

Eligibility requirements for candidates

1. Q: Who is eligible to be nominated as a candidate at an election for an Existing Village (i.e. Resident Representative Election)?

- A:** (1) In accordance with Section 22(1) 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 Village;
 - (c) the person is a resident of the Village, and has been a resident of the Village for the 6 years immediately preceding the nomination;
 - (d) the person is a Hong Kong permanent resident [Section 15(4)(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 Resident Representative for the Village 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 Village [Section 25(1) of the Rural Representative Election Ordinance (Cap. 576)].

(2) A Village Representative is not eligible to be nominated as a candidate at a Village by-election.

(3) A person is not eligible to be nominated as a candidate at an election for a Village if the person is currently nominated as a candidate at an election for another Village.

2. Q: Who is eligible to be nominated as a candidate at an election for an Indigenous Village or a Composite Indigenous Village (i.e. Indigenous Inhabitant Representative Election)?

- A:** (1) In accordance with Section 22(2) 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 is an indigenous inhabitant of the Village;
 - (b) the person has reached 21 years of age;
 - (c) the person is registered, and eligible to be registered, as an elector for the Village;
 - (d) the person is not disqualified from voting at the election under Section 14 of the Rural Representative Election Ordinance (Cap. 576);
 - (e) the person is not disqualified from being nominated as a candidate at the election, or from being elected as an Indigenous Inhabitant Representative for the Village under Section 23 of the Rural Representative Election Ordinance (Cap. 576) or any other law;
 - (f) the person is a Hong Kong permanent resident;
 - (g) the person ordinarily resides in Hong Kong; and
 - (h) the person is nominated by at least 5 registered electors from the Village [Section 25(1) of the Rural Representative Election Ordinance (Cap. 576)].
- (2) A Village Representative is not eligible to be nominated as a candidate at a Village by-election or as a candidate at a Market Town by-election of the Kaifong Representative Election.
- (3) A person is not eligible to be nominated as a candidate at an election for a Village if the person is currently nominated as a candidate at an election for another Village or as a candidate at an election for a Market Town in the Kaifong Representative Election.

3. Q: What does “ordinarily resided in Hong Kong” mean?

A: A person is considered to have ordinarily resided in Hong Kong when he/she has habitually and normally lived there lawfully for a settled purpose. Each case has to be examined upon its own facts. Matters like the length of the person’s absence, the reason for his/her absence, the location of his/her home, his/her spouse, children and parents and his/her maintenance of connections with Hong Kong are all relevant factors.

How to nominate

4. 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 any District Office in the New Territories. 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 Village 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.

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

A: According to Section 25 of the Rural Representative Election Ordinance (Cap. 576), an elector for a Village may subscribe only the specified number of nomination forms as regards an election for the Village. The specified number of nomination forms means the number of nomination forms that is equivalent to the number of Village Representatives to be returned for the Village 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.

6. Q: Can a person be nominated as a candidate for 2 Villages in the Village Representative Election?

A: No person shall be nominated as a candidate for more than one Village in the Village Representative Election. 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 other Village in the 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.

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

A: No person shall be nominated as a candidate in both the Village Representative Election and the Kaifong 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 Market Town in the Kaifong 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.

8. 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.

9. Q: How to submit the nomination form?

A: Each nomination form must be submitted **in person** to the Returning Officer for the Village 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

10. 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

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

A: The Returning Officer for a Village 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 Village. The Returning Officer will send a written notification to the person concerned.

12. 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 may, 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.

13. 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 another Village in the Village Representative Election or has been nominated for a Market Town in the Kaifong 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 Village Representative

14. Q: Under what circumstances is a person disqualified from being nominated as a candidate at an election and from being elected as a Village Representative for a Village?

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 Village Representative for a Village 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 –

- (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;
- (iv) the person, on the date of nomination, or of the election, is serving a sentence of imprisonment;
- (v) 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 Village Representative for the Village, 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 Resident Representative for an Existing Village if, at any time after the close of nominations of candidates for election for the Village, the person ceases to be a resident of the Village.

Withdrawal from candidature

15. 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

16. Q: How can an elector be notified of the nominated candidate for a Village?

A: The Returning Officer for the Village 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 Village, 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

17. 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

18. 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 Village. 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).

19. 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

20. 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

21. 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 our District Offices in the New Territories. The addresses and telephone numbers of the relevant District Offices are provided overleaf.

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.

Addresses and Enquiry Numbers of the Home Affairs Department and New Territories District Offices

Home Affairs Department

30/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong
Tel: (852) 2152 1521 Fax: (852) 2591 6392
Email: rre@had.gov.hk

New Territories

Islands District Office

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

Kwai Tsing District Office

2/F, Kwai Hing Government Offices Building,
166-174 Hing Fong Road, Kwai Chung
Tel: (852) 2425 4602 Fax: (852) 2489 1083

North District Office

3/F, North District Government Offices, 3 Pik Fung Road, Fanling
Tel: (852) 2675 1843 Fax: (852) 2675 0747

Sai Kung District Office

6/F, Sai Kung Tseung Kwan O Government Complex,
38 Pui Shing Road, Hang Hau, Tseung Kwan O
Tel: (852) 3740 5360 Fax: (852) 2792 9440

Sha Tin District Office

G/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin
Tel: (852) 2158 5388 Fax: (852) 2695 4305

Tai Po District Office

G/F, Tai Po Government Offices Building, 1 Ting Kok Road, Tai Po
Tel: (852) 2654 1262 Fax: (852) 2652 1187

Tsuen Wan District Office

1/F, Tsuen Wan Multi-storey Carpark Building,
174-208 Castle Peak Road, Tsuen Wan
Tel: (852) 2492 5096 Fax: (852) 2412 0244

Tuen Mun District Office

2/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun
Tel: (852) 2451 1151 Fax: (852) 2450 3014

Yuen Long District Office

4/F, Yuen Long District Office Building,
269 Castle Peak Road, Yuen Long
Tel: (852) 2470 1134 Fax: (852) 2474 7261

2015 Village Representative Election in the New Territories

Nomination of Candidates

