

Legislative Council Panel on Constitutional Affairs

Practical Arrangements for the 2019 District Council Ordinary Election

Supplementary Note - Key Features of the Contingency Plan

Purpose

The 2019 District Council Ordinary Election (“the Election”) will be held on 24 November 2019. The Government is working at full steam to prepare for the Election to ensure that it will be conducted smoothly in an open, honest and fair manner. This paper sets out the key features of the contingency plan.

Statutory Provisions for Postponement or Adjournment of Election

2. Under the existing statutory provisions, the Election or the poll or count may be postponed/adjourned if it appears to the relevant authority (i.e., the Chief Executive (“CE”), the Electoral Affairs Commission (“the EAC”) or the Presiding Officer, as the case might be) that the Election or the poll or count is likely to be obstructed, disrupted, undermined or seriously affected by three types of occurrence, namely (i) a typhoon or other climatic condition of a serious nature; (ii) riot, open violence or any danger to public health or safety; or (iii) an occurrence which appears to be a material irregularity relating to the election, the poll or count. The relevant statutory provisions are summarised at **Annex A**.

Mechanism and Considerations for Postponement/Adjournment

3. As part of the overall contingency plan, a Crisis Management Committee (“the CMC”) will handle crises related to the Election. The CMC will advise the EAC on all matters concerning postponement/adjournment of the Election or poll or count under the three aforesaid occurrences. The Committee will be chaired by the EAC Chairman, and will comprise all EAC Members, Secretary for Constitutional and Mainland Affairs Bureau (or his representative), and representatives of relevant government bureaux/departments (of which the full list is at **Annex B**). As a matter of principle, the integrity and fairness of the Election as well as the safety of electors and electoral staff

will be the paramount considerations of the CMC in all circumstances. Prior to the Election, relevant government bureau/departments will liaise closely to monitor any occurrence obstructing or seriously affecting the poll or count.

4. The CMC needs to take into account the professional advice from relevant government bureaux/departments to assess whether there will be any occurrence/ an occurrence will render any polling or counting station no longer operable or result in a situation being unsuitable or unsafe for electors to go to polling stations to cast their vote. The EAC will recommend CE to postpone the polling and/ or counting of the entire Election, if the EAC is satisfied with the assessment by the CMC that there is likely to be riot, open violence or any danger to public health or safety.

Arrangements in case of Postponement/Adjournment

5. Where circumstances so require, a poll may be postponed to commence at a later hour¹ on the polling day or to another day. Similarly, if a poll is to be adjourned after commencement, it may either resume on the same polling day or be adjourned to another day.

6. Under the electoral law, where a poll has been postponed or adjourned to another day, it must be not later than 14 days after the original polling day. As an established practice, REO will make contingency arrangement for the resumed poll to be held on the Sunday immediately following the postponed or adjourned poll (i.e., on 1 December), and will inform the public of the arrangements by an announcement.

7. Where a postponed/adjourned poll is to resume on the same polling day, the polling hours will also need to be adjusted or extended to make up for the polling time lost due to postponement or adjournment. As a general rule, the adjusted or extended polling hours should not go beyond midnight having regard to considerations such as safety and convenience of electors. Therefore, if the resumed poll is to be held on the same polling day, the allowable duration of postponement/adjournment should normally not exceed 1.5 hours²; in other

¹ Under the existing arrangement, the poll is scheduled to commence at 0730 hours.

² In the meantime, all electoral staff in the polling station will stay in the station with the support of the Police. The Civil Aid Service will also provide support if necessary. The Presiding Officer will safeguard the electoral materials and the ballot boxes. The Government will make an announcement prior to the resumption of the polling or counting to inform electors of the decision and to allow the candidates and their agents to monitor the

words, if the time “lost” exceeds 1.5 hours, it may be more appropriate to resume polling on another day.

8. In case a poll which has not commenced has to be postponed to another day, the usual polling hours should remain unchanged, i.e. from 7:30 am to 10:30 pm. However, where a commenced poll needs to be adjourned to another date, it will preferably be resumed at the same hour of the day at which the original poll is adjourned such that both the aggregate number of polling hours and the coverage of polling time in a day for the electors to cast their vote will remain unchanged.

**Constitutional and Mainland Affairs Bureau
Registration and Electoral Office
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process. And, the Electoral and Registration Office has arranged for 21 reserve polling stations and 174 reserve counting stations (as of 16 October).

Legal Provisions and Authorities for Postponement of the Election or Adjournment of the Poll or the Count

Occurrence	Legal Provision	Authority	Power	Scale of Postponement or Adjournment
(a) Riot, open violence or any danger to public health or safety	S. 38 of DCO, Cap. 547	CE	(a) To direct the postponement of the DCOE before the holding of election; or (b) To direct the adjournment of the polling or counting of votes in respect of the DCOE	All polling stations and counting stations
(a) Typhoon or other climatic condition of a serious nature (b) Material irregularity	S. 1 of Schedule 1 to EAC(EP)(DC)Reg, Cap. 541F	EAC	(a) To postpone the DCOE before the holding of election; or (b) To adjourn the poll or count during the election	All polling stations and counting stations
(a) Typhoon or other climatic condition of a serious nature (b) Riot, open violence or any danger to public health or safety (c) Material irregularity	S. 2 of Schedule 1 to EAC(EP)(DC)Reg, Cap. 541F	EAC	(a) To postpone the DCOE for a constituency during or before the election; or (b) To adjourn the poll or count in respect of the DCOE for a constituency at all the polling and counting stations	All polling stations and counting stations in respect of a single constituency
	S. 3 of Schedule 1 to EAC(EP)(DC)Reg, Cap. 541F	PRO	(a) To adjourn the poll at a particular polling station; or (b) To adjourn the count at a particular counting station	A particular polling station or counting station

Abbreviations: CE = Chief Executive
DCOE = District Council Ordinary Election
EAC = Electoral Affairs Commission
PRO = Presiding Officer
EAC(EP)(DC)Reg = Electoral Affairs Commission (Electoral Procedure)(District Councils) Regulation
DCO = District Councils Ordinance

**Membership of the Crisis Management Committee
for the 2019 District Council Ordinary Election**

- Chairman: Chairman of the Electoral Affairs Commission
- Members (core):
- Members of the Electoral Affairs Commission
 - Secretary for Constitutional and Mainland Affairs (or his representative)
 - Chief Electoral Officer
 - Principal Electoral Officer
 - Deputy Chief Electoral Officers of the Elections Division of the Registration and Electoral Office (“REO”)
 - Principal Information Officer of the REO
 - Directorate representative(s) from Home Affairs Bureau, Home Affairs Department, Department of Justice, and Information Services Department
- Members (optional – depending on the nature of the crisis): Returning Officer(s) concerned and Directorate representative(s) from:
- Education Bureau (closure of schools)
 - Food and Health Bureau (danger to public health or safety)
 - Security Bureau (law and order)
 - Hong Kong Police Force (law and order)
 - Correctional Services Department (law and order of dedicated polling stations in penal institutions)
 - Hong Kong Observatory (inclement weather)
 - Department of Health (danger to public health)
 - Government Logistics Department (printing and transport)
 - Drainage Services Department (flooding)
 - Fire Services Department (fire and other emergencies)
 - Electrical and Mechanical Services Department (network and power failure)
 - Government Flying Service (helicopter service)
 - Marine Department (vessel service)
 - Buildings Department (building safety)
 - Civil Aid Service (crowd management)
 - Civil Engineering and Development Department (landslide)
 - Transport Department (public transport services)