

Eligibility requirements for candidates

1. Q: Who is eligible to be nominated as a candidate in the Kaifong Representative Election?

- A: (1) In accordance with Section 22(2A) of the Rural Representative Election Ordinance (Cap. 576), a person is eligible to be nominated as a candidate if the person meets all of the following criteria –
- (a) the person has reached 21 years of age;
 - (b) the person is registered, and eligible to be registered, as an elector for the relevant Market Town (Cheung Chau/Peng Chau);
 - (c) the person is a resident of the Market Town, and has been a resident of the Market Town for the 6 years immediately preceding the nomination;
 - (d) the person is a Hong Kong permanent resident [Section 15(5A)(d) of the Rural Representative Election Ordinance (Cap. 576)];
 - (e) the person is not disqualified from voting at the election under Section 14 of the Rural Representative Election Ordinance (Cap. 576);
 - (f) the person is not disqualified from being nominated as a candidate at the election, or from being elected as a Kaifong Representative for the Market Town under Section 23 of the Rural Representative Election Ordinance (Cap. 576) or any other law; and
 - (g) the person is nominated by at least 5 registered electors from the Market Town [Section 25(1) of the Rural Representative Election Ordinance (Cap. 576)].
- (2) A Kaifong Representative is not eligible to be nominated as a candidate at a Market Town by-election or Village by-election.
- (3) A person is not eligible to be nominated as a candidate in the Kaifong Representative Election if the person is currently nominated as a candidate in the Village Representative Election.

How to nominate

2. Q: How to obtain and fill in the nomination form?

- A: The nomination period normally lasts for 2 weeks. Nomination forms are available from the Home Affairs Department headquarters or the Islands District Office. Nomination of a candidate must be made on the form specified by the Electoral Affairs Commission and subscribed by **at least 5** registered electors (other than the candidate) assenting to the nomination. The subscribing electors must be registered for the Market Town concerned.
- A candidate who submits a nomination on the last few days of the nomination period is advised to include more than the minimum required number of subscribers for his/her nomination to avoid the risk of invalidation of the nomination should one or more of the subscribers be subsequently found not to be qualified as subscribers. Electors subscribing a nomination should sign the nomination form personally.

3. Q: Can an elector subscribe 2 or more candidates?

- A: At the Market Town ordinary election, each elector of Cheung Chau and Peng Chau Kaifong Representative Elections may subscribe a maximum of 39 and 17 candidates respectively.
- According to Section 25 of the Rural Representative Election Ordinance (Cap. 576), an elector for a Market Town may subscribe only the specified number of nomination forms as regards an election for the Market Town. The specified number of nomination forms means the number of nomination forms that is equivalent to the number of Kaifong Representatives to be returned for the Market Town at the election. If an elector subscribes more than the specified number of nomination forms in contravention of such provision, the elector's signature is inoperative on any nomination form so subscribed other than that specified number of nomination forms first delivered.

4. Q: Can a person be nominated as a candidate for a Market Town in the Kaifong Representative Election and for a Village in the Village Representative Election at the same time?

- A: No person shall be nominated as a candidate in both the Kaifong Representative Election and the Village Representative Election at the same time. When a person submits his/her nomination form, he/she must make a declaration (contained in the specified form) that he/she has not been nominated for any Village in the Village Representative Election, or if he/she has been nominated before, he/she must withdraw all his/her prior nominations, or his/her new nomination will be invalid.

5. Q: What shall I need to pay attention to when filling in the nomination form?

- A: If a candidate submits a nomination form on the last few days of the nomination period, the nomination form shall be subscribed by more than 5 subscribers to avoid invalidation of the nomination should one or more of the subscribers be subsequently found not to be qualified as subscribers. Candidates should double check the information contained in the nomination form to ensure that all the particulars are true and accurate. The nomination form should be personally signed by the candidate. Any person who knowingly or recklessly makes a statement which is false in a material particular in an election-related document, or omits a material particular in an election-related document, commits an offence.

6. Q: How to submit the nomination form?

- A: Each nomination form must be submitted **in person** to the Returning Officer for the Market Town concerned within the nomination period. A nomination form may be ruled invalid if any errors on the nomination form are not corrected by the close of nominations.
- The Returning Officer may, in exceptional circumstances, such as the nominee's temporary absence from Hong Kong or incapacity due to illness, authorise other form of delivery of the nomination form to him/her.

Nomination period

7. Q: When will be the nomination period?

- A: According to Section 4 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), nominations may be made during the nomination period specified in the Notice of Election published in the Government Gazette. The opening and closing hours on each working day (any day other than a general holiday) in the nomination period for the Returning Officers to accept nominations are from 9a.m. to 5p.m. on Monday to Friday and from 9a.m. to 12 noon on Saturday. **Candidates are encouraged to submit their nominations well before the close of nominations to allow time for any errors in their nomination forms to be corrected.**

Validity of nomination papers

8. Q: When will the validity of the nomination be known?

- A: The Returning Officer for a Market Town shall, as soon as practicable after receiving a nomination form, decide in accordance with the Rural Representative Election Ordinance (Cap. 576) and the Electoral Affairs Commission Regulations whether or not a person is validly nominated as a candidate at an election for the Market Town. The Returning Officer will send a written notification to the person concerned.

9. Q: Will a nomination be considered to be invalid because of some errors?

- A: Where a nomination appears to the Returning Officer to be invalid because of some errors which can be corrected within the nomination period, the Returning Officer will, if practicable, give the candidate a reasonable opportunity to correct the errors before making a decision that the nomination is invalid. For example, if the entitlement of any subscriber is in doubt, a prospective candidate may be allowed to make a substitution as soon as practicable after the submission of his/her nomination form. However, no substitution for any subscriber or a re-submission of a nomination form will be accepted after the close of nominations.

10. Q: Under what circumstances will the Returning Officer decide that a nomination is invalid?

- A: The Returning Officer may decide that a nomination is invalid only where:
- (a) the number or qualifications of the subscribers are not as required under Section 25 of the Rural Representative Election Ordinance (Cap. 576);
 - (b) the nomination form, including the nomination and declaration, has not been completed or signed;
 - (c) the Returning Officer is satisfied that the candidate is not qualified to be, or is disqualified from being nominated as a candidate;
 - (d) the candidate has been nominated for a Village in the Village Representative Election and the Returning Officer is not satisfied that he/she has withdrawn that candidature; or
 - (e) the Returning Officer is satisfied that the candidate is dead.

Under what circumstances is a person disqualified from being nominated as a candidate and from being elected as a Kaifong Representative

11. Q: Under what circumstances is a person disqualified from being nominated as a candidate at an election and from being elected as a Kaifong Representative for a Market Town?

- A: Under Section 23 of the Rural Representative Election Ordinance (Cap. 576), a person is disqualified from being nominated as a candidate at an election, and from being elected as a Kaifong Representative for a Market Town under any of the following circumstances –
- (a) the person is a judicial officer;
 - (b) the person has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not –

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- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence;
- (ii) received a free pardon;
- (c) the person has been convicted of treason;
- (d) the person, on the date of nomination, or of the election, is serving a sentence of imprisonment;
- (e) the person, without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted –
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct;
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201);
 - (iv) of any offence prescribed by the Electoral Affairs Commission Regulations;
- (f) the person is ineligible to be a candidate at the election, or to be elected as a Kaifong Representative for the Market Town, because of the operation of the Rural Representative Election Ordinance (Cap. 576) or any other law;
- (g) the person is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (h) the person is a member of any national, regional or municipal legislature, assembly or council of a 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;
- (i) the person is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with the person's creditors, in either case without paying the creditors in full;

A person is disqualified from being nominated as a candidate at an election if the person is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs, but that disqualified person is eligible to be nominated as a candidate at an election if it is subsequently found under the Mental Health Ordinance that the person has become capable of managing and administering his/her property and affairs; or

A person is disqualified from being elected as a Kaifong Representative for a Market Town if, at any time after the close of nominations of candidates for election for the Market Town, the person ceases to be a resident of the Market Town.

Withdrawal from candidature

12. Q: How to withdraw a nomination?

A: A candidate may withdraw his/her nomination by completing and signing a specified "Withdrawal of Candidature" form and lodging it with the Returning Officer concerned before the close of nominations for the election [Section 26 of the Rural Representative Election Ordinance (Cap. 576)].

Notice of nomination

13. Q: How can an elector be notified of the nominated candidate for a Market Town?

A: The Returning Officer for the Market Town concerned will publish a notice in the Gazette within 14 days of the close of nominations stating the name and the principal residential address of each of all the validly nominated candidates for the Market Town, together with the number (which will be shown on the ballot paper) allocated by the drawing of lots to each candidate. The relevant notice will also be uploaded onto the Rural Representative Election website (www.had.gov.hk/rre). Each validly nominated candidate will also be separately informed.

Candidate's nomination form for public inspection

14. Q: Can members of the public inspect the nomination forms?

A: In accordance with Section 13 of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541L), a copy of each nomination form will be made available for public inspection at an office of the Returning Officer specified by him/her.

Candidate introductory leaflet

15. Q: Will the Home Affairs Department publish an introductory leaflet for the candidate?

A: The Home Affairs Department will publish a candidate introductory leaflet in full colour to be issued to each elector of that Market Town. The leaflet will carry the candidate number of candidates as shown on the ballot paper, the photograph, name, age and occupation of candidates, and an illustration provided by each candidate on his/her background and platform.

If a candidate fails to submit his/her photograph and/or the text or illustration of election platform before the stipulated deadline, the relevant information will not be included in the candidate introductory leaflet and the leaflet will only show the name and the candidate number (if applicable).

16. Q: How to submit the information to be published in the introductory leaflet?

A: A candidate should submit the following information to the relevant Returning Officer at the time of submitting the nomination form or before the close of nomination period:

- (a) the text or illustration of the candidate's election platform inside a specified form provided by the Returning Officer; and
- (b) 3 identical copies of his/her colour photograph with his/her name on the back which must be in specified size and taken within the last 6 months.

Candidate folder

17. Q: What kinds of materials are included in the candidate folder?

A: A candidate folder will be distributed to a candidate who has submitted the nomination form. The candidate folder includes the relevant ordinances and regulations related to the Rural Representative Election, action checklist for candidates, specified forms, Guidelines on Election-related Activities in respect of the Rural Representative Election published by the Electoral Affairs Commission and an ICAC Information Booklet. Candidates should read the information thoroughly and comply with the relevant ordinances and guidelines to ensure that the elections are conducted in an open, fair and honest manner.

Candidate briefing

18. Q: Does a candidate need to attend the candidates' briefing?

A: The candidates' briefing is arranged by the Chairman of the Electoral Affairs Commission, representatives from the Home Affairs Department and the ICAC to introduce the electoral arrangements and some important legislation to the candidates and remind them to comply with the relevant electoral regulations. All candidates are advised to attend the candidates' briefing.

Enquiries

Should you have any enquiries, please contact us through our hotline: (852) 2152 1521 or our email: rre@had.gov.hk. You may also visit the Rural Representative Election website at www.had.gov.hk/rre or contact the Islands District Office. The addresses and telephone numbers of the Home Affairs Department and the Islands District Office are as follows:

Home Affairs Department

30/F, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong
Tel: (852) 2152 1521
Fax: (852) 2591 6392

Islands District Office

20/F, Harbour Building,
38 Pier Road, Central
Tel: (852) 2852 3649
Fax: (852) 2815 2291

This information pamphlet serves only as a general reference. You are advised to refer to the original legislation or seek legal advice in case of doubt.