*\*Magistrate/Commissioner for Oaths.

(Signature) .....

\* Complete as appropriate.

\*\* Delete whichever is inapplicable.

## SCHEDULE 5

[ss. 65 &amp; 82]

VOTING PROCEDURE UNDER SECTION 65 OF  
THIS ORDINANCE

1. The election of Chairman and Vice Chairman is to be conducted by one or more secret ballots held amongst those present and entitled to vote at the election and according to this Schedule.
2. Nominations must be in writing. A member must be nominated by at least one other member and the nomination must be subscribed by at least 2 other members (not including the member nominating the candidate).
3. Nominations may be given at any time up to the time when the person presiding at the meeting calls for the closing of nominations. The nominated person must indicate the person's consent to the nomination and acceptance, if elected, of the office to which the person is nominated.
4. If the office of Chairman and Vice Chairman are both vacant, the same person can be nominated and consent to nomination for both offices. If the same person is so nominated, the election of the Chairman is to take place first and then the election of the Vice Chairman. If a person nominated for both offices, is elected the Chairman, that person is taken to have withdrawn from the election of Vice Chairman when the result of the first election is declared.

5. 在不抵觸第6條的規定下，如只有1名候選人獲提名競選主席，則該名候選人須視為已當選主席。如只有1名候選人獲提名競選副主席，則該名候選人須視為已當選副主席。
6. 如同一人獲提名競選主席及副主席，但無其他人獲提名競選主席或副主席，則該人即視為已當選主席。
7. 獲得絕對多數票的候選人即告當選。
8. 如有多於一名候選人競選主席（無論是最初已有此情況或是經淘汰投票後才有此情況），而各人均獲得相同票數，則須進行另一輪的投票。
9. 如有多於一名候選人競選副主席（無論是最初已有此情況或是經淘汰投票後才有此情況），而各人均獲得相同票數，則須進行另一輪的投票。
10. 如根據第8或9條就選舉主席或選舉副主席一事進行另一輪投票時，競選主席或副主席（視屬何情況而定）的候選人仍然獲得相同票數，則該等候選人須抽籤決定誰人當選主席或副主席（視屬何情況而定）。
11. 如有多於一名候選人競選主席，但無一獲得絕對多數票，則——
  - (a) 得票最少的候選人須退出，之後須為其餘的候選人進行另一輪的投票；
  - (b) 如有多於一名候選人同得最少票數，則須另行為該等候選人進行投票，而得票最少的候選人須退出，之後須為其餘的候選人進行另一輪的投票。
12. 如有多於一名候選人競選副主席，但無一獲得絕對多數票，則——
  - (a) 得票最少的候選人須退出，之後須為其餘的候選人進行另一輪的投票；
  - (b) 如有多於一名候選人同得最少票數，則須另行為該等候選人進行投票，而得票最少的候選人須退出，之後須為其餘的候選人進行另一輪的投票。
13. 如根據第11(b)或12(b)條另行進行投票時，有關的候選人仍然獲得相同票數，則該等競選有關職位的候選人須抽籤決定誰人退出，之後須為其餘的候選人進行另一輪的投票。
14. 在本附表中，“絕對多數票”（an absolute majority of votes）指候選人在所投的有效票中（不包括棄權者）取得過半票數。

## 附表6

[第89條]

相應及雜項修訂

## 《釋義及通則條例》

## 1. 詞語和詞句的釋義

- 《釋義及通則條例》(第1章)第3條現予修訂——
- (a) 廢除“區議會”的定義而代以——

5. Subject to section 6, if only one candidate is nominated for the office of Chairman, the candidate is treated as having been elected Chairman. If only one candidate is nominated for the office of Vice Chairman, the candidate is treated as having been elected Vice Chairman.
6. If the same person is nominated for the office of Chairman and Vice Chairman and no other person is nominated for either of the offices, that person is to be treated as having been elected Chairman.
7. A candidate who receives an absolute majority of votes is elected.
8. If there are 2 or more candidates for the office of Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.
9. If there are 2 or more candidates for the office of Vice Chairman (either initially or after elimination ballots) and each receives an equal number of votes, a further ballot is to be held.
10. If, either in relation to the election of Chairman or to the election of Vice Chairman, a further ballot is held under section 8 or 9 and the candidates for the Chairman or Vice Chairman, as the case may be, receive an equal number of votes, the candidates draw lots to determine which candidate is elected for the office of Chairman or Vice Chairman, as the case may be.
11. If there are 2 or more candidates for the office of Chairman and no candidate receives an absolute majority of votes—
  - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;
  - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.
12. If there are 2 or more candidates for the office of Vice Chairman and no candidate receives an absolute majority of votes—
  - (a) the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates;
  - (b) if 2 or more candidates receive an equal number of votes and that number is the least number of votes for a candidate, a separate ballot is held for those candidates, and the candidate who receives the least number of votes retires following which a further ballot is held for the remaining candidates.
13. If a separate ballot is held under section 11(b) or 12(b), and in either case the same candidates receive an equal number of votes, the candidates for the relevant office draw lots to determine who retires following which a further ballot is held for the remaining candidates.
14. In this Schedule, “an absolute majority of votes” (絕對多數票) means that the candidate receives more than half of the valid votes cast excluding abstentions.

## SCHEDULE 6

[s. 89]

CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS

## Interpretation and General Clauses Ordinance

## 1. Interpretation of words and expressions

- Section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) is amended—
- (a) by repealing the definition of “District Board” and substituting—

“區議會”(District Council)具有《區議會條例》(1999年第8號)給予該詞的涵義；”；

- (b) 在“public body”的定義的(ca)段中，廢除“District Board”而代以“District Council”。

#### 《誹謗條例》

#### 2. 對選舉中享有特權的限制

《誹謗條例》(第21章)第28條現予修訂，廢除“District Board”而代以“District Council”。

#### 《法律援助條例》

#### 3. 根據第5條可給予法律援助的法律程序

《法律援助條例》(第91章)附表2現予修訂，在第II部第4段中，廢除“District Board”而代以“District Council”。

#### 《郵政署規例》

#### 4. 修訂條文

《郵政署規例》(第98章，附屬法例)第6條現予修訂——

(a) 在第(1)款中——

(i) 在(d)(i)段中——

- (A) 廢除“區議會”而代以“《區議會條例》(1999年第8號)所指的”；  
(B) 廢除“或選舉組別”；

(ii) 在(d)(ii)段中——

- (A) 廢除“任何立法局”而代以“《立法會條例》(第542章)所指的任何”；  
(B) 廢除“選舉組別”而代以“功能界別”；

(b) 在第(2)款中——

(i) 在(a)段中，廢除“在《選區分界及選舉事務委員會條例》(第432章)第7條下作出的規定”而代以“根據《選舉管理委員會條例》(第541章)第7條訂立的規則”；

(ii) 廢除(b)段而代以——

“(b) “正式選民登記冊”(final register)指為《立法會條例》(第542章)所指的選舉而設的正式選民登記冊或為《區議會條例》(1999年第8號)所指的選舉而設的選民登記冊(視乎情況所需而定)；

“功能界別”(constituency)指根據《立法會條例》(第542章)設立的功能界別；

“選民”(elector)指《立法會條例》(第542章)所指的選民或《區議會條例》(1999年第8號)所指的選民(視乎情況所需而定)；

“選區”(constituency)指根據《立法會條例》(第542章)宣布的地方選區或根據《區議會條例》(1999年第8號)宣布的選區(視乎情況所需而定)。”。

“District Council”(區議會)has the meaning assigned to it by the District Councils Ordinance (8 of 1999);”;  
(b) in the definition of “public body” in paragraph (ca) by repealing “District Board” and substituting “District Council”.

#### Defamation Ordinance

#### 2. Limitation on privilege at elections

Section 28 of the Defamation Ordinance (Cap. 21) is amended by repealing “District Board” and substituting “District Council”.

#### Legal Aid Ordinance

#### 3. Proceedings for which legal aid may be given under section 5

Schedule 2 to the Legal Aid Ordinance (Cap. 91) is amended in Part II in paragraph 4 by repealing “District Board” and substituting “District Council”.

#### Post Office Regulations

#### 4. Regulation amended

Regulation 6 of the Post Office Regulations (Cap. 98 sub. leg.) is amended—

(a) in subregulation (1)—

(i) in paragraph (d)(i)—

(A) by repealing “District Board election” and substituting “elections under the District Councils Ordinance (8 of 1999)”;

(B) by repealing “或選舉組別”；

(ii) in paragraph (d)(ii)—

(A) by repealing “Legislative Council election” and substituting “election under the Legislative Council Ordinance (Cap. 542)”;

(B) by repealing “選舉組別” and substituting “功能界別”；

(b) in subregulation (2)—

(i) in paragraph (a) by repealing “provisions made under section 7 of the Boundary and Election Commission Ordinance (Cap. 432)” and substituting “regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541)”；

(ii) by repealing paragraph (b) and substituting—

“(b) the expression—

“constituency”(選區、功能界別) means a geographical constituency declared under the Legislative Council Ordinance (Cap. 542) or a functional constituency established under that Ordinance or a constituency declared under the District Councils Ordinance (8 of 1999), as the case may require;

“elector”(選民) means an elector within the meaning of the Legislative Council Ordinance (Cap. 542) or an elector within the meaning of the District Councils Ordinance (8 of 1999), as the case may require;

“final register”(正式選民登記冊) means a final register of electors for an election under the Legislative Council Ordinance (Cap. 542) or a register of electors for an election under the District Councils Ordinance (8 of 1999), as the case may require.”.

## 《建築物條例(新界適用)條例》

## 5. 釋義

《建築物條例(新界適用)條例》(第 121 章)第 2(1) 條現予修訂，廢除“地區”的定義而代以——  
 ““地方行政區”(District)具有《區議會條例》(1999 年第 8 號)給予該詞的涵義；”。

## 6. 署長的權力可由地政專員行使

第 11 條現予修訂，廢除“地區”而代以“地方行政區”。

## 《精神健康規例》

## 7. 拆開和檢查任何郵遞品等的權力

《精神健康規例》(第 136 章，附屬法例)第 5(2)(f) 條現予修訂，廢除“District Board”而代以“District Council”。

## 《社團條例》

## 8. 釋義

《社團條例》(第 151 章)第 2(1) 條現予修訂，在“election”的定義中，廢除“District Board”而代以“District Council”。

## 《防止賄賂條例》

## 9. 釋義

《防止賄賂條例》(第 201 章)第 2(1) 條現予修訂，在“public body”的定義的 (da) 段中，廢除“District Board”而代以“District Council”。

## 《監獄規則》

## 10. 釋義

《監獄規則》(第 234 章，附屬法例)第 1A 條現予修訂，在“specified person”的定義的 (f) 段中，廢除“District Board”而代以“District Council”。

Buildings Ordinance (Application to the  
New Territories) Ordinance

## 5. Interpretation

Section 2(1) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) is amended by repealing the definition of “District” and substituting—  
 ““District” (地方行政區) has the meaning assigned to it by the District Councils Ordinance (8 of 1999);”.

6. Powers of Director may be exercised  
by District Lands Officer

Section 11 is amended by repealing “地區” and substituting “地方行政區”.

## Mental Health Regulations

7. Power to open and examine any  
postal article, etc.

Regulation 5(2)(f) of the Mental Health Regulations (Cap. 136 sub. leg.) is amended by repealing “District Board” and substituting “District Council”.

## Societies Ordinance

## 8. Interpretation

Section 2(1) of the Societies Ordinance (Cap. 151) is amended in the definition of “election” by repealing “District Board” and substituting “District Council”.

## Prevention of Bribery Ordinance

## 9. Interpretation

Section 2(1) of the Prevention of Bribery Ordinance (Cap. 201) is amended in the definition of “public body” in paragraph (da) by repealing “District Board” and substituting “District Council”.

## Prison Rules

## 10. Interpretation

Rule 1A of the Prison Rules (Cap. 234 sub. leg.) is amended in the definition of “specified person” in paragraph (f) by repealing “District Board” and substituting “District Council”.

## 《舞弊及非法行為條例》

## 11. 釋義

《舞弊及非法行為條例》(第 288 章) 第 2 條現予修訂——

- (a) 在“指定人員”的定義中，廢除“市政局轄區內的地區或區域市政局轄區內的地區”而代以“區議會”；
- (b) 在“選舉呈請書”的定義中，在“第 VII 部”之後加入“或《區議會條例》(1999 年第 8 號) 第 V 部”；
- (c) 在“選民”的定義中——
  - (i) 在 (c) 段中，在末處加入“及”；
  - (ii) 加入——
 

“(d) 就選出區議會民選議員的選舉而言，指《區議會條例》(1999 年第 8 號) 第 2 條所界定的選民；”；
- (d) 在“選舉主任”的定義中——
  - (i) 在 (b) 段中，在末處加入“及”；
  - (ii) 加入——
 

“(c) 就選出區議會民選議員的選舉而言，指《區議會條例》(1999 年第 8 號) 第 2 條所界定的選舉主任；”；
- (e) 加入——
 

““區議會”(District Council) 具有《區議會條例》(1999 年第 8 號) 給予該詞的涵義；”。

## 12. 本條例的適用範圍

第 3(1)(e) 條現予廢除，代以——

“(e) 區議會和選出區議會議員的選舉；及”。

## 13. 有關發言詞、招貼、通告等的條文

第 19(5) 條現予修訂，在“現任議員候選人”的定義中——

- (a) 在英文文本中，廢除 (a) 段而代以——
 

“(a) a serving member of a District Council who seeks election to a District Council;”；
- (b) 在 (c) 段中，廢除末處的“或”；
- (c) 在 (d) 段中，廢除句號而代以“；或”；
- (d) 加入——
 

“(e) 尋求當選晉身區議會的現任臨時區議會、臨時市政局或臨時區域市政局議員。”。

## 《職工會條例》

## 14. 選舉經費

《職工會條例》(第 332 章) 第 33A(1) 條現予修訂，廢除所有“District Board”而代以“District Council”。

## Corrupt and Illegal Practices Ordinance

## 11. Interpretation

Section 2 of the Corrupt and Illegal Practices Ordinance (Cap. 288) is amended—

- (a) in the definition of “Designated Officer” in paragraph (b) by repealing “in a District in the Urban Council area or a District in the Regional Council area” and substituting “to a District Council”;
- (b) in the definition of “election petition” by adding “or Part V of the District Councils Ordinance (8 of 1999)” at the end;
- (c) in the definition of “elector”—
  - (i) in paragraph (c), by adding “and” at the end;
  - (ii) by adding—
 

“(d) in relation to an election to elect an elected member of a District Council, means an elector as defined by section 2 of the District Councils Ordinance (8 of 1999);”;
- (d) in the definition of “returning officer”—
  - (i) in paragraph (b) by adding “and” at the end;
  - (ii) by adding—
 

“(c) in relation to an election to elect an elected member of a District Council, means a Returning Officer as defined by section 2 of the District Councils Ordinance (8 of 1999);”;
- (e) by adding—
 

““District Council” (區議會) has the meaning assigned to it in the District Councils Ordinance (8 of 1999);”.

## 12. Application of the Ordinance

Section 3(1)(e) is repealed and the following substituted—

“(e) a District Council and an election to elect members of a District Council; and”.

## 13. Provisions as to addresses, bills, notices, etc.

Section 19(5) is amended in the definition of “incumbent candidate”—

- (a) by repealing paragraph (a) and substituting—
 

“(a) a serving member of a District Council who seeks election to a District Council;”;
- (b) in paragraph (c) by repealing “or” at the end;
- (c) in paragraph (d) by adding “or” at the end;
- (d) by adding—
 

“(e) a serving member of a Provisional District Board, the Provisional Urban Council or the Provisional Regional Council who seeks election to a District Council;”.

## Trade Unions Ordinance

## 14. Electoral fund

Section 33A(1) of the Trade Unions Ordinance (Cap. 332) is amended by repealing “District Board” wherever it appears and substituting “District Council”.

## 《保障投資者條例》

## 15. 修訂附表

《保障投資者條例》(第 335 章)的附表現予修訂，在第 IVA 部的第 4 項中，廢除“District Board”而代以“District Council”。

## 《九廣鐵路公司(獲准許活動)(綜合)令》

## 16. 釋義

《九廣鐵路公司(獲准許活動)(綜合)令》(第 372 章，附屬法例)第 2 條現予修訂，廢除“根據《區議會條例》(第 366 章)第 3 條宣布為一個區”而代以“《區議會條例》(1999 年第 8 號)或根據該條例宣布為地方行政區”。

## 《遊戲機中心條例》

## 17. 申請及發給牌照

《遊戲機中心條例》(第 435 章)第 5 條現予修訂——

- (a) 在第 (5) 款中，廢除“地區”而代以“地方行政區”；
- (b) 廢除第 (8) 款而代以——

“(8) 在第 (5) 款中，“地方行政區”(District) 具有《區議會條例》(1999 年第 8 號) 給予該詞的涵義。”。

## 《香港藝術發展局條例》

## 18. 發展局的權力

《香港藝術發展局條例》(第 472 章)第 5(2)(g) 條現予修訂，廢除“District Boards”而代以“District Councils”。

## 《選舉管理委員會條例》

## 19. 修訂詳題

《選舉管理委員會條例》(第 541 章)的詳題現予修訂，在“地方選區”之後加入“及區議會選區”。

## 20. 釋義

第 2(1) 條現予修訂——

- (a) 在“選舉”的定義中，廢除 (a)(iii) 段而代以——
- “(iii) 各區議會；”；

## Protection of Investors Ordinance

## 15. Schedule amended

The Schedule to the Protection of Investors Ordinance (Cap. 335) is amended in Part IVA in item 4 by repealing “District Board” and substituting “District Council”.

## Kowloon-Canton Railway Corporation (Permitted Activities) (Consolidation) Order

## 16. Interpretation

Paragraph 2 of the Kowloon-Canton Railway Corporation (Permitted Activities) (Consolidation) Order (Cap. 372 sub. leg.) is amended by repealing “under section 3 of the District Boards Ordinance (Cap. 366)” and substituting “in or under the District Councils Ordinance (8 of 1999)”.

## Amusement Game Centres Ordinance

## 17. Application for and grant of a licence

Section 5 of the Amusement Game Centres Ordinance (Cap. 435) is amended—

- (a) in subsection (5) by repealing “地區” and substituting “地方行政區”；
- (b) by repealing subsection (8) and substituting—

“(8) In subsection (5), “District” (地方行政區) has the meaning assigned to it by the District Councils Ordinance (8 of 1999).”.

## Hong Kong Arts Development Council Ordinance

## 18. Powers of the Council

Section 5(2)(g) of the Hong Kong Arts Development Council Ordinance (Cap. 472) is amended by repealing “District Boards” and substituting “District Councils”.

## Electoral Affairs Commission Ordinance

## 19. Long title amended

The long title to the Electoral Affairs Commission Ordinance (Cap. 541) is amended by adding “and District Council constituencies” after “constituencies”.

## 20. Interpretation

Section 2(1) is amended—

- (a) in the definition of “election” by repealing paragraph (a)(iii) and substituting—
- “(iii) the District Councils;”;

- (b) 廢除“換屆選舉”的定義而代以——  
““換屆選舉”(general election)具有《立法會條例》(第542章)給予該詞的涵義;”;
- (c) 在“公眾議會”的定義中，廢除“(ii)或(iii)”而代以“或(ii)”;
- (d) 加入——  
““一般選舉”(ordinary election)具有《區議會條例》(1999年第8號)給予該詞的涵義;  
“區議會”(District Council)具有《區議會條例》(1999年第8號)給予該詞的涵義;  
“區議會選區”(District Council constituency)指《區議會條例》(1999年第8號)第2條所指的選區;”。

## 21. 選管會的設立及其成員

第3(5)條現予修訂——

- (a) 廢除(b)段;
- (b) 在(d)段中——  
(i) 在第(ii)節中，廢除“臨時立法會或”;
- (ii) 廢除第(iv)(B)節而代以——  
“(B)區議會的議員;或”;
- (c) 廢除(k)(ii)段。

## 22. 選管會的職能

第4(a)條現予修訂，在“地方選區”之後加入“或區議會選區(視屬何情況而定)”。

## 23. 規例

第7條現予修訂——

- (a) 在第(1)(h)款中，廢除“撤銷選舉”而代以“終止選舉的程序”;
- (b) 在第(3)款中——  
(i) 在(a)段中，廢除“General”而代以“general”;
- (ii) 在(b)段中——  
(A) 廢除第(ii)節;
- (B) 廢除“or bodies”;
- (iii) 加入——  
“(ba)一項一般選舉押後;或”;
- (iv) 在(c)段中，在“換屆選舉”之後加入“、一般選舉”;
- (c) 在第(4)款中——  
(i) 在(b)段中，在兩度出現的“換屆選舉”之後加入“、一般選舉”;
- (ii) 在(c)段中，廢除兩度出現的“撤銷”而代以“終止”;
- (d) 在第(5)款中，廢除第二次出現的“或”而代以“及”。

- (b) by repealing the definition of “General election” and substituting—  
““general election”(換屆選舉)has the meaning assigned to it by the Legislative Council Ordinance (Cap. 542);”;
- (c) in the definition of “public body” by repealing “, (ii) or (iii)” and substituting “or (ii)”;
- (d) by adding—  
““District Council”(區議會)has the meaning assigned to it by the District Councils Ordinance (8 of 1999);  
“District Council constituency”(區議會選區)means a constituency within the meaning of section 2 of the District Councils Ordinance (8 of 1999);  
“ordinary election”(一般選舉)has the meaning assigned to it by the District Councils Ordinance (8 of 1999);”.

## 21. Establishment and membership

Section 3(5) is amended—

- (a) by repealing paragraph (b);
- (b) in paragraph (d)—  
(i) in subparagraph (ii) by repealing “the Provisional Legislative Council or”;
- (ii) by repealing subparagraph (iv)(B) and substituting—  
“(B) a District Council; or”;
- (c) by repealing paragraph (k)(ii).

## 22. Functions of Commission

Section 4(a) is amended by adding “or District Council constituencies, as the case may be,” after “constituencies”.

## 23. Regulations

Section 7 is amended—

- (a) in subsection (1)(h) by repealing “countermanding of” and substituting “termination of proceedings for”;
- (b) in subsection (3)—  
(i) in paragraph (a) by repealing “General” and substituting “general”;
- (ii) in paragraph (b)—  
(A) by repealing subparagraph (ii);
- (B) by repealing “or bodies”;
- (iii) by adding—  
“(ba) an ordinary election; or”;
- (iv) in paragraph (c) by repealing “General election” and substituting “general election or an ordinary election”;
- (c) in subsection (4)—  
(i) in paragraph (b) by repealing “General election” where it twice appears and substituting “general election or an ordinary election”;
- (ii) in paragraph (c) by repealing “countermanded” where it twice appears and substituting “terminated”;
- (d) in subsection (5) by repealing “or” where it secondly appears and substituting “and”.



## 24. 選舉的報告

第 8(5) 條現予修訂，廢除兩度出現的“General”而代以“general”。

## 25. 選管會成員喪失獲提名的資格

第 13(1) 條現予修訂——

- (a) 在 (b) 段中，加入——  
“(iii) 喪失擔任區議會議員的資格；”；
- (b) 在 (c)(iv) 段中——  
(i) 在 (A) 分節中，廢除“臨時立法會或”；  
(ii) 廢除 (C) 分節而代以——  
“(C) 區議會議員的資格；”。

## 26. 定義

第 17(1) 條現予修訂——

- (a) 廢除“選舉”的定義而代以——  
““選舉”(election) 指換屆選舉或一般選舉；”；
- (b) 廢除“標準人口基數”的定義而代以——  
““標準人口基數”(population quota)——  
(a) 就換屆選舉而言，指將香港人口總數除以在該項選舉中從所有地方選區中選出的議員總數所得之數；  
(b) 就一般選舉而言，指將香港人口總數除以在該項選舉中選出的民選議員總數所得之數。”。

## 27. 關於選區分界的報告

第 18 條現予修訂——

- (a) 廢除第 (1) 款而代以——  
“(1) 選管會須按照本條的規定——  
(a) 就換屆選舉向行政長官提交一份載有地方選區的劃定的建議以及選管會建議各選區所採用的名稱的報告；及  
(b) 就一般選舉向行政長官提交一份載有區議會選區的劃定的建議以及選管會建議各選區所採用的名稱的報告。  
(1A) 第 (1) 款所指的報告必須載有以下資料——  
(a) 作出有關建議的理由；及  
(b) 在不局限 (a) 段的一般性的原則下，凡選管會依據第 20(5) 條而沒有嚴格地按照第 20(1)(b) 或 (d) 條行事，則須載有沒有嚴格地按照該條行事的解釋；及  
(c) 凡選管會收到根據第 19(4) 條作出的申述，則須載有該等申述或該等申述的撮要 (視乎選管會就每一個案認為何者適當而定)”；
- (b) 在第 (2)(a) 款中，在“地方選區”之後加入“或區議會選區 (視屬何情況而定)”；
- (c) 廢除第 (3)(b) 款而代以——  
“(b) (i) 就根據《區議會條例》(1999 年第 8 號) 舉行的首屆一般選舉而言，在 1999 年 5 月 31 日或之前；及  
(ii) 就其後的一般選舉而言，與上一屆一般選舉相隔不多於 36 個月。”；

## 24. Report on elections

Section 8(5) is amended by repealing “General” where it twice appears and substituting “general”.

## 25. Members disqualified from nomination

Section 13(1) is amended—

- (a) in paragraph (b) by adding—  
“(iii) from being a member of a District Council;”;
- (b) in paragraph (c)(iv)—  
(i) in sub-subparagraph (A) by repealing “the Provisional Legislative Council or”;  
(ii) by repealing sub-subparagraph (C) and substituting—  
“(C) a District Council;”.

## 26. Definitions

Section 17(1) is amended—

- (a) by repealing the definition of “election” and substituting—  
““election” (選舉) means a general election or an ordinary election;”;
- (b) by repealing the definition of “population quota” and substituting—  
““population quota” (標準人口基數), in relation to—  
(a) a general election, means the total population of Hong Kong divided by the total number of members to be returned for all the geographical constituencies in that election;  
(b) an ordinary election, means the total population of Hong Kong divided by the total number of elected members to be returned in that election.”.

## 27. Report on boundaries

Section 18 is amended—

- (a) by repealing subsection (1) and substituting—  
“(1) The Commission shall submit to the Chief Executive, in accordance with this section, in relation to—  
(a) a general election, a report containing recommendations for the delineation of geographical constituencies and the name proposed by the Commission for each constituency; and  
(b) an ordinary election, a report containing recommendations as to the delineation of District Council constituencies and the name proposed by the Commission for each constituency.  
(1A) A report under subsection (1) must contain—  
(a) the reasons for the recommendations; and  
(b) without limiting the generality of paragraph (a), where the Commission departs from the strict application of section 20(1)(b) or (d) pursuant to section 20(5), an explanation relating to such departure; and  
(c) where the Commission receives representations under section 19(4), the representations, or a summary of them, as the Commission considers appropriate in each case.”;
- (b) in subsection (2)(a) by adding “or District Council constituency, as the case may be” after “constituency”;
- (c) by repealing subsection (3)(b) and substituting—  
“(b) in respect of—  
(i) the first ordinary election to be held under the District Councils Ordinance (8 of 1999), not later than 31 May 1999; and  
(ii) subsequent ordinary elections, at intervals of not more than 36 months from the preceding ordinary election.”;

- (d) 在第(4)款中——
- (i) 廢除“(3)(a)”而代以“(3)(b)(i)”；
  - (ii) 廢除“，將第(3)(b)”而代以“，將第(3)(a)或(b)(ii)”。

## 28. 臨時建議

第19條現予修訂——

- (a) 在第(1)款中——
  - (i) 在“任何”之後加入“換屆選舉或一般”；
  - (ii) 廢除“該項”而代以“有關的”；
  - (iii) 在(a)段中，在“選區”之後加入“或區議會選區(視何者適當而定)”；
  - (iv) 在(b)段中，廢除“選區”而代以“地方選區或區議會選區(視屬何情況而定)”；
- (b) 在第(9)款中，廢除“在本條生效日期後作出的第一次”而代以“就根據《區議會條例》(1999年第8號)舉行的首屆一般選舉所作出的”。

## 29. 作出建議的準則

第20條現予修訂——

- (a) 在第(1)款中，加入——
 

“(c) 須確保各建議中的區議會選區的範圍須使其人口在切實可行的範圍內盡量接近標準人口基數；

(d) 在就任何建議中的區議會選區而言遵從(c)段的規定並非切實可行的情況下，選管會須確保該區議會選區的範圍須使其人口不少於標準人口基數的75%，亦不多於該基數的125%。”；
- (b) 在第(2)款中，廢除“已宣布區域”而代以“區議會選區”；
- (c) 在第(4)款中——
  - (i) 在“在”之後加入“就換屆選舉”；
  - (ii) 在(a)段中，廢除“地區”而代以“地方行政區”；
- (d) 加入——

“(4A) 在不抵觸第(4B)款的規定下，選管會在就一般選舉作出有關建議時，必須依循《區議會條例》(1999年第8號)或根據該條例所指明的現有的地方行政區的分界以及區議會現有的通過選舉產生的議員人數。

(4B) 如行政長官會同行政會議根據《區議會條例》(1999年第8號)第8條作出任何命令，而該命令——

- (a) 是在就上述建議所關乎的一般選舉提交報告的期限前的12個月之前作出的；及
- (b) 是就該項一般選舉而適用的；及
- (c) 是為宣布地方行政區或指明某區議會須通過選舉產生的議員人數而作出的，

則選管會在就該項一般選舉作出有關建議時，必須依循該命令所宣布的地方行政區的分界及該命令所指明的須通過選舉產生的議員人數。”；

- (d) in subsection (4)—
- (i) by repealing “(3)(a)” and substituting “(3)(b)(i)”;
  - (ii) by repealing “(3)(b).” and substituting “(3)(a) or (b)(ii).”.

## 28. Provisional recommendations

Section 19 is amended—

- (a) in subsection (1)—
  - (i) by repealing “any election” and substituting “a general election or an ordinary election”;
  - (ii) by repealing “that election” and substituting “the election concerned”;
  - (iii) in paragraph (a) by adding “or the District Council constituencies, as may be appropriate.” after “constituencies”;
  - (iv) in paragraph (b) by adding “or District Council constituency, as the case may be” after “constituency”;
- (b) in subsection (9) by repealing “first provisional recommendations made after the commencement of this section” and substituting “provisional recommendations made for the first ordinary election to be held under the District Councils Ordinance (8 of 1999)”.

## 29. Criteria for making recommendations

Section 20 is amended—

- (a) in subsection (1) by adding—
 

“(c) ensure that the extent of each proposed District Council constituency is such that the population in that constituency is as near the population quota as practicable;

(d) where it is not practicable to comply with paragraph (c) in respect of a proposed District Council constituency, ensure that the extent of the proposed constituency is such that the population in that constituency does not exceed or fall short of the population quota, by more than 25% thereof.”;
- (b) in subsection (2) by repealing “declared areas” and substituting “District Council constituencies”;
- (c) in subsection (4)—
  - (i) by adding “in relation to a general election” after “recommendations”;
  - (ii) in paragraph (a) by repealing “地區” and substituting “地方行政區”;
- (d) by adding—
 

“(4A) Subject to subsection (4B), in making such recommendations in relation to an ordinary election, the Commission must follow the existing boundaries of Districts and the existing number of members to be elected to a District Council as specified in or under the District Councils Ordinance (8 of 1999).

(4B) If the Chief Executive in Council makes any order under section 8 of the District Councils Ordinance (8 of 1999)—

  - (a) not later than 12 months before the deadline for submitting a report for the ordinary election to which the recommendations relate; and
  - (b) which is applicable in relation to that ordinary election; and
  - (c) for the purpose of declaring Districts or specifying the number of members to be elected to a District Council,

the Commission must, in making such recommendations in relation to that ordinary election, follow the boundaries of the Districts as declared in the relevant order and the number of members to be elected as specified in the relevant order.”;

- (e) 在第(5)款中，廢除兩度出現的“(a)或(b)”；
- (f) 在第(6)(b)款中，刪去“或地方選區的人口”而代以“、地方選區的人口或區議會選區的人口”；
- (g) 在第(7)款中——
  - (i) 廢除“已宣布區域”的定義；
  - (ii) 廢除“地區”的定義而代以——  
““地方行政區”(District)具有《區議會條例》(1999年第8號)給予該詞的涵義；”。

## 30. 將報告提交立法會省覽

第23(1)條現予修訂——

- (a) 廢除“臨時立法會或”；
- (b) 廢除“(視屬何情況而定)”。

## 《香港康體發展局條例》

## 31. 發展局的權力

《香港康體發展局條例》(第1149章)第5(2)(i)條現予修訂，廢除“District Boards”而代以“District Councils”。

- (e) in subsection (5) by repealing “(a) or (b)”;
- (f) in subsection (6)(b) by repealing “or the geographical constituency” and substituting “, the geographical constituency or the District Council constituency”;
- (g) in subsection (7)—
  - (i) by repealing the definition of “declared area”;
  - (ii) by repealing the definition of “District” and substituting—  
““District” (地方行政區) has the meaning assigned to it by the District Councils Ordinance (8 of 1999);”.

## 30. Tabling of report

Section 23(1) is amended—

- (a) by repealing “the Provisional Legislative Council or”;
- (b) by repealing “, as the case may be, ”.

## Hong Kong Sports Development Board Ordinance

## 31. Powers of the Board

Section 5(2)(i) of the Hong Kong Sports Development Board Ordinance (Cap. 1149) is amended by repealing “District Boards” and substituting “District Councils”.