

## CHAPTER 3

### NOMINATION OF CANDIDATES

#### PART I : GENERAL

3.1 The amended DCO stipulates the establishment of the DCERC to review and confirm the eligibility of all candidates standing for elections, as well as appointed and ex officio members. *[Added in September 2023]*

3.2 Legislative provisions governing the eligibility for being nominated as a candidate at the DC election, the disqualification from being nominated as a candidate or from being elected as a member of the DC, and the requirements to be complied with by nominated candidates are set out in ss 20, 21 and 34 of the DCO respectively (see Parts II, III and V of this chapter). *[Amended in September 2019 and September 2023]*

3.3 As stipulated in s 34(1A)(c) of the DCO, the nomination of a candidate is invalid unless a declaration is made in the nomination form to the effect that he/she will uphold the Basic Law and pledge allegiance to the HKSAR of the People’s Republic of China<sup>14</sup>. In accordance with s 104(1) of the EAC (EP) (DC) Reg, a person who makes a statement in the nomination form which he/she knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular or knowingly

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<sup>14</sup> Upholding the Basic Law means to uphold all the provisions of the Basic Law, including –  
 Article 1: The Hong Kong Special Administrative Region is an inalienable part of the People’s Republic of China.  
 Article 12: The Hong Kong Special Administrative Region shall be a local administrative region of the People’s Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People’s Government.  
 Article 159(4): No amendment to this Law shall contravene the established basic policies of the People’s Republic of China regarding Hong Kong.  
 Please see s 3AA of the Interpretation and General Clauses Ordinance (Cap 1) for the detailed explanation of references to “upholding the Basic Law and bearing allegiance to the HKSAR”.

omits a material particular from an election related document commits a criminal offence. Upon conviction, apart from being liable to criminal sanction, he/she will also be disqualified from holding office as a member of the DC, if elected, in accordance with s 26A(1)(d)(iv) of the DCO. *[Added in September 2019 and amended in September 2023]*

3.4 Under the subsisting law, the validity of a candidate's nomination is solely determined by the DCERC, and the EAC is neither empowered nor involved in the making of such decision. The EAC will not provide any advice, but will only make arrangements for an election for the validly nominated candidates determined by the DCERC. The RO may under s 12(10) of the EAC (EP) (DC) Reg request a candidate to provide additional information that he/she considers necessary to satisfy the DCERC that the candidate is eligible to be nominated as a candidate for a constituency or otherwise as to the validity of the nomination. In accordance with s 19 of the EAC (EP) (DC) Reg, if the DCERC decides that the nomination of a candidate is invalid, the DCERC must endorse on the nomination form the decision and the reason(s) for it. The RO must inform the candidate concerned and each validly nominated candidate for the constituency concerned of the decision of the DCERC, and will make available a copy of the nomination form for public inspection pursuant to s 14 of the EAC (EP) (DC) Reg. If any person is disqualified from being a candidate at an election (except for the decision made by the DCERC pursuant to the opinion of the Committee on National Security), he/she may make an election petition to question the result of the election in accordance with s 49 of the DCO. *[Amended in September 2019 and September 2023]*

3.5 A candidate is not required by the law to provide information on his/her political affiliation. However, a candidate may state his/her political affiliation in the nomination form and the Introduction to Candidates. Candidates of DCGCs may also request to print the registered names and/or

registered emblems of prescribed bodies (political/non-political) they are affiliated with on the ballot papers. If a candidate chooses to state his/her political affiliation in the nomination form, Introduction to Candidates or ballot papers (applicable to candidates of DCGCs only), he/she should make sure that the information shown in the above documents is not inconsistent with other information provided (e.g. if the candidate indicates membership of a political party in the nomination form, he/she must not indicate himself/herself as a “non-affiliated candidate” on the ballot papers). *[Added in September 2019 and amended in September 2023]*

3.6 It is important to note that it is imperative for any candidate claiming to be “independent” or “non-affiliated” (or other similar descriptions) to have factual basis for the claim. There were, for that matter, legal proceedings involving disputes over the political affiliation of candidates. In an election petition handled by the High Court in respect of the 2019 DC Ordinary Election (HCAL 3665/2019), the judge stated in the judgment that:

“A statement that a candidate in an election is ‘獨立’ (independent) may mean different things depending on the context. It may mean, amongst others, that the candidate: (1) is not affiliated with any political party; or (2) is not running on a political party’s ticket in the election; or (3) is not supported by any political party in the election; or (4) is not affiliated with any body or organisation, or political body or organisation, irrespective of whether it is strictly a political party or purports to be one; or (5) is not affiliated with any ‘prescribed body’ (訂明團體) as that term is defined in s 2(1) of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation, Cap 541M, i.e. a ‘prescribed political body’ (訂明政治性團體) or a ‘prescribed non-political body’ (訂明非政治性團體).”

If a candidate would like to claim himself/herself to be “independent” for electioneering publicity purpose, it is his/her responsibility to ensure unambiguous factual substantiation for such claim to prevent misunderstanding. To avoid doubt or dispute, the candidate may consider a more prudent approach by illustrating the meaning and background for claiming himself/herself to be “independent” in his/her self-introduction or publicity materials. *[Added in September 2023]*

3.7 In the judgment on the election petition case (HCAL 3665/2019) mentioned in para. 3.6 above, the judge also pointed out that:

“... the expression ‘political party’ does not have a generally defined legal meaning. (1) There is no definition of that expression in the Interpretation and General Clauses Ordinance, Cap 1. (2) The expression ‘political party (政黨)’ is given a circular definition in s 31 of the Chief Executive Election Ordinance, Cap 569, to mean (a) a political body or organisation (whether operating in Hong Kong or elsewhere) which purports to be a political party; or (b) a body or organisation the principal function or main object of which is to promote or prepare a candidate for election as a member of the Legislative Council or any District Council. (3) The expression ‘political body’ (政治性團體) is defined in both the Societies Ordinance, Cap 151, and the Electoral Affairs Commissioner [sic] Ordinance, Cap 541, to mean (i) a political party or an organisation that purports to be a political party, or (ii) an organisation whose principal function or main object is to promote or prepare a candidate for an election. (4) The expression ‘prescribed political body’ (訂明政治性團體) is defined in the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation, Cap 541M, to mean a body or organisation operating in Hong Kong (a) that is a political party; (b) that purports to be a political party; or (c) the principal function or main

object of which is to promote or prepare a candidate for election as a member. The above definitions are, however, for the purposes of those specific Ordinances only.”

Although these definitions are given only for the purposes of relevant ordinances, candidates may make reference to them in assessing their actual circumstances. If candidates have any doubts about information relating to their political affiliation to be provided on the nomination form and the Introduction to Candidates, or the particulars of the candidates on the ballot papers (applicable to candidates of DCGCs only), they should seek independent legal advice before drawing up and providing the information. *[Added in September 2023]*

3.8 A candidate who makes a false statement about his/her political affiliation in an election-related document (including the nomination form or ballot papers (applicable to candidates of DCGCs only)) commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 104 of the EAC (EP) (DC) Reg]. *[Added in September 2019 and amended in September 2023]*

## **PART II : ELIGIBILITY AND DISQUALIFICATION FOR NOMINATION**

### **Eligibility**

3.9 To be eligible for nomination as a candidate at a DC election, a person must:

- (a) be 21 years of age or over;

- (b) be registered as an elector in the existing register of electors of GCs;
- (c) not be disqualified from voting at an election (see para. 2.18 of Chapter 2);
- (d) not be disqualified from being nominated as a candidate or elected as a member by virtue of s 21 of the DCO or any other legislation (see para. 3.13 below); and
- (e) have ordinarily resided in Hong Kong for the 3 years immediately preceding the date of his/her nomination (for the definition of “ordinarily residing in Hong Kong”, please see paras. 3.10 to 3.12 below).

[S 20 of the DCO] *[Amended in September 2015 and September 2023]*

### **“Ordinarily Residing in Hong Kong”**

3.10 The definition of “ordinarily residing in Hong Kong” is not set out in the subsisting electoral law. In assessing whether a person “ordinarily resides in Hong Kong”, one needs to take into account a host of factors and the specific situation of each case, and determine according to the relevant court judgments. The conclusion cannot be generalised and one cannot say someone does not “ordinarily reside in Hong Kong” simply because he/she has a place of residence abroad. According to a court precedent<sup>15</sup>, a person is considered ordinarily residing in a place if he/she remains in that place legally, voluntarily and for a settlement purpose (e.g. for education, employment or residence), regardless of the duration, and even if he/she is temporarily absent

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<sup>15</sup> *Lau San Ching v Liu, Apollonia* [1995] 5 HKPLR 23 citing *R. v. Barnet London Borough Council, ex parte Shah* [1983] 2 AC 309

from that place for some reasons. The precedent also pointed out that a person may ordinarily reside in two places at the same time. *[Added in September 2023]*

3.11 Generally speaking, for a Hong Kong permanent resident who used to reside in Hong Kong all along, if he/she has now set up for personal reasons another residence elsewhere but still returns to live in Hong Kong from time to time (e.g. for handling personal matters, social gatherings or family reunion), then he/she can still be regarded as maintaining a reasonable connection with Hong Kong. A condition which must be considered in parallel is that in accordance with the electoral law, that person must provide, for the purpose of registration as an elector, a residential address which is his/her only or principal residence in Hong Kong (i.e. not a correspondence address but a residential address where he/she habitually resides when he/she is in Hong Kong). Under such circumstances, whether the person still satisfies the statutory requirement of “ordinarily residing in Hong Kong” must be determined according to the actual circumstances of individual case. *[Added in September 2023]*

3.12 To sum up, the individual circumstances of the person must be considered when determining whether that person is “ordinarily residing in Hong Kong”, and it is not a matter which could be summarily determined. A prospective candidate who is doubtful about his/her eligibility for nomination should consult his/her independent legal adviser. In a DC ordinary election, a prospective candidate may also seek the advice of the NAC within a specified period (see paras. 3.29 to 3.36 below). *[Amended in September 2015 and September 2023]*

## **Disqualification**

3.13 A person is disqualified from being nominated as a candidate at an election, and from being elected as a member at an election, if he/she:

- (a) is a judicial officer or a prescribed public officer<sup>16</sup>;
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called), and has not either served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence or received a free pardon<sup>17</sup>;
- (c) has been convicted of treason;
- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment;

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<sup>16</sup> A prescribed public officer means any of the following:

- (a) the Chairman of the Public Service Commission;
- (b) the Commissioner and Deputy Commissioner of the ICAC and the holder of any other office under the ICAC Ordinance (Cap 204);
- (c) the Ombudsman and the holder of any appointment under s 6 of The Ombudsman Ordinance (Cap 397);
- (d) a member of the EAC;
- (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;
- (f) the Privacy Commissioner for Personal Data and any person employed or engaged by him/her under the Personal Data (Privacy) Ordinance (Cap 486);
- (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.

<sup>17</sup> On 21 June 2012, the Court of First Instance handed over a written judgment on *Wong Hin Wai & another v Secretary for Justice* (HCAL 51 & 54/2012), declaring section 39(1)(b) of the LCO (which is similar to para. 3.13(b) or section 21(1)(b) of the DCO) to be unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future DC elections will be conducted in accordance with the prevailing electoral laws. Any person who wishes to be nominated as a candidate for a DC election and is doubtful about his/her eligibility for nomination may seek independent legal advice and, where appropriate, apply to the NAC appointed by the EAC for advice in a DC ordinary election.



- (e) is or has been convicted, within five years before the date of the election:
  - (i) of an offence in Hong Kong or in any other place, the sentence for which is imprisonment (suspended or not) for a term exceeding three months without the option of a fine;
  - (ii) of having engaged in corrupt or illegal conduct in contravention of the ECICO;
  - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201) (“POBO”); or
  - (iv) of any offence prescribed by s 7 of Schedule 4A to the DCO (i.e. for using information in a DCC register for purposes unrelated to an election) or regulations in force under the EACO;
- (f) is ineligible to be a candidate or to be elected as a member at an election because of the operation of the DCO or any other law;
- (g) is a representative or a salaried functionary of the government of a place outside Hong Kong;
- (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;

- (i) is an undischarged bankrupt or, within the previous five 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; *[Amended in August 2008]*
- (j) within the five years before the date of election, has vacated an office or has been disqualified from entering on an office under the law for declining or neglecting to take a specified oath<sup>18</sup>, or has been declared or decided in accordance with any law:
  - (i) to be in breach of a specified oath; or
  - (ii) to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China; or *[Added in September 2023]*
- (k) is found to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs under the Mental Health Ordinance (Cap 136). *[Amended in September 2012]*

[S 21 of the DCO] *[Amended in September 2015 and September 2023]*

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<sup>18</sup> Specified oath means an oath taken under the law that the oath-taker will uphold the Basic Law and bear allegiance to the HKSAR of the People's Republic of China.

## **PART III : WHEN AND HOW TO NOMINATE**

### **When to Nominate**

3.14 Any person who intends to stand as a candidate may submit a nomination form during the **nomination period** specified in the notice published in the Gazette [s 8 of the EAC (EP) (DC) Reg]. The nomination period for the election for a constituency must not be less than 14 days or more than 21 days, and must end not less than 28 days and not more than 42 days before the polling date [s 9 of the EAC (EP) (DC) Reg]. An election timetable in the form of an “Action Checklist for Candidates” (see **Appendix 2**) will be provided to each candidate by the RO for the relevant constituency. The ROs shall receive nominations during the ordinary business hours (i.e. from 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on each working day (i.e. any day other than a general holiday) in the nomination period. **Candidates are advised to submit their nominations in good time to allow sufficient time for rectification of any errors or omissions in their nomination forms before the close of the nomination period.** *[Amended in September 2007, September 2012, September 2015, September 2019 and September 2023]*

### **How to Nominate**

3.15 Nomination forms specified by the EAC can be obtained from any District Offices (“DOs”) or the REO or downloaded from the website of the REO ([www.reo.gov.hk](http://www.reo.gov.hk)). *[Amended in August 2008]*

3.16 The nomination form comprises (a) the nomination and (b) the consent and declarations on nomination form.

## The Nomination

3.17 In respect of **DCC elections**, a candidate standing for election in respect of the DCC of the DC of a District must be nominated by electors of the DCC. The part on nomination in the candidate's nomination form must be subscribed by **not less than 3 but not more than 6 electors in each of the District Committees**<sup>19</sup> in the District (other than the candidate himself/herself) assenting to the nomination. [S 7(1) of the DC Subscribers & Deposit Reg] An elector is entitled to subscribe a number of nomination forms in respect of the DCC up to the number of members to be returned for the DCC at the election [s 8(1)(a) of the DC Subscribers & Deposit Reg]. *[Added in September 2023]*

3.18 In respect of **DCGC elections**, a candidate standing for election in respect of a DCGC of the DC of a District must be nominated by electors of the DCGC and electors of the DCC of the DC. The part on nomination in the candidate's nomination form must be subscribed by –

- (a) **not less than 50 but not more than 100 electors of the DCGC** (other than the candidate himself/herself) assenting to the nomination [s 7(2)(a) of the DC Subscribers & Deposit Reg]. An elector is entitled to subscribe only 1 nomination form in respect of the DCGC [s 8(1)(b) of the DC Subscribers & Deposit Reg]; and
- (b) **not less than 3 but not more than 6 electors of the District Committee**<sup>20</sup> in the District (other than the candidate himself/herself) assenting to the nomination [s 7(2)(b) of the DC

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<sup>19</sup> If there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District [s 7(3) of the DC Subscribers & Deposit Reg].

<sup>20</sup> If there are 2 or more Area Committees in a District, those Area Committees are to be regarded as 1 District Committee in the District [s 7(3) of the DC Subscribers & Deposit Reg].

Subscribers & Deposit Reg]. An elector is entitled to subscribe only 1 nomination form in respect of each DCGC of the DC [s 8(1)(c) of the DC Subscribers & Deposit Reg].

*[Amended in September 2023]*

3.19 Generally speaking, each elector of a DCC can subscribe multiple nomination forms in different capacities, as illustrated below:

<b>Constituency</b>	<b>As an elector of a DCC</b>	<b>As an elector of a DCGC</b>
DCC	up to the number of members to be returned for the DCC in the District	
DCGC	up to the number of DCGCs in the District	for his/her own DCGC: 1

*[Added in September 2023]*

3.20 In any of the cases of paras. 3.17 and 3.18 above, where the number of persons subscribing a nomination has exceeded the number of qualified subscribers required to effect the nomination of the candidate, the surplus subscribers over the required number must be regarded as not having subscribed the nomination concerned [s 7(4) of the DC Subscribers & Deposit Reg]. As such, the electors in surplus may subscribe another nomination instead. However, if the nomination subscribed by an elector has been held to be invalid, or the candidate has withdrawn his/her nomination, the elector may subscribe another nomination before the close of the nomination period, and his/her signature shall not be inoperative on the other nomination form. On

the other hand, if the elector contravenes the relevant regulations by subscribing more nomination forms than the number he/she is entitled to subscribe as an elector of a constituency, his/her signature shall be operative only on the entitled number of nomination(s) first delivered [s 8(2) of the DC Subscribers & Deposit Reg]. *[Amended in September 2011 and September 2023]*

**IMPORTANT :**

A candidate who submits a nomination form on the last few days of the nomination period is advised to include more than the required number of subscribers for his/her nomination, so as to avoid invalidation of the nomination should any of the subscribers be subsequently found to be not qualified as subscribers. A candidate should ensure that the electors subscribing his/her nomination are eligible persons and that the number of nomination(s) subscribed by the electors has not exceeded the number of nomination(s) they are entitled to subscribe (see paras. 3.17 and 3.18 above). *[Amended in September 2023]*

Each elector subscribing a nomination shall sign the nomination form **personally**. A candidate must not sign as a subscriber in his/her own nomination form. *[Amended in September 2019]*

No unlawful means shall be used to procure an elector to subscribe or not to subscribe a nomination. Intimidation is an offence under ss 24 and 27 of the Crimes Ordinance (Cap 200). Offenders are liable on summary conviction to a fine at level 1 (\$2,000) and to imprisonment for 2 years, or on conviction upon indictment to imprisonment for 5 years. Engaging in bribery,

which is a corrupt conduct, is also liable to a fine and to imprisonment. *[Added in September 2007 and amended in September 2012]*

Candidates are also required to observe Data Protection Principle 4 of Schedule 1 to the PD(P)O in safeguarding the personal data of subscribers to the nomination forms held by them. They should take all practicable steps to ensure that the aforesaid personal data are protected against accidental or unauthorised access, processing, erasure, loss or use. *[Added in September 2012 and amended in September 2015]*

### Consent and Declarations on Nomination Form

3.21 According to the DCO and the EAC (EP) (DC) Reg, a candidate must duly complete the nomination form and the declarations, which shall be attested by a witness<sup>21</sup>. The candidate must declare that he/she will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China. Otherwise, he/she is not nominated as a candidate [s 34(1A)(c) of the DCO and s 12(4) of the EAC (EP) (DC) Reg]. *[Amended in September 2019 and September 2023]*

3.22 A person who, in an election-related document (including the nomination form and the declarations), makes a statement which he/she knows to be false in a material particular or recklessly makes a statement which is incorrect in a material particular, or knowingly omits a material particular from

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<sup>21</sup> A witness can be any person aged 18 years or above and in possession of an identity document. According to s 2 of the DCO, identity document means:

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap 177); or
- (b) a document issued by the Commissioner of Registration to a person certifying that the person is exempt, under regulation 25 of the Registration of Persons Regulations (Cap 177A), from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the ERO as proof of the person's identity.

an election-related document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [s 104 of the EAC (EP) (DC) Reg]. *[Added in September 2019]*

**IMPORTANT :**

No person shall be nominated in an election as a candidate for more than one constituency. When a person submits his/her nomination form, he/she must have withdrawn all his/her other prior nominations, if any. He/She is required to make a declaration in the nomination form that either he/she has not been nominated before for any other constituency in the election, or if he/she has been so, he/she has withdrawn all those prior nominations [s 21 of the EAC (EP) (DC) Reg]. Where a candidate stands nominated, any subsequent nominations of his/hers will be rejected as invalid. *[Amended in September 2011]*

3.23 In the nomination form, a candidate may choose to state his/her occupation and/or political affiliation for public information if he/she so prefers. If a candidate mentions the name of any organisation when stating his/her political affiliation, the consent of the organisation concerned must be sought beforehand. Candidates should make sure that their nomination forms are properly completed before submission. Information (e.g. occupation and political affiliation) provided by a candidate in the grid paper for the Introduction to Candidates or in the specified form for requesting to print particulars relating to the candidate on ballot paper<sup>22</sup>(applicable to candidates of DCGCs only) should not be inconsistent with the information stated in the nomination form (e.g. if the candidate indicates membership of a political party

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<sup>22</sup> The specified form is known as REO/BP/7 Form, i.e. “Request by a Candidate for a Legislative Council Geographical Constituency, a Legislative Council Functional Constituency or a District Council Geographical Constituency to Print Particulars relating to the Candidate on a Ballot Paper”.



in the nomination form, he/she must not indicate himself/herself as a “non-affiliated candidate” on the ballot papers) and should be true. *[Amended in September 2015, September 2019 and September 2023]*

3.24 Candidates should take heed of the guidelines in paras. 3.5 to 3.7 above when drawing up and providing the relevant information, and pay extra attention to ensure that there is factual basis. *[Added in September 2023]*

3.25 Each nomination form must be submitted to the RO for the constituency concerned together with the payment of the prescribed sum of election deposit (see Part V of this chapter for details). The RO may refuse to accept any nomination form bearing material alteration to its content.

3.26 The completed nomination form must be submitted to the RO for the constituency concerned by the candidate **in person** during ordinary business hours (i.e. 9 am to 5 pm from Monday to Friday, and from 9 am to 12 noon on a Saturday) on a working day (i.e. any day other than a general holiday) within the nomination period. In exceptional circumstances (e.g. the candidate’s temporary absence from Hong Kong or incapacity due to illness), the CEO may authorise other manner of submission of the nomination form to the RO. [S 12(12) and (13) of the EAC (EP) (DC) Reg] *[Amended in September 2015 and September 2019]*

3.27 The RO will also make available copies of the nomination forms for public inspection free of charge at the specified address during ordinary business hours until the relevant notice of the election result is published [s 14 of the EAC (EP) (DC) Reg]. If the DCERC decides that the nomination of a candidate is invalid (see Part VII of this chapter), it must endorse on the relevant nomination form the decision and the reasons for it [s 19(1) of the EAC (EP) (DC) Reg]. *[Amended in September 2019 and September 2023]*

## **False Declarations**

3.28 A candidate who knowingly and recklessly makes a statement which is false in a material particular in the nomination form or makes a false declaration is in breach of the requirements of s 104(1) of the EAC (EP) (DC) Reg. The aforesaid provision stipulates that a person who makes a statement which he/she knows to be false in a material particular in an election-related document, or recklessly makes a statement which is incorrect in a material particular in such document, or knowingly omits a material particular in such document, commits an offence and shall be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months. The provision also specifies that an election-related document means a form, declaration, etc. required or used for the purposes of the EAC (EP) (DC) Reg. Besides, a person making a false statement in any statutory document is in breach of s 36 of the Crimes Ordinance and shall be liable to imprisonment for 2 years and to a fine. A contravention of s 104 of the EAC (EP) (DC) Reg is a prescribed offence. In accordance with s 26A(1)(d)(iv) of the DCO, a person who commits a prescribed offence shall be disqualified from holding office as a member of the DC upon conviction, regardless of the term of imprisonment, in the same way a person shall be disqualified on conviction of a corrupt or illegal conduct under the ECICO (as described in paras. 15.62 and 16.38 of the Guidelines). In other words, even if a candidate who has made a false declaration in the nomination form is elected, he/she will be disqualified from holding office as a member of the DC in accordance with s 26A(1)(d)(iv) of the DCO; he/she is also disqualified from being nominated as a candidate and from being elected as a member of the DC if the election is held within five years after the date of conviction under s 21(1)(e)(iv) of the DCO. *[Amended in September 2007, September 2015, September 2019 and September 2023]*

## **PART IV : NOMINATIONS ADVISORY COMMITTEES**

3.29 The EAC is empowered to appoint NACs to provide advice, upon request, to prospective candidates and the ROs on whether a candidate is eligible for nomination [ss 2 and 3 of the EAC (NAC) (DC) Reg]. In line with the established practice, each NAC is in the charge of either a Senior Counsel or a legal practitioner of not less than ten years' standing who, in the opinion of the EAC, is independent and impartial without connection with any candidate or political organisation in Hong Kong. *[Amended in September 2007]*

3.30 The NACs may provide advice to prospective candidates and the ROs on whether a prospective candidate is eligible to be, or is disqualified from being, nominated as a candidate. However, any advice given by an NAC or a refusal on its part to give any such advice does not preclude a person from seeking nomination as a candidate or proceeding with a nomination. [S 9 of the EAC (NAC) (DC) Reg] *[Added in September 2019]*

3.31 Notwithstanding this, according to s 1(2) of the EAC (NAC) (DC) Reg, the NACs are not empowered to advise on matters provided for under s 34 of the DCO (including the declarations by candidates on upholding the Basic Law and pledging allegiance to the HKSAR of the People's Republic of China, and the lodging of deposit by candidates). The advice provided by the NACs on whether a prospective candidate is eligible to be nominated as a candidate does not indicate the validity of his/her nomination. The validity of the nomination is ultimately a matter for the DCERC to decide. *[Added in September 2019 and amended in September 2023]*

### **The NAC's Service to Prospective Candidates**

3.32 The NAC provides service to prospective candidates **at a DC ordinary election only**. During a period specified by the EAC [s 3(3) of the

EAC (NAC) (DC) Reg] (which generally ends before the commencement of the nomination period), a prospective candidate may apply, by completing a specified form which can be obtained from the REO/any DOs or downloaded from the REO website within the specified period, for the advice of the NAC as to whether he/she is eligible to be, or is disqualified from being, nominated as a candidate at a DC ordinary election. Each prospective candidate can only make one application in respect of the election [s 5(4) of the EAC (NAC) (DC) Reg]. *[Amended in September 2015 and September 2019]*

3.33 The completed application must be:

- (a) sent to the CEO by post or facsimile transmission so as to be received by him/her; or
- (b) served on the CEO personally,

**on or before the deadline for application to be specified by the EAC.**

[S 5(2)(b) of the EAC (NAC) (DC) Reg] *[Amended in September 2011]*

3.34 The NAC may, before giving its advice, require the applicant to make available information, particulars and evidence relating to his/her intended candidature within a specified period. The NAC may also require the applicant to present himself/herself before the NAC at the specified time and place to assist in the consideration of the application. The applicant may make representations to the NAC in person or through a person authorised by him/her in writing, at the specified time and place. [S 5(7) and (8) of the EAC (NAC) (DC) Reg]

3.35 Where an applicant does not make available the information, particulars or evidence required by the NAC, or fails to present himself/herself before the NAC as requested, the NAC may:

- (a) refuse to consider the application or to give any advice; or
- (b) give qualified advice on the application having regard to either or both of the following:
  - (i) the fact that information, particulars or evidence (any or all of them) have not been made available to the NAC;
  - (ii) the failure on the part of the applicant to present himself/herself before the NAC.

[S 5(9) of the EAC (NAC) (DC) Reg]

3.36 The NAC's advice to an applicant, including a decision of refusal to consider an application or to give advice, will be sent to the applicant in writing not later than a date specified by the EAC [s 5(10) of the EAC (NAC) (DC) Reg].

### **The NAC's Service to ROs**

3.37 The NAC provides service to the ROs at both **DC ordinary elections and by-elections**. During a period specified by the EAC (which generally spans from the commencement of the nomination period to one day after the close of the nomination period), the ROs may, if necessary, apply for the NAC's advice on the eligibility for nomination of the candidates who have submitted their nominations. According to s 1(2) of the EAC (NAC) (DC) Reg, the Regulation does not empower or require the NAC to advise on matters

provided for under s 34 of the DCO (see para. 3.31 above). The applications shall be submitted to the NAC in writing through the CEO. The NAC will, not later than a date specified by the EAC, advise the RO as to whether the candidate concerned is eligible to be nominated. [S 6 of the EAC (NAC) (DC) Reg] *[Amended in September 2019]*

3.38 In forming an opinion on whether a person is eligible to be, or is disqualified from being, nominated as a candidate, the RO must take into account the advice given by the NAC on the candidate [s 17 of the EAC (EP) (DC) Reg and s 6(4) of the EAC (NAC) (DC) Reg]. That said, the validity of nomination is ultimately a matter for the DCERC to decide [s 16 of EAC (EP) (DC) Reg]. *[Amended in September 2023]*

## **PART V : ELECTION DEPOSIT**

### **Payment of Election Deposit**

3.39 When submitting a nomination form, each candidate must lodge an election deposit of \$3,000 by cash, cashier order or cheque, as prescribed by regulation made by the CE in Council [ss 34(2) and 81(2)(b) of the DCO and s 2 of the DC Subscribers & Deposit Reg].

3.40 A nomination form submitted to the RO will not be accepted unless it is accompanied by the prescribed election deposit payable.

### **IMPORTANT :**

Candidates should pay their election deposits by cash or cashier order as far as practicable, although crossed cheques are also acceptable. In the event that a cheque is dishonoured, the

nomination will be ruled invalid unless the unpaid amount of deposit is settled before the close of the nomination period. Please note that in the event of a dishonoured cheque, the RO may not have sufficient time to inform the candidate concerned to rectify before the close of the nomination period. To avoid invalid nominations rendered by dishonoured cheques, candidates should pay the election deposit by cash or cashier order as far as practicable. *[Amended in September 2012]*

### **Return of Election Deposit**

3.41 The deposit will be returned to the candidate if:

- (a) he/she is not validly nominated;
- (b) he/she withdraws his/her nomination;
- (c) he/she dies or is disqualified from being validly nominated after he/she is confirmed to be validly nominated for the election and before the date specified for holding the election; *[Amended in September 2015]*
- (d) the election has failed;
- (e) he/she is duly elected; or
- (f) the number of votes received by the candidate in his/her favour is not less than 3% of the total number of valid ballot papers received in the constituency.

The deposit will be forfeited if none of the above conditions is satisfied (see ss 3, 4 and 5 of the DC Subscribers & Deposit Reg for details). Candidates are required to complete a specified form for return of election deposit, and submit it together with the original receipt of the election deposit to the relevant RO for action. *[Amended in September 2023]*

## **PART VI : DISTRICT COUNCIL ELIGIBILITY REVIEW COMMITTEE**

3.42 Candidates participating in the DCGC elections and the DCC elections must confirm their eligibility through an eligibility review mechanism. For consistency, appointed and ex officio members will also be subject to the eligibility review before taking office. The amended DCO stipulates the establishment of the DCERC for reviewing and confirming the eligibility of all candidates standing for elections, as well as appointed and ex officio members. In deciding the eligibility of a person, the DCERC is to seek the opinion of the Committee on National Security as to whether the person fails to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China. If an opinion is given by the Committee on National Security, the DCERC must make the decision in accordance with the opinion. *[Added in September 2023]*

3.43 Under s 10A of the DCO, the DCERC consists of the chairperson, at least two but not more than four official members and at least one but not more than three non-official members. Each member of the DCERC is appointed by the CE by notice published in the Gazette. Only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member. Only a person who is not a public officer is eligible for appointment as a non-official member. Besides, the CE shall report any appointment made to



the Central People's Government for record. [S 10A of the DCO] *[Added in September 2023]*

## **PART VII : VALIDITY OF NOMINATIONS**

3.44 The validity of nomination is decided by the DCERC. The DCERC will make a decision on the validity of a nomination as soon as practicable upon receipt of the nomination form and publish a notice stating which persons are validly nominated as candidates within 14 days after the close of the nomination period [s 36(1) of the DCO and s 22(1) of the EAC (EP) (DC) Reg]. *[Amended in September 2023]*

3.45 In determining whether a candidate is validly nominated, the DCERC may request the RO to advise the DCERC as to any of the matters specified in s 16(3B) of the EAC (EP) (DC) Reg, for example, whether the candidate is eligible to be nominated or disqualified from being nominated as a candidate [s 16(3A)(a) and (3B)(g) of the EAC (EP) (DC) (Reg)]. However, while providing advice to the DCERC on whether a candidate satisfies the general requirements of standing for the election, the RO is not to advise the DCERC on whether a candidate has complied with s 34(1A)(c) of the DCO and the requirement of making a declaration to the effect that the candidate will uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China. [S 16(3C) of the EAC (EP) (DC) Reg] *[Added in September 2023]*

3.46 In the case of doubt as to whether a particular candidate satisfies the general requirements of standing for the election, the RO may apply for advice from the NAC (see para. 3.37 above). *[Amended in September 2015]*

3.47 Where a nomination appears to the RO to be invalid because of some errors or omissions which can be rectified before the close of the nomination period, the RO may, before forming an opinion as to the validity of the nomination, give the candidate a reasonable opportunity to rectify the errors or omissions as far as practicable [s 18 of the EAC (EP) (DC) Reg]. For example, if the qualification of a subscriber to a submitted nomination form is in doubt, the prospective candidate may be allowed to find another subscriber in substitution as soon as practicable after the submission of the nomination form. However, no substitution of subscriber or re-submission of a nomination form is allowed after the close of the nomination period.  
*[Amended in September 2023]*

3.48 A nomination may be ruled invalid if the errors or omissions on the nomination form are not rectified before the close of the nomination period.

3.49 To enable the DCERC to be satisfied that a candidate is eligible to be nominated or otherwise as to the validity of a nomination, the RO may require the candidate to furnish any other information that the RO considers appropriate. Moreover, in deciding whether a candidate is validly nominated for a constituency, the DCERC may require the candidate to furnish any other information that it considers appropriate to be satisfied that the candidate is eligible to be nominated as a candidate for the constituency concerned or otherwise as to the validity of the nomination. [Ss 12(10) and 16(3A)(b) of the EAC (EP) (DC) Reg] *[Amended in September 2023]*

3.50 A nomination is invalid unless the nomination form contains all information and signatures required or any other information required by the RO and the candidate has made the declarations referred to in para. 3.21 above.  
*[Amended in September 2011]*

3.51 Without prejudice to ss 20, 21 and 34 of the DCO<sup>23</sup>, the DCERC may decide that a nomination of a candidate is invalid only when:

- (a) the number and qualifications of subscribers on the nomination form do not meet the requirements under s 7 of the DC Subscribers & Deposit Reg;
- (b) the nomination form, including the parts on nomination and declarations, has not been completed or signed as required under s 34 of the DCO and s 12 of the EAC (EP) (DC) Reg;
- (c) the DCERC is satisfied that the candidate is not eligible to be, or is disqualified from being, nominated as a candidate under the DCO;
- (d) the candidate has been nominated for another constituency at the same election and the DCERC is not satisfied that he/she has withdrawn that candidature;
- (e) the candidate has not lodged the appropriate election deposit (e.g. because the cheque for the payment of the candidate's election deposit is dishonoured and the unpaid amount has not been settled before the close of the nomination period); or
- (f) the RO is satisfied that the candidate has died.

[S 16(3) of the EAC (EP) (DC) Reg] *[Amended in September 2015, September 2019 and September 2023]*

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<sup>23</sup> See paras. 3.9, 3.13, 3.21, 3.22 and 3.28.

3.52 If, after the DCERC has made the decision that a candidate is validly nominated for election for a constituency, but before the polling day, proof is given to the satisfaction of the RO that the candidate has died, the RO must publicly declare that the candidate has died and further declare which candidate(s) is/are validly nominated for that constituency. The RO does not have to make any such declarations if the candidate who has died is uncontested at the election for the relevant constituency and the RO has publicly declared that the candidate was duly elected [s 36(2), (2A) and (3) of the DCO and s 24 of the EAC (EP) (DC) Reg]. *[Amended in September 2023]*

3.53 If, after the DCERC has made the decision that a candidate is validly nominated for election for a constituency, but before the polling day, proof is given to the satisfaction of the DCERC that the candidate is disqualified from being nominated as a candidate, the DCERC must vary the decision to the effect that the candidate is not validly nominated. The DCERC must also publicly declare that the decision has been varied and further declare which candidate(s) is/are validly nominated for the relevant constituency. The DCERC does not have to vary the decision if the candidate who has been disqualified is uncontested at the election for the relevant constituency and the RO has publicly declared that the candidate was duly elected [s 36(4), (4A) and (5) of the DCO and s 25 of the EAC (EP) (DC) Reg]. *[Amended in September 2023]*

3.54 If, for a constituency, no more candidates have been validly nominated than the number of members to be returned for that constituency at the close of the nomination period, the RO must publicly declare the candidate(s) as being duly elected as member(s) for that constituency [s 23(1) of the EAC (EP) (DC) Reg]. *[Amended in September 2023]*

## **PART VIII : WITHDRAWAL OF CANDIDATURE**

3.55 A candidate may withdraw his/her candidature only before the close of the nomination period. He/She is required to complete and sign a specified form entitled “Notice of Withdrawal of Candidature” which must be delivered to the RO concerned by the candidate in person or the candidate’s election agent in person [s 35 of the DCO and s 20 of the EAC (EP) (DC) Reg]. Under the subsisting law, candidates are not allowed to withdraw their candidature after the close of the nomination period and there is no such mechanism as the so-called “abandonment of election”. Even if a candidate has made public his/her claim about the so-called “abandonment of election”, his/her name will still be shown on the ballot papers and electors may vote for him/her if they so wish. All candidates must comply with the election-related legislation, including that on reporting all election expenses. *[Amended in September 2019]*

### **IMPORTANT :**

It is an offence under ss 7 and 8 of the ECICO for a person to offer an advantage, or to use or threaten to use force or duress against, a candidate to induce him/her to withdraw his/her candidature; and for a candidate to solicit or accept an advantage to withdraw his/her candidature. *[Amended in September 2015]*

## **PART IX : NOTICE OF VALID NOMINATIONS**

3.56 The DCERC must, within 14 days after the close of the nomination period, publish a notice in the Gazette stating the name and

address<sup>24</sup> of each of all the validly nominated candidate of each constituency, together with the number (which will be shown on the ballot paper) allocated by the drawing of lots to each candidate [s 22(1) and (4) of the EAC (EP) (DC) Reg]. Each validly nominated candidate will be separately informed of the validity of all nominations of the same constituency. In the case of an uncontested election, the RO must publish a notice in the Gazette to declare the candidate(s) as being duly elected as member(s) of the DC for that constituency [s 23(1) of the EAC (EP) (DC) Reg]. *[Amended in September 2012 and September 2023]*

## **PART X : PARTICULARS RELATING TO CANDIDATES ON BALLOT PAPERS**

3.57 Under the PCBP (LC & DC) Reg, candidates of DCGCs may, **during the nomination period**, request the EAC to print specified particulars relating to candidates on ballot papers for use at DCGC elections. These particulars include the registered names (or abbreviations of the names) and emblems of prescribed bodies<sup>25</sup>, the registered emblems of prescribed persons<sup>26</sup>, words indicating that a candidate is an independent candidate or a non-affiliated candidate, and the personal photographs of candidates. This regulation does not apply to DCC elections. *[Added in September 2007 and amended in September 2023]*

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<sup>24</sup> The address is the address provided by the candidate in the nomination form. For details, see the notes on completion of the nomination form.

<sup>25</sup> A prescribed body means a prescribed political body or a prescribed non-political body.

<sup>26</sup> A prescribed person means a person that is registered in the final register of GCs as compiled and published in accordance with the LCO and that is not disqualified from being so registered or from voting at an election.

### **Request to Print Particulars Relating to Candidates on Ballot Papers**

3.58 A candidate for a DCGC may request the EAC to print on the ballot papers his/her personal photograph and one of the following particulars:

- (a) the registered names (or abbreviations of the names) and/or registered emblems relating to not more than three prescribed bodies (see para. 3.59 below);
- (b) the registered emblem relating to the candidate; or
- (c) the registered names (or abbreviations of the names) and/or registered emblems relating to not more than two prescribed bodies and the registered emblem relating to the candidate (see para. 3.59 below).

[S 3(2) and (3) of the PCBP (LC & DC) Reg]

A candidate can also choose to print the words “Independent Candidate” or “Non-affiliated Candidate” on ballot papers. In requesting to print particulars relating to him/her on the ballot papers, including the words “Independent Candidate” or “Non-affiliated Candidate”, the candidate should ensure that there is factual basis for the claim, as mentioned in paras. 3.5 to 3.7 above.

*[Amended in September 2015 and September 2023]*

3.59 A request must be made in the specified form and signed by the requestor. Where the subject of request relates to one or more prescribed bodies, the request must be accompanied by a written consent given during the nomination period by the body or each of the bodies in relation to the request. Where the subject of request includes a photograph, the request must be accompanied by two photographs with the name of the candidate shown on the

back of the photographs. [S 3(4) of PCBP (LC & DC) Reg] *[Added in September 2007]*

### **Application for Registration of Name and Emblem**

3.60 The particulars already registered with the EAC under the former Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation are deemed to have been registered with the EAC in relation to both LegCo and DC elections. All subsequent registrations will be applicable to GC elections and functional constituency elections of LegCo and DCGC elections. *[Added in September 2007, amended in August 2008 and September 2023]*

### **Application by prescribed body for the registration of its name and emblem**

3.61 A prescribed body intending to support a candidate in a DCGC election may, at any time according to the time frame for application as detailed in para. 3.65, apply to the EAC for the registration of all or any of the following particulars:

- (a) the Chinese name of the body;
- (b) an abbreviation of the Chinese name of the body;
- (c) the English name of the body;
- (d) an abbreviation of the English name of the body;
- (e) an emblem of the body.

[S 8(1) of the PCBP (LC & DC) Reg]



3.62 An application must be made in the specified form and signed by the applicant. It must indicate that the applicant is a prescribed political body or a prescribed non-political body and that the applicant intends to consent to the subject of application being printed on a ballot paper as particulars relating to one or more persons as candidates. The application must also be accompanied by a copy of the certificate or document bearing the body's name issued to the body by an authority or regulatory organisation that regulates the body under the laws of Hong Kong. [S 8(2) of PCBP (LC & DC) Reg] *[Added in September 2007]*

#### Application by prescribed person for the registration of his/her emblem

3.63 A prescribed person intending to run in a DCGC election may in accordance with the registration cycle apply to the EAC for the registration of an emblem of the person [s 9(1) of the PCBP (LC & DC) Reg]. *[Amended in September 2015 and September 2023]*

3.64 An application must be made in the specified form and signed by the applicant [s 9(2) of the PCBP (LC & DC) Reg]. *[Added in September 2007]*

#### **Timing of Application**

3.65 Applications for registration may be submitted to the EAC for processing and approval. A register containing the particulars in respect of the registered names and emblems of prescribed bodies and registered emblems of prescribed persons, which have been approved by the EAC and published in the Gazette, is maintained by the CEO for public inspection. The register is updated annually to reflect any approved additions/deletions and only the approved particulars may be used by candidates in an election. The relevant cut-off date for the receipt of applications for processing and inclusion in the

register is 15 June of that year. [S 2 of the PCBP (LC & DC) Reg] *[Added in September 2007, amended in August 2008, September 2011, September 2012, September 2015 and September 2023]*

### **Processing of Application**

3.66 The EAC will process any application made by a prescribed body or a prescribed person:

- (a) if the application is made on or before the relevant cut-off date in a year, as soon as practicable after that cut-off date, and in any event within that annual registration cycle; or
- (b) if the application is made after the relevant cut-off date in a year, as soon as practicable after the relevant cut-off date of the next following annual registration cycle, and in any event within the next following annual registration cycle.

[S 11 of the PCBP (LC & DC) Reg] *[Added in September 2007, amended in August 2008 and September 2011]*

3.67 If the EAC is of the opinion that it may refuse to grant an application made by a prescribed body or a prescribed person, it must give the applicant a notice in writing. The applicant may, within 14 days after the notice is given, vary the application or make representations in writing to the EAC on why the EAC should not refuse to grant the application. [Ss 12 and 13(1) and (2) of the PCBP (LC & DC) Reg] *[Added in September 2007]*

3.68 If the EAC, having considered an application made by a prescribed body or a prescribed person, is of the opinion that it may grant the application, it must publish a notice in respect of the application in the Gazette:

- (a) specifying the name of the applicant and the subject of application;
- (b) stating that the EAC may grant the application; and
- (c) inviting any person who objects to the granting of the application to make objection to the EAC in accordance with s 15 of the PCBP (LC & DC) Reg.

[S 14 of the PCBP (LC & DC) Reg] *[Added in September 2007]*

3.69 Under s 15 of the PCBP (LC & DC) Reg, any person may, within 14 days after the publication of a notice in respect of an application in the Gazette, by notice in writing given to the EAC, object to the granting of the application. *[Added in September 2007]*

3.70 In the event of an objection, the EAC will conduct a hearing. Under normal circumstances, a hearing will be held in public. However, a hearing may be held in private if it is in the interest of justice to do so. The EAC will make a decision on whether the application should be granted after hearing the representations and examining the relevant materials. [S 17 of the PCBP (LC & DC) Reg] *[Added in September 2007]*

3.71 The EAC will, as soon as practicable after a decision is made to grant an application made by a prescribed body or a prescribed person, publish a notice in respect of the application in the Gazette specifying the name of the applicant and the subject of application. If a decision is made to refuse an application, the EAC will notify the applicant in writing of the EAC's decision with reasons for its refusal. [S 19 of the PCBP (LC & DC) Reg] *[Added in September 2007]*

**Registration and De-registration of Name, Emblem, etc.**

3.72 A register of the relevant particulars in respect of the registered names and emblems of prescribed bodies and the registered emblems of prescribed persons is established and maintained by the CEO. The CEO must make the register available for inspection, free of charge, by members of the public during ordinary business hours at the REO [s 20 of the PCBP (LC & DC) Reg]. *[Added in September 2007]*

3.73 The EAC may de-register the name, the abbreviation of the name and the emblem that are registered in relation to a prescribed body on the grounds that:

- (a) no request is made to print the subject of registration on ballot papers:
  - (i) in two consecutive LegCo general elections;
  - (ii) in two consecutive DC ordinary elections, one of which is held between such LegCo general elections; and
  - (iii) in any LegCo or DC by-election held between such LegCo general elections or DC ordinary elections;

or

- (b) the body ceases to exist.

[S 21(1) of the PCBP (LC & DC) Reg]

3.74 The EAC may also de-register the emblem that is registered in relation to a prescribed person on the grounds that:

- (a) no request is made to print the subject of registration on ballot papers:
  - (i) in two consecutive LegCo general elections;
  - (ii) in two consecutive DC ordinary elections, one of which is held between such LegCo general elections; and
  - (iii) in any LegCo or DC by-election held between such LegCo general elections or DC ordinary elections;

or

- (b) the person has died.

[S 21(2) of the PCBP (LC & DC) Reg] *[Added in September 2007]*

## **PART XI : CANDIDATES' BRIEFING AND INTRODUCTION TO CANDIDATES**

3.75 The EAC will conduct a briefing for all validly nominated candidates on important matters related to the election. After the close of the nomination period, the RO will inform all validly nominated candidates of the date and time of the lots drawing session and the Candidates' Briefing. In the case of a contested election, the RO will draw lots to determine for each of the validly nominated candidates the candidate number to be shown on the ballot papers, and also the designated spots allocated to each of them to display EAs (see para. 7.36 of Chapter 7). *[Amended in August 2008, January 2010, September 2015, September 2019 and September 2023]*

3.76 The REO will publish an **Introduction to Candidates**. The candidate number allocated to each candidate by the drawing of lots and to be shown on the ballot papers will also be indicated on the Introduction to Candidates, which will be mailed to the electors together with the poll cards before the polling day. Copies of the Introduction to Candidates will be made available in the Correctional Services Department (“CSD”) and other law enforcement agencies for electors imprisoned or held in custody. *[Amended in August 2008, January 2010 and September 2015]*

3.77 Candidates are free to make use of the Introduction to Candidates to promote their election. Any candidate who so wishes should submit the following to the relevant RO **before the close of the nomination period**:

- (a) a duly completed grid paper affixed with a colour photograph of the candidate which must be in a specified size and should be taken within the last six months; and
- (b) two additional copies of his/her photograph identical to the one affixed to the grid paper with his/her name label affixed on the back.

If a candidate does not submit the grid paper, the Introduction to Candidates will only show his/her name and candidate number allocated, with the sentence “Relevant information has not been provided by the candidate” printed in the space provided for his/her electoral message. *[Amended in September 2007, August 2008, September 2015 and September 2019]*

3.78 The contents, nature and presentation of a candidate’s message in the Introduction to Candidates are exclusively the idea and work of the candidate himself/herself. They will not be subject to alteration or editing by the REO unless they are considered unlawful, obscene, immoral, indecent,

offensive, defamatory, or containing information irrelevant to the promotion of the candidature of the candidate concerned. *[Amended in August 2008, September 2011 and September 2019]*

3.79 To assist persons with visual impairment in reading the contents of the Introduction to Candidates, candidates may provide the REO with typed texts of their messages to enable persons with visual impairment to read the contents of the document with the aid of computer software. The typed texts can be submitted after the close of the nomination period and by the deadline specified by the REO. With these typed texts, the REO will prepare a text version of the Introduction to Candidates for uploading onto the dedicated website of the DC ordinary election or the REO's website in the case of a by-election. If a candidate does not provide the typed text for preparing the text version of the Introduction to Candidates, the website will only show his/her name and the candidate number allocated with the remark that the candidate has not provided a text version of his/her electoral message. The EAC appeals to all candidates to support this initiative and make use of this text version to convey their electoral messages to persons with visual impairment. As a general principle, candidates should be sensitive to the needs of electors and, in the course of their electioneering campaigns, make their utmost efforts to ensure that persons with different needs can have fair access to their electoral messages. *[Added in September 2012, amended in September 2015 and September 2019]*