

## 《乡议局条例》

## (第 1097 章)

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## HEUNG YEE KUK ORDINANCE

## (Cap. 1097)

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本条例旨在就新界区的一个谘询及协商团体的设立、职能及相关事宜  
订定条文。

To provide for the establishment and functions of an advisory and  
consultative body for the New Territories and for purposes  
connected therewith.

[1959 年 12 月 11 日]

[11 December 1959]

**弁言**  
鉴于——

- (a) 乡议局一向是政府在新界区事务上的宝贵谘询团体，  
并且为新界区意见领袖提供交换意见的场合；及
- (b) 现认为乡议局成为一个法定谘询团体乃属合宜之事，  
而订定其组织时，须确保该局尽可能真正代表新界  
区的明达而负责的意见：

**Preamble**  
WHEREAS—

- (a) the HEUNG YEE KUK has in the past served as a valuable  
advisory body to the Government on New Territories affairs and  
has been a forum where leaders of opinion in the Territories  
have been able to exchange views; and
- (b) it is now considered desirable that the HEUNG YEE KUK  
should become a statutory advisory body with a constitution  
so framed as to ensure that it will as far as possible be truly  
representative of informed and responsible opinion in the New  
Territories:

## 第 I 部

### 乡议局的设立及组织

#### 1. 简称

本条例可引称为《乡议局条例》。

#### 2. 乡议局的设立及组织

- (1) 现于新界区设立一个名为乡议局 (Heung Yee Kuk)( 以下称  
为该局 ) 的团体，而新界区一词在本条例中须解释为新九  
龙以外的新界地区。

## PART I

### ESTABLISHMENT AND CONSTITUTION OF HEUNG YEE KUK

#### 1. Short title

This Ordinance may be cited as the Heung Yee Kuk Ordinance.

#### 2. Establishment and constitution of Heung Yee Kuk

- (1) There shall be established in the New Territories, which  
expression shall be read and construed in this Ordinance as  
meaning the New Territories excluding New Kowloon, a body

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- (2) 该局的组成如下 ——
- (a) 主席一名及副主席 2 名，他们须为执行委员会成员，并须由议员大会选出；
  - (b) 议员大会；及
  - (c) 议员大会的执行委员会。

### 3. 议员大会

- (1) 议员大会由当然议员、特别议员及增选议员组成。(由 1988 年第 18 号第 2 条修订)
- (2) (a) 下列人士均为当然议员 ——
  - (i) 各乡事委员会的正副主席，但他们在停任该等职位时即当作辞去议员的职位；及
  - (ii) 新界太平绅士。(由 1988 年第 18 号第 2 条修订)
- (b) 特别议员的人数不得超逾 21 名，由大埔区、元朗区及南约区 3 区中各区的当然议员从乡郊代表或从民政及青年事务局局长所批准的其他人之中选出，以每区不超逾 7 名为限。(由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订)
- (c) 增选议员的人数不得超逾 15 名，并须按以下规定甄选 ——
  - (i) 乡事委员会的委员并不符合资格被选；
  - (ii) 候选人须由 5 名执行委员会成员提名，而其中一名提名的执行委员会成员须为主席或副主席；
  - (iii) 获提名的候选人须经民政及青年事务局局长批准；及

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to be known as the Heung Yee Kuk (乡议局) hereinafter referred to as the Kuk.

- (2) The Kuk shall consist of—
- (a) the Chairman and 2 Vice-Chairmen who shall be members of the Executive Committee and shall be elected by the Full Council;
  - (b) a Full Council; and
  - (c) an Executive Committee of the Full Council.

### 3. Full Council

- (1) The Full Council shall consist of Ex Officio Councillors, Special Councillors and Co-opted Councillors. (Amended 18 of 1988 s. 2)
- (2) (a) The following shall be Ex Officio Councillors—
  - (i) the Chairmen and Vice-Chairmen of Rural Committees, who shall be deemed to have resigned as Councillors on ceasing to hold such office; and
  - (ii) New Territories Justices of the Peace. (Amended 18 of 1988 s. 2)
- (b) Special Councillors shall not exceed 21 in number, not more than 7 of whom shall be elected by the Ex Officio Councillors of each of 3 districts of Tai Po, Yuen Long and Southern District from among Rural Representatives or such other persons as may be approved by the Secretary for Home and Youth Affairs. (Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983)
- (c) Co-opted Councillors shall not exceed 15 in number and shall be selected as follows—
  - (i) a member of a Rural Committee is not eligible;

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(iv) 根据第 (iii) 节获批准的候选人须由议员大会确认。(由 1988 年第 18 号第 2 条增补)

(3) 就本条例而言——

(a) “乡郊代表”(Rural Representative)一词的涵义与《乡郊代表选举条例》(第 576 章)第 2(1)条中该词的涵义相同,“乡事委员会”(Rural Committee)一词指《社团条例》(第 151 章)所适用的社团,而该社团——(由 2003 年第 2 号第 68 条修订;由 2014 年第 5 号第 2 条修订)

(i) 是在《1992 年社团(修订)条例》\*(1992 年第 75 号)的生效日期前已根据《社团条例》(第 151 章)注册或获豁免注册者;或

(ii) 是民政及青年事务局局长根据《社团条例》(第 151 章)第 6 条承认为一个乡事委员会或一个由多于一个乡事委员会组成的联会或其他组织者,但在上述批准撤回时,有关的乡郊代表或乡事委员会的主席或副主席(视属何情况而定)即丧失资格,并须停任为该局议员,亦不再符合资格获选为该局议员;(由 1992 年第 75 号第 39 条修订)

(b) “南约区”(Southern District)一词包括荃湾区;

(c) 如对任何人是否新界太平绅士一事有任何疑问,政务司司长所发出的证明书即为此事的确证;及

(d) (i) 如民政及青年事务局局长拒绝批准任何人作为特别议员的候选人,或拒绝批准任何人获确认为增选议员,该人可在上述拒绝或撤回的 14 日内,以呈请的方式向行政长官会同行政会议提出上诉,而行政长官会同行政会议的决定即为最终决定;(由 2000 年第 4 号第 3 条修订;由 2003 年第 2 号第 68 条修订)

(ii) 在根据第 (i) 节提出上诉后待决期间,或在无人提出上诉而上诉限期仍未届满时,不得当作已

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(ii) the candidates must be nominated by 5 members of the Executive Committee, one of whom shall be the Chairman or a Vice-Chairman;

(iii) the nominated candidates must be approved by the Secretary for Home and Youth Affairs; and

(iv) those approved under sub-paragraph (iii) must be confirmed by the Full Council. (Added 18 of 1988 s. 2)

(3) For the purposes of this Ordinance—

(a) the term “Rural Representative” (乡郊代表) has the same meaning as in section 2(1) of the Rural Representative Election Ordinance (Cap. 576), the term “Rural Committee” (乡事委员会) means a Rural Committee being a society in respect of which the Societies Ordinance (Cap. 151) applies and— (Amended 2 of 2003 s. 68; 5 of 2014 s. 2)

(i) which has been registered or exempted from registration under that Ordinance before the commencement of the Societies (Amendment) Ordinance 1992 (75 of 1992); or

(ii) which has been acknowledged to be a rural committee or a federation or other association of rural committees by the Secretary for Home and Youth Affairs under section 6 of that Ordinance,

and on the withdrawal of such approval the Rural Representative, or Chairman or Vice-Chairman of the Rural Committee, as the case may be, shall become disqualified and cease to be a Councillor of the Kuk or eligible for election thereto; (Amended 75 of 1992 s. 39)

(b) the term “Southern District” (南约区) includes Tsuen Wan District;

有丧失资格的情况，而任何人不会因民政及青年事务局局长拒绝批准或撤回批准而不再符合资格获选为特别议员或不再符合资格获确认为增选议员：

但任何人虽被民政及青年事务局局长拒绝批准或撤回批准，而仍在该段期间内获选为特别议员或获确认为增选议员，则在该人的呈请被驳回时，或在上诉限期届满而他仍无提出上诉时，该人即丧失资格，并须停任为该局议员。（由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订；由 1988 年第 18 号第 2 条修订）

（由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2014 年第 5 号第 2 条修订；由 2022 年第 144 号法律公告修订）

编辑附注：

\* “《1992 年社团（修订）条例》”乃“Societies (Amendment) Ordinance 1992”之译名。

- (c) where any doubt arises as to whether any person is a New Territories Justice of the Peace a certificate issued by the Chief Secretary for Administration shall be conclusive as to that matter; and (*Amended L.N. 362 of 1997*)
- (d) (i) where the Secretary for Home and Youth Affairs refuses to approve any person as a candidate for election as a Special Councillor or for confirmation as a Co-opted Councillor, such person may within 14 days of such refusal or withdrawal appeal therefrom by way of petition to the Chief Executive in Council, whose decision shall be final; (*Amended 4 of 2000 s. 3; 2 of 2003 s. 68*)
- (ii) pending the determination of an appeal instituted under sub-paragraph (i), or where there is no appeal the expiry of the period limited therefor, no disqualification shall be deemed to have taken place and no person shall cease to be eligible for election as a Special Councillor or for confirmation as a Co-opted Councillor by reason of the Secretary for Home and Youth Affairs' refusal or withdrawal of approval:

Provided that where a person, notwithstanding the Secretary for Home and Youth Affairs' refusal or withdrawal of approval, is elected as a Special Councillor or confirmed as a Co-opted Councillor during such period, he shall become disqualified and cease to be a Councillor of the Kuk in the event of his petition being rejected, or if he does not appeal, on the expiry of the period limited therefor. (*Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; 18 of 1988 s. 2*)

(*Amended L.N. 262 of 1989; 5 of 2014 s. 2; L.N. 144 of 2022*)

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### 3A. 该局的永远顾问

下列人士均为该局的永远顾问，而该等永远顾问均无表决权——

- (a) 该局所有已卸任的主席；及
- (b) 所有连续 2 届出任执行委员会成员的人士而又于 1988 年或之后才卸任者，但新界太平绅士及增选议员除外。

(由 1988 年第 18 号第 3 条增补)

### 4. 执行委员会

- (1) 执行委员会由当然委员、普通委员及所有增选议员组成。
- (2) (a) 下列人士均为当然委员——
  - (i) 各乡事委员会主席；及
  - (ii) 新界太平绅士。
- (b) 普通委员人数不得超逾 15 名，各普通委员须为议员大会的议员，并由议员大会选出。
- (3) 议员大会须当作已将贯彻该局宗旨所需的权力，转授予执行委员会。

(由 1988 年第 18 号第 4 条修订)

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### 3A. Kuk Permanent Advisers

The following persons are non-voting Permanent Advisers to the Kuk—

- (a) all past Chairmen of the Kuk; and
- (b) all persons, other than New Territories Justices of the Peace and Co-opted Councillors, who have served 2 consecutive terms as members of the Executive Committee, the last term ending in 1988 or later.

(Added 18 of 1988 s. 3)

### 4. Executive Committee

- (1) The Executive Committee shall consist of Ex Officio Members, Ordinary Members and all of the Co-opted Councillors.
- (2) (a) The following shall be Ex Officio Members—
  - (i) the Chairmen of Rural Committees; and
  - (ii) New Territories Justices of the Peace.
- (b) Ordinary Members shall not exceed 15 in number, and shall be Councillors of, and elected by, the Full Council.
- (3) The Full Council shall be deemed to have delegated to the Executive Committee such of its powers as are necessary for the carrying out of the objects the Kuk.

(Amended 18 of 1988 s. 4)



## 第 II 部

### 主席、委员及议员的选举及任期

#### 5. 主席、委员及议员的选举

- (1) 主席、副主席、执行委员会委员以及议员大会的议员，均须按附表 1 所订明的方式选出或确认。(由 1988 年第 18 号第 5 条修订)
- (2) 获选的主席、副主席、普通委员及特别议员，任期为 4 年，由 6 月 1 日起计，但——(由 1982 年第 7 号第 2 条修订；由 1991 年第 17 号第 2 条修订；由 2003 年第 2 号第 68 条修订)
  - (a) 由 1999 年 6 月 1 日开始的任期现予延长至 4 年零 6 个月；及 (由 2003 年第 2 号第 68 条增补)
  - (b) 在 (a) 段所述的任期届满后的一届任期为 3 年零 6 个月，由 2003 年 12 月 1 日起计。(由 2003 年第 2 号第 68 条增补)
- (3) 任何乡事委员会的主席或副主席如在获选为该局的主席或副主席后停任乡事委员会的上述职位，则尽管有第 3(2)(a)(i) 条的规定，他仍须继续出任该局的上述职位，并继续出任执行委员会成员及当然议员，直至他在乡事委员会的上述职位任期在假若他并无停任的情况下届满时为止。(由 1988 年第 18 号第 5 条增补)
- (4) 增选议员在根据第 3(2)(c)(iv) 条获确认时即出任该职位，并在确认决议上所述明的日期停任该职位。(由 1988 年第 18 号第 5 条增补)

## PART II

### ELECTION AND TENURE OF OFFICE OF CHAIRMAN, MEMBERS AND COUNCILLORS

#### 5. Election of office of Chairman, Members and Councillors

- (1) The Chairman, Vice-Chairmen, Members of the Executive Committee and Councillors of the Full Council shall be elected or confirmed in the manner prescribed in the First Schedule. (Amended 18 of 1988 s. 5)
- (2) Upon election the Chairman, Vice-Chairmen, Ordinary Members and Special Councillors shall hold office for a term of 4 years commencing on 1 June except that— (Amended 7 of 1982 s. 2; 17 of 1991 s. 2; 2 of 2003 s. 68)
  - (a) the term of office that commenced on 1 June 1999 shall be extended to 4 years and 6 months; and (Added 2 of 2003 s. 68)
  - (b) on the expiry of the term of office mentioned in paragraph (a), there shall be a term of office of 3 years and 6 months that commences on 1 December 2003. (Added 2 of 2003 s. 68)
- (3) Where a Chairman or Vice-Chairman of a Rural Committee is elected as the Chairman or a Vice-Chairman of the Kuk and he ceases to hold the former office, he shall, notwithstanding section 3(2)(a)(i), continue in the latter office and as a member of the Executive Committee and an Ex Officio Councillor until the end of the term that would have applied had he not ceased to hold the first mentioned office. (Added 18 of 1988 s. 5)
- (4) Co-opted Councillors assume office when confirmed under section 3(2)(c)(iv) and cease to hold office on a date to be



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## 6. 资格的丧失

任何人如在 21 岁以下，或在当时有以下情况，或在任何时间出现以下情况，均不得任职为主席、副主席、执行委员会委员或议员大会的议员——

- (a) 根据香港现行任何法律被裁断或被宣布为精神不健全；
- (b) 身为未获解除破产的破产人；
- (c) 曾被香港的任何法院裁定犯任何罪行，并因该罪行而曾被判处为期超逾 6 个月的监禁；或（由 2000 年第 4 号第 3 条修订）
- (d) 在过去 5 年内曾被香港的任何法院裁定犯任何与非法组织有关的罪行。

（由 1988 年第 18 号第 6 条修订）

## 7. 选举主任

- (1) 所有选举须由行政长官委任的选举主任进行。该选举主任须全权负责该等选举的进行，并委任其认为适当的助理选举主任向其提供协助。每次选举完毕后，选举主任须宣布每名获选的人的获选是有效或是无效的（视属何情况而定）。（由 2000 年第 4 号第 3 条修订）
- (2) 如对附表 1 所列的选举规则的解释有任何问题，该等规则须由选举主任解释，而其决定即为最终决定，该等规则亦可由助理选举主任解释，如不满其决定，可向选举主任提出上诉。

stated in the resolution of confirmation. (*Added 18 of 1988 s. 5*)

## 6. Disqualification

No person shall hold office as a Chairman, Vice-Chairman, Member of the Executive Committee or Councillor of the Full Council who is under the age of 21 years, or who is or at any time becomes—

- (a) under any law in force in Hong Kong found or declared to be of unsound mind;
- (b) an undischarged bankrupt;
- (c) a person who has been convicted by any Court in Hong Kong, of any offence for which he has been sentenced to a term of imprisonment exceeding 6 months; or (*Amended 4 of 2000 s. 3*)
- (d) a person who has been convicted by any Court in Hong Kong within the preceding 5 years of any offence in connection with any illegal organization.

(*Amended 18 of 1988 s. 6*)

## 7. Returning Officer

- (1) All elections shall be conducted by a Returning Officer appointed by the Chief Executive. Such Returning Officer shall be in sole charge of the conduct of such elections, appointing such Assistant Returning Officers as he shall see fit to assist him. On the completion of every election the Returning Officer shall declare each person elected to have been validly or invalidly elected as the case may be. (*Amended 4 of 2000 s. 3*)
- (2) Where any question arises concerning the interpretation of the election rules set out in the First Schedule the same shall be interpreted by the Returning Officer whose decision shall

**8. 空缺及无效选举**

## (1) 凡 ——

- (a) 因任何主席、副主席、委员或特别议员去世、辞职或丧失资格而出现任何空缺；或
- (b) 任何主席、副主席、委员或特别议员的选举被选举主任宣布无效，

则在出现空缺或选举被宣布无效的 6 个月内，须重新举行选举，而行政长官可将该个曾进行选举的职位的任期延长一段其认为适当的期间，但以不超逾出现空缺的日期起计的 6 个月为限。

- (2) 如选举主任宣布连续 2 次的选举无效，行政长官可委任任何有资格参选的人为主席、副主席、委员或特别议员（视属何情况而定），而获委任的人得以出任该等职位，犹如经妥为获选一样。
- (3) 如主席去世、辞职或丧失资格，则由首先获选的副主席出任主席的职位，直至新主席选出为止。

(由 1988 年第 18 号第 7 条修订；由 2000 年第 4 号第 3 条修订)

be final, or by an Assistant Returning Officer from whose decision appeal may be made to the Returning Officer.

**8. Vacancies and invalid elections**

## (1) Where—

- (a) any vacancy occurs by reason of the death, resignation or disqualification of any Chairman, Vice-Chairman, Member or Special Councillor; or
- (b) the election of any Chairman, Vice-Chairman, Member or Special Councillor is declared invalid by the Returning Officer,

a fresh election shall take place within 6 months of the vacancy occurring or the election being declared invalid, and the Chief Executive may extend the term of office for which the election was being held for such period as he may see fit not exceeding 6 months from the date of such vacancy occurring.

- (2) In the event of the Returning Officer declaring 2 successive elections to be invalid the Chief Executive may appoint any person eligible for election to be the Chairman, Vice-Chairman, Member or Special Councillor as the case may be, and such person shall hold office as if he had been duly elected thereto.
- (3) In the event of the Chairman dying, resigning or becoming disqualified the Vice-Chairman first elected shall assume the office of Chairman until such time as a new Chairman shall have been elected.

(Amended 18 of 1988 s. 7; 4 of 2000 s. 3)

## 第 III 部

### 该局的职能

#### 9. 宗旨

该局的宗旨如下 ——

- (a) 促进和加深新界区的人之间的互相合作及了解；
- (b) 促进和加深政府与新界区的人之间的合作及了解；
- (c) 为新界区的人的福利及繁荣而就社会及经济的发展向政府提供意见；
- (d) 鼓励遵守对新界区的人有益并有利于维持公众道德的所有风俗及传统习惯；及
- (e) 执行行政长官所不时邀请执行的职能。(由 2000 年第 4 号第 3 条修订)

#### 10. 权力

(1) 为促进该局的宗旨，该局可 ——

- (a) 委任秘书、司库各一名以及其他干事，并决定其职责；
- (b) 委任该局所需的职员，并就其薪酬的支付作出规定；
- (c) 委任小组委员会并向其转委职能；

## PART III

### FUNCTIONS OF THE KUK

#### 9. Objects

The objects of the Kuk shall be—

- (a) to promote and develop mutual co-operation and understanding among the people of the New Territories;
- (b) to promote and develop co-operation and understanding between the Government and the people of the New Territories;
- (c) to advise the Government on social and economic developments in the interests of the welfare and prosperity of the people of the New Territories;
- (d) to encourage the observance of all such customs and traditional usages of the people of the New Territories as are conducive to their welfare and to the preservation of public morality; and
- (e) to exercise such functions as they may be invited to from time to time by the Chief Executive. (*Amended 4 of 2000 s. 3*)

#### 10. Powers

(1) For the purpose of furthering the objects of the Kuk, it may—

- (a) appoint a Secretary, Treasurer and other office-bearers and determine their duties;
- (b) appoint such staff as it may require and make provision for the payment of their salaries;
- (c) appoint sub-committees and delegate functions to them;

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第 11 条

- (d) 委任获民政及青年事务局局长批准的顾问。(由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订；由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)
- (2) 附表2所列的条文，在该局行使权力和执行职能方面适用。

## 11. 帐目

- (1) 就所有资金而言，均须以民政及青年事务局局长批准的形式备存帐目，但主席、副主席、委员及议员的私人捐款除外。(由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订；由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)
- (2) 凡没有根据第 (1) 款规定的形式备存帐目和出示帐目，该局的主席、副主席及司库即属犯罪，一经定罪，各人均可处罚款 \$2,000。
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- (d) appoint such advisers as may be approved by the Secretary for Home and Youth Affairs. (*Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; L.N. 262 of 1989; L.N. 144 of 2022*)
- (2) The provisions set out in the Second Schedule shall apply to the exercise of the powers and functions of the Kuk.

## 11. Accounts

- (1) Accounts shall be kept in a form to be approved by the Secretary for Home and Youth Affairs in respect of all funds other than the personal donations of the Chairman, Vice-Chairmen, Members and Councillors. (*Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; L.N. 262 of 1989; L.N. 144 of 2022*)
- (2) Failure to keep accounts and to produce the same in the form required under subsection (1), shall be an offence on the part of the Chairman, Vice-Chairmen and the Treasurer of the Kuk, and on conviction each shall be liable to a fine of \$2,000.
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**第 IV 部****杂项****12. 主席及副主席成立为法团**

该局的在任主席及副主席乃属一个名为乡议局法团的永久延续的法人团体，并可以该名称起诉和被起诉。

(由 1983 年第 51 号第 2 条代替。由 1997 年第 80 号第 132 条修订)

**12A. 乡议局法团的权力**

(1) 乡议局法团可——

- (a) 订立合约；
- (b) 取得和持有财产；
- (c) 出售、出租或以其他方式处置财产；及
- (d) 借入款项，并为此目的而将乡议局法团的全部或任何部分财产作出按揭或押记。

(2) 乡议局法团只可按执行委员会凭其绝对酌情决定权而指示的方式或施加的条件，行使第 (1) 款所授予的权力，并只可为促进该局的宗旨而行使该等权力。

(由 1983 年第 51 号第 3 条增补。由 1997 年第 80 号第 133 条修订)

**13. 乡议局名称的使用**

(1) 乡议局 (Heung Yee Kuk) 的名称，只可供根据本条例设立的该局在有关该局时使用。

**PART IV****MISCELLANEOUS****12. Incorporation of Chairman and Vice-Chairmen**

The Chairman and Vice-Chairmen for the time being of the Kuk shall be a body corporate with perpetual succession, known as the Heung Yee Kuk Incorporated and shall in that name be capable of suing and being sued.

*(Replaced 51 of 1983 s. 2)*

**12A. Powers of the Heung Yee Kuk Incorporated**

(1) The Heung Yee Kuk Incorporated may—

- (a) enter into contracts;
- (b) acquire and hold property;
- (c) sell, let or otherwise dispose of property; and
- (d) borrow money and for that purpose mortgage or charge all or any part of the property of the Heung Yee Kuk Incorporated.

(2) The Heung Yee Kuk Incorporated shall exercise the powers conferred by subsection (1) only in such manner and subject to such conditions as the Executive Committee shall in its absolute discretion direct or impose, and only for the purpose of promoting the objects of the Kuk.

*(Added 51 of 1983 s. 3)*

**13. Use of words Heung Yee Kuk**

(1) The words Heung Yee Kuk (乡议局) shall be used solely by, and in connection with, the Kuk established under this Ordinance.

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- (2) 任何人如非该局的主席、副主席、议员、委员或人员，而藉使用任何字眼或作出任何行为而刻意令人认为该人是该局的人员、委员或议员，即属犯罪，可处罚款 \$2,000。

#### 14. 附表的修订

- (1) 附表 1 及 2 所载的条文，可由议员大会三分之二的成员藉决议修订。该项决议须事先获得执行委员会三分之二的成员批准。
- (2) 上述任何修订均须经民政及青年事务局局长批准。(由 1988 年第 18 号第 8 条修订；由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)
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- (2) Any person other than the Chairman, Vice-Chairmen, Councillors, Members or Officers of the Kuk who uses any term or conducts himself in any manner which is calculated to give the impression that he is an Officer, Member or Councillor of the Kuk, shall be guilty of an offence and shall be liable to a fine of \$2,000.

#### 14. Amendment of Schedules

- (1) The provisions contained in the First and Second Schedules may be amended by resolution of two-thirds of the members of the Full Council. Such resolution shall require the prior approval of two-thirds of the members of the Executive Committee.
- (2) Any such amendment shall be subject to the approval of the Secretary for Home and Youth Affairs. (*Amended 18 of 1988 s. 8; L.N. 262 of 1989; L.N. 144 of 2022*)
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附表 1

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Cap. 1097**附表 1**

[ 第 5(1) 及 7(2) 条 ]

**进行选举的规则****1. 一般条文**

以下条文适用于所有选举——

- (a) 每名有权投票的人可就每个空缺各投一票。而在特别议员的选举方面，议员只可就其本身所属的大埔区、元朗区或南约区（视属何情况而定）的空缺投票；在本附表中，“区”及“地区”（district）二词须解释为只是提述该等地方。
- (b) 投票须以不记名投票方式进行。
- (c) 获得最多选票的候选人须被宣布当选，但如选举主任根据本条例第 7 条宣布选举无效则除外。

**2. 特别议员的提名**

- (1) 任何地区的特别议员的提名，须于选举主任所宣布的日期前送交选举主任，并须由该地区的当然议员提议与和议，以及由该候选人加签以表示其愿意出任特别议员。
- (2) 选举主任须将每一地区获提名为特别议员的人的名单，送交该地区的所有乡事委员会。

**FIRST SCHEDULE**

[ss. 5(1) &amp; 7(2)]

**RULES FOR CONDUCT OF ELECTIONS****1. General provisions**

The following provisions shall apply to all elections—

- (a) Every person entitled to vote shall have one vote for each vacancy. In the case of elections for Special Councillors, Councillors may vote only for vacancies in their own district of Tai Po, Yuen Long or Southern District as the case may be, and in this Schedule the term “district” (区、地区) shall be read and construed as referring only to such places.
- (b) Voting shall be by secret ballot.
- (c) The candidate receiving the highest number of votes shall be declared elected unless the Returning Officer declares the election invalid under section 7 of the Ordinance.

**2. Nominations for Special Councillors**

- (1) Nominations for Special Councillors for any district shall be sent to the Returning Officer before such date as may be announced by him, and shall be proposed and seconded by Ex Officio Councillors of that district and countersigned by the candidate signifying his willingness to serve as a Special Councillor.
- (2) The Returning Officer shall send a list of the names of persons nominated as Special Councillors for each district to all Rural Committees in that district.



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附表 1

FIRST SCHEDULE

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### 3. 特别议员的选举

特别议员的选举须于各区的当然议员会议中举行，该会议须由选举主任召集，而召集会议的日期须在选举主任根据第 2(1) 段所定的日期后不少于 21 日，亦须在选举主任根据第 2(2) 段送交候选人名单后不少于 14 日：

但如某区候选人的数目，与该区的议席空缺数目相等或较之为少，则选举主任在其根据第 2(1) 段所定日期后，可随即宣布该等候选人妥为当选，而无须召集该区的当然议员会议。（由 1961 年 A60 号政府公告修订）

### 4. 执行委员会普通委员的选举

所有特别议员及乡事委员会的副主席，如在选举日期的至少 2 星期前向选举主任声明愿意出任执行委员会的普通委员，均有资格参选为普通委员。执行委员会普通委员的选举，须于议员大会的会议举行，举行选举的会议须由选举主任召集，而召集会议的日期须在最后一次特别议员选举后不少于 14 日。

（由 1988 年第 18 号第 9 条修订）

### 5. 主席及副主席的选举

- (1) 除第 (2) 节另有规定外，执行委员会的任何当然委员或普通委员如在选举前向选举主任声明愿意出任有关职位，均有资格参选为主席或副主席。（由 1988 年第 18 号第 9 条代替）

### 3. Elections of Special Councillors

The election of Special Councillors shall take place at a meeting of Ex Officio Councillors for each district, which meeting shall be called by the Returning Officer not less than 21 days after the date fixed by the Returning Officer under paragraph 2(1) nor less than 14 days after the dispatch by him of the list of candidates under paragraph 2(2):

Provided that in the event of the number of candidates in a district being equal to or less than the number of vacancies in that district, the Returning Officer may forthwith after the date fixed by him under paragraph 2(1) declare such candidates as duly elected, and no meeting of Ex Officio Councillors for that district need be called. (*Amended G.N.A. 60 of 1961*)

### 4. Elections of Ordinary Members of Executive Committee

All Special Councillors and Vice-Chairmen of Rural Committees are eligible for election as Ordinary Members of the Executive Committee so long as at least 2 weeks before the election date they declare to the Returning Officer their willingness to serve. The election for Ordinary Members of the Executive Committee shall take place at a meeting of the Full Council to be called by the Returning Officer not less than 14 days after the last of the elections for Special Councillors.

(*Amended 18 of 1988 s. 9*)

### 5. Elections of Chairman and Vice-Chairmen

- (1) Subject to sub-paragraph (2), any Ex Officio Member or Ordinary Member of the Executive Committee is eligible for election as Chairman or Vice-Chairman so long as before the election he declares to the Returning Officer his willingness to serve. (*Replaced 18 of 1988 s. 9*)

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附表 1

- (2) 执行委员会任何成员如与新选出的主席属同一地区，则无资格成为副主席职位的候选人，而执行委员会任何成员如与新选出的主席或新选出的副主席属同一地区，则亦同样无资格成为另一副主席职位的候选人。

**5A. 增选议员的确认**

- (1) 凡有超逾 15 人根据第 3(2)(c) 条获提名和批准，则根据第 3(2)(c)(iv) 条就其进行确认时，须由议员大会以不记名投票方式进行，而获得最多选票支持的 15 人即属获得确认。
- (2) 凡只有 15 人或不足 15 人根据第 3(2)(c) 条获提名和批准，则其确认无须以不记名投票方式进行，但如议员大会某一成员要求就 1 名或多于 1 名获提名的人进行不记名投票，则属例外。
- (3) 凡根据第 (2) 节就任何人进行不记名投票，如该人取得多数选票支持，即属获得确认。

*(由 1988 年第 18 号第 9 条增补)***6. 选举规则**

除本条例第 7 条的条文另有规定外，执行委员会可订立进行选举的规则，而该等规则须事先获得民政及青年事务局局长批准方可实施。

*(由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订；由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)*

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- (2) No member of the Executive Committee from the same district as the newly elected Chairman shall be eligible as a candidate for the office of Vice-Chairmen. Similarly no member of the Executive Committee from the district of either the newly elected Chairman or newly elected Vice-Chairman shall be eligible as a candidate for the other office of Vice-Chairman.

**5A. Confirmation of Co-opted Councillors**

- (1) Where more than 15 persons are nominated and approved under section 3(2)(c), their confirmation under section 3(2)(c)(iv) shall be conducted by secret ballot of the Full Council and the 15 persons who receive the highest number of supporting votes shall be confirmed.
- (2) Where 15 or fewer persons are nominated and approved under section 3(2)(c), their confirmation need not be conducted by secret ballot unless a member of the Full Council so requests in respect of one or more of the nominated persons.
- (3) A person in respect of whom a secret ballot is conducted under sub-paragraph (2) shall be confirmed if he receives a majority of supporting votes.

*(Added 18 of 1988 s. 9)***6. Election rules**

Subject to the provisions of section 7 of the Ordinance, the Executive Committee may make rules for the conduct of elections, and such rules shall require the prior approval of the Secretary for Home and Youth Affairs before coming into operation.

*(Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; L.N. 262 of 1989; L.N. 144 of 2022)*

**附表 2**

[ 第 10(2) 条 ]

**行使权力和执行职能的规则****1. 议员大会会议**

议员大会须每 6 个月举行会议一次，而在不少于 10 名议员或在民政及青年事务局局长提出要求时，或在执行委员会作出命令时，亦须举行会议。该等会议的法定人数为 33 名议员或议员人数的百分之二十五，以较少者为准。

(由 1988 年第 18 号第 10 条修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)

**2. 执行委员会会议**

执行委员会须每月举行会议一次，而在不少于 5 名成员或在民政及青年事务局局长提出要求时，亦须举行会议。该等会议的法定人数为 22 名成员或成员人数的百分之二十五，以较少者为准。

(由 1988 年第 18 号第 10 条修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)

**3. 主席**

- (1) 主席须主持议员大会及执行委员会的会议，而在主席缺席时，其中一名副主席须主持会议。如主席及 2 名副主席均缺席，则由出席的议员选出该次会议的主席。
- (2) 主席可投一票，并可在票数相等时，另投决定票。

**SECOND SCHEDULE**

[s. 10(2)]

**RULES FOR THE EXERCISE OF POWERS AND FUNCTIONS****1. Meetings of Full Council**

The Full Council shall hold meetings once every 6 months, and at the request of not less than 10 Councillors or of the Secretary for Home and Youth Affairs, or by order of the Executive Committee. At such meetings the lesser of 33 Councillors or 25 per cent of the Councillors constitutes a quorum.

(Amended 18 of 1988 s. 10; L.N. 262 of 1989; L.N. 144 of 2022)

**2. Meetings of Executive Committee**

The Executive Committee shall hold meetings once in every month, and at the request of not less than 5 members or of the Secretary for Home and Youth Affairs. At such meetings the lesser of 22 members or 25 per cent of the members constitutes a quorum.

(Amended 18 of 1988 s. 10; L.N. 262 of 1989; L.N. 144 of 2022)

**3. Chairman**

- (1) The Chairman or in his absence a Vice-Chairman shall take the chair at meetings of the Full Council and of the Executive Committee. If neither the Chairman nor either of the Vice-Chairman is present the Councillors attending shall elect a Chairman for that meeting.
- (2) The Chairman shall have a vote and where the votes are equal a casting vote.

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附表 2

SECOND SCHEDULE

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### 3A. 因缺席而丧失资格

- (1) 执行委员会任何成员如并无提出令执行委员会信纳的解释而连续 6 个月没有出席议员大会或执行委员会的任何会议，则在其所余任期内，即无权出席或参与所举行的议员大会或执行委员会任何会议，亦无权在该等会议中表决。
- (2) 任何成员如非执行委员会的成员，且并无提出令执行委员会信纳的解释而连续 3 次没有出席议员大会会议，则在其所余任期内，即无权出席或参与所举行的议员大会任何会议，亦无权在该等会议中表决。

*(由 1988 年第 18 号第 10 条增补)*

### 4. 会议纪录

- (1) 由执行委员会委任的秘书须备存议员大会及执行委员会的会议纪录，而该等会议纪录须记录出席议员的姓名及所有通过的决议。
- (2) 主席须获得议员大会或执行委员会（视属何情况而定）确认会议纪录属真实纪录，其后并须在该等会议纪录上签署。
- (3) 该等会议纪录须公开予任何议员、委员或民政及青年事务局局长查阅。*（由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订）*

### 5. 会议常规

- (1) 执行委员会可就议员大会及执行委员会会议的规管及程

### 3A. Disqualification for non-attendance

- (1) A member of the Executive Committee who fails to attend, throughout a period of 6 consecutive months, any Full Council meetings or Executive Committee meetings without giving an explanation to the satisfaction of the Executive Committee is not entitled to attend, take part in or vote at any future Full Council or Executive Committee meetings during the remainder of his term.
- (2) A member, other than a member of the Executive Committee, who fails to attend 3 consecutive Full Council meetings without giving an explanation to the satisfaction of the Executive Committee is not entitled to attend, take part in or vote at any future meeting of the Full Council during the remainder of his term.

*(Added 18 of 1988 s. 10)*

### 4. Minutes

- (1) The Secretary appointed by the Executive Committee shall keep minutes of proceedings of the Full Council and of the Executive Committee and such minutes shall record the names of the Councillors attending as well as all resolutions passed.
- (2) The Chairman shall obtain the confirmation of the Full Council or of the Executive Committee as the case may be that minutes are a true record and shall then sign the same.
- (3) Such minutes shall be open to inspection by any Councillor or Member, or by the Secretary for Home and Youth Affairs.  
*(Amended 262 of 1989 s. 2; L.N. 144 of 2022)*

### 5. Standing orders

- (1) The Executive Committee may make standing orders for the

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附表 2

序，订立会议常规，而该等会议常规可就会议秩序的维持作出规定。

- (2) 根据第 (1) 节订立的会议常规须事先获得民政及青年事务局局长批准方可实施。(由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)

## 6. 开支

执行委员会可批准支用该局的资金，并可为此目的而将权力转授予不少于 2 名议员，而该等议员须按照执行委员会所施加的条款及条件共同行事。

## 7. 会计

- (1) 在符合本条例第 11 条的规定下，执行委员会可就帐目的备存和预算的拟备，订立规则。
- (2) 根据第 (1) 节订立的规则须事先获得民政及青年事务局局长批准方可实施。(由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)

(由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1983 年第 14 号法律公告修订；由 1989 年第 262 号法律公告修订)

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regulation and procedure of the meetings of the Full Council and of the Executive Committee and such standing orders may make provision for the preservation of order at such meeting.

- (2) Standing orders made under sub-paragraph (1) require the prior approval of the Secretary for Home and Youth Affairs before coming into operation. (*Amended 262 of 1989 s. 2; L.N. 144 of 2022*)

## 6. Expenditure

The Executive Committee may authorize the expenditure of the Kuk's funds, and for this purpose, may delegate their powers to not less than 2 Councillors who shall act together on such terms and conditions as the Executive Committee may impose.

## 7. Accounting

- (1) Subject to section 11 of the Ordinance, the Executive Committee may make such rules for the keeping of accounts and preparation of estimates.
- (2) Rules made under sub-paragraph (1) require the prior approval of the Secretary for Home and Youth Affairs before coming into operation. (*Amended L.N. 144 of 2022*)

(*Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; L.N. 262 of 1989*)