

Electoral Affairs Commission announcement

The following is issued on behalf of the Electoral Affairs Commission:

The Electoral Affairs Commission (EAC) announced today (January 21) that, after taking into account practical circumstances, the preparation for the by-election to fill the two vacancies in the current term of the Legislative Council (LegCo) for the Hong Kong Island and New Territories East geographical constituencies is expected to take more than six months. According to the Legislative Council Ordinance, a by-election to fill a vacancy occurring in the membership of the LegCo is not to be held within the four months preceding the end of that Council's current term of office. As such, the EAC will not be able to arrange a by-election to fill the two vacancies, arising from the determination of election petitions related to the 2018 LegCo by-election held in March 2018.

"Section 36(1)(a) of the Legislative Council Ordinance stipulates that the EAC must arrange for a by-election to be held on the making of a declaration as to the existence of a vacancy in the membership of the LegCo under section 35 of the Ordinance. However, Section 36(2) of the Ordinance also stipulates that the deadline for holding a LegCo by-election is four months preceding the end of LegCo's current term of office, i.e. before May 31, 2020," said a spokesman for the EAC.

"The 2019 District Council Ordinary Election (DCE) was completed orderly under very difficult situations and unprecedented challenges. Having taken account of the experience in the preparation for the recent DCE and having reviewed the practical circumstances, the EAC estimates that it will take more than six months to arrange a by-election to fill the two LegCo vacancies concerned. In other words, it is not possible to hold the by-election for the two geographical constituencies before the statutory deadline, which is four months preceding the end of the LegCo's current term of office."

The spokesman explained that the 2020 LegCo General Election to be held in the third quarter of this year is a large-scale election involving more than 4.1 million registered electors. The preparation involves an enormous amount of manpower and resources. The Registration and Electoral Office (REO) is putting in its full force to various preparatory work for the LegCo General Election. The recruitment of and training for additional electoral staff by the REO will also take considerable time to complete. On the other hand, with more than 1.7 million registered electors in Hong Kong Island and New Territories East geographical constituencies, if a by-election is to be held, the preparation for the by-election will overlap with that of the 2020 LegCo General Election. The current manpower of the REO is not adequate to prepare for two major public elections simultaneously. In addition, the REO is still handling follow-up work for the 2019 DCE.

The spokesman added that, apart from manpower, in deciding whether it is practicable to hold a by-election, other objective factors such as availability of venues for use as polling/counting stations and procurement of electoral materials are also taken into account.

"It is also noteworthy that under the current social situation, the REO needs more time and resources in the preparation and arrangements for the venues and the contingencies. Due to various practical factors, the REO is of the view that a LegCo by-election cannot be arranged before the statutory deadline. Based on a thorough assessment, the EAC agreed with the REO that it will not be reasonably practicable to hold the by-election to fill two vacancies in the current term of the LegCo for the Hong Kong Island and New Territories East geographical constituencies prior to the statutory deadline. As such, the EAC has decided not to hold a LegCo by-election to fill the two vacancies of the aforesaid geographical constituencies," he said.

The spokesman emphasised that the EAC is an independent, apolitical and impartial body which decides on public election matters in accordance with actual and objective considerations and related legislation.

The EAC and the REO will continue to devote their full efforts in preparing for the LegCo General Election this year to ensure that it is held in an open, honest and fair manner.