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新聞稿

由：香港人權資訊中心

日期：2023 年 10 月 30 日

**民主派全被拒諸門外  
區選提名方法設下多重不合理門檻  
違反國際人權法**

2023 年區議會選舉將於本年 12 月 10 日舉行，是選舉制度大幅倒退後的首次正式選舉。提名期於今天（10 月 30 日）結束，選舉事務處共接獲 400 份提名表格，其中地區直選共有 172 份提名。值得關注的是，全部有意參選的民主派人士及非建制派人士，最終都無法獲得足夠提名，未能成功入閘。

對於新制度在提名方面重重設限並尤其阻撓民主派參選，香港人權資訊中心表示，這次選舉的提名結果，再一次引證香港政制的倒退，情況令人憂慮。

在新制度之下，地區直選參選人除了須在所屬選區獲得至少 50 名選民提名外，亦須接觸地區分區委員會、地區防火委員會和地區撲滅罪行委員會（統稱「三會」），在每個委員會分別取得 3 個提名（合共 9 個提名）後，並再通過資格審查委員會同意後方可正式成為候選人。

然而，政府一直以個人私隱為由，拒絕向有意參選者提供三會委員的聯絡方法。在輿論壓力下，選舉事務處最終亦只向「指明人士」（即過往曾經參選的團體）提供三會成員的姓名和通訊地址，卻仍然不願透露電話或電郵等較為直接的聯絡方法。至於民政事務處亦只承諾，會向三會成員轉達有參選人希望聯絡的簡單訊息。

本中心發言人表示：

「過往參與地區直選的人士只需獲得市民提名即可入閘，但新制卻要求有意參與選舉的人士主動接觸本身並非民選產生的三會委員，並須獲得這些由政府直接委任的委員認可後，才可繼續參選。此舉不但完全違反基本的民主原則，而且由政府委任的委員通常是建制派人士，社會難以期望他們能夠公正及持平地考慮民主派爭取提名的請求，結果只會造成一個不符民主價值及對民主派不公的選舉。」

「再者，政府拒絕向所有參選人提供所有三會委員的聯絡方法，也構成一個不合理的提名關卡。三會委員既有法定的提名職能，就必須同時向公眾提供一個方便直接的聯絡方法，才可確保他們能有效地行使其職能，從而保障選舉的公平性。否則，由於建制派參選人本身有較大可能認識或有較多機會接觸三會委員，他們便會享有不公平的優勢。」

「雖然選舉事務處最終向曾經參選的團體（例如民主黨）提供三會委員的姓名和通訊地址，但通訊地址並非一個方便直接的聯絡方法，尤其是提名期只有短短兩星期，單憑郵寄信件未必可與委員進行深入溝通。更重要的是，過往從未參選的團體或人士連這些資料都無法取得，令他們被迫處於一個非常不公平的處境，比起他人更難取得足夠提名。」

「《公民權利和政治權利國際公約》（《公約》）第 25 條規定，每名公民都可以在不受歧視的情況下參與選舉。聯合國人權事務委員會在詮釋第 25 條的一般性意見中亦指出，政府不應通過要求候選人是政黨成員的方式來不合理地限制個人的被選舉權；如果要求參選人必須獲得某數量提名，那麼這一要求亦應該是合理的，而不應該成為參選的障礙。<sup>1</sup>本中心認為，區議會提名方法的不公，本身已構成對民主派及過往從無參選人人士的歧視，引證整個選舉是在被政權操控的情況下進行，不合理地限制了港人的被選舉權，明顯違反了《公約》。」

「政府近年變本加厲，進一步收緊僅餘的區議會選舉的權力和民主程序，令人遺憾。本中心促請香港及中國政府盡快履行《公約》下的責任，立即廢除不符《公約》規定的提名及篩選機制，實行區議會、立法會及行政長官的全面普選，以保障市民的參政權和基本權利。」

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## 關於我們

香港人權資訊中心於 2022 年成立，由一群專注法律及政策研究的香港人權工作者組成，目標是向外界提供有關香港人權、法治及政治發展的最新和可靠的資訊，以支持香港的公民社會，並以國際人權法和標準，捍衛香港的人權和自由。

網頁：<https://hkchr.org/>

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<sup>1</sup> <https://www.equalrightstrust.org/ertdocumentbank/general%20comment%2025.pdf>

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## Press Release

From: Hong Kong Centre for Human Rights (“HKCHR”)

Date: 30 October 2023

### **All Pro-Democracy Candidates Barred from Standing for District Council Election Unreasonable Thresholds Set in the Nomination Method of the Election Violating International Human Rights Law**

The 2023 District Council Election is set to take place on 10 December 2023, marking the first district council election since the regressive overhaul of the electoral system. The nomination period concluded today (30 October) and the government has received a total of 400 nomination forms in which 172 forms belong to geographical constituencies. Notably, all would-be candidates from pro-democracy parties and centrist parties are not able to secure sufficient nominations and consequently, will not be participating in the election.

The Hong Kong Centre for Human Rights (“HKCHR”) expresses grave concern for and disappointment about the restrictions that the new system imposes on nominations, specifically on how it obstructs democratic candidates from standing for election.

Under the revised system, candidates seeking to stand for direct elections in geographical constituencies must now fulfil additional requirements beyond securing nominations from a minimum of 50 voters within their respective constituencies. They are required to approach District Fight Crime Committees, the District Fire Safety Committees, the Area Committees — also known as the “Three Committees,” in their respective constituency. From each of these bodies, they must secure three nominations, totalling nine, and subsequently confirm their eligibility through an eligibility review committee, before they can stand for election.

However, the government has consistently refused to provide prospective candidates with the contact information of the members of the Three Committees, citing personal privacy concerns. After being heavily criticised, the Registration and Electoral Officer (“REO”) has finally provided only the names and correspondence addresses of Three Committees members to “specified persons” (i.e. parties or organisations which had stood for election before), but remained reluctant to disclose more direct contact methods, such as telephone numbers or email addresses. The District Office has only committed to conveying basic messages to Three Committees members.

The spokesperson of HKCHR said today:

"In previous years, candidates for direct elections in geographical constituencies only needed to secure public nominations to proceed. However, the revised system compels those who wish to partake in democratic elections to proactively seek endorsements from the undemocratic Three Committee members who are government-appointed instead of democratically elected. This setting contravenes the fundamental principles of democracy. Given that government-appointed Three Committee members are usually from the pro-establishment camp, the revised system also undermines impartiality and fairness of the election because it is unrealistic to expect pro-establishment members to fairly and objectively consider nomination requests made by pro-democracy parties. This resulted in an election that diverge from democratic values and are unjustly biased against the democratic camp."

"Also, the government's refusal to furnish all candidates with the contact details of all Three Committee constitutes an unjustifiable nomination barrier. Given that these committee members have the statutory function of nomination, it is only reasonable to make communication with them more accessible, so as to safeguard the fairness of the election. Without this transparency, candidates from the pro-establishment camp stand to gain an undue advantage since they are likely to have better knowledge of, or greater access to, the Three Committees members."

"While the REO eventually provided the names and correspondence addresses of the Three Committee members to certain groups which had previously stood for election (e.g. the Democratic Party), this form of communications is neither convenient nor direct, particularly given the brief two-week nomination period. More importantly, organizations or individuals who never participated in elections before are entirely precluded from accessing even this basic information, placing them in an inequitable position and making it more difficult for them to secure sufficient nominations than others."

"Article 25 of the International Covenant on Civil and Political Rights ("ICCPR"), an international treaty applicable to Hong Kong, states that every citizen has the right to participate in elections free from discrimination. The United Nations Human Rights Committee has underscored that a government should not unreasonably restrict an individual's right to stand for election by requiring a candidate to be a member of a political party; and that if a candidate is required to have a minimum number of supporters for nomination, this requirement should be reasonable and not act as a barrier to. It is of our view that current nomination method for Districts Council geographical constitutes discrimination against all candidates who do not belong to the pro-establishment camp, and unreasonably restricts Hong Kong people's right to stand for election, which is obviously a violation of the ICCPR."

"In recent years, the government has further tightened the power and democratic procedures of the remaining District Council elections. The HKCHR urges the Hong Kong and Chinese governments to fulfil their obligations under the ICCPR. We urge the immediate abolition of the non-compliant nomination and selection mechanisms, and advocate for the full universal suffrage for the District Councils, the Legislative Council and the Chief Executive, so as to safeguard the public's right to participate in political affairs and their basic rights."

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## About us

Hong Kong Centre for Human Rights is established in 2022 by a group of human rights defenders from Hong Kong with background in policy and legal research. We aim to provide credible information on Hong Kong's legal, political, and human rights development with the goal of supporting the resilient civil society of Hong Kong and upholding international human rights standards.

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