

# 立法會 *Legislative Council*

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## **Panel on Constitutional Affairs Background brief prepared by the Legislative Council Secretariat for the meeting on 20 July 2015**

### **Publicity for the 2015 District Council Election**

#### **Purpose**

1. This paper summarizes the past discussions held by members of the Panel on Constitutional Affairs ("the Panel") on the publicity for District Council ("DC") elections.

#### **Background**

2. The Registration and Electoral Office ("REO") provides administrative support to the Electoral Affairs Commission ("EAC") for the effective discharge of EAC's statutory functions. In line with the previous practice, REO would launch a series of publicity programmes in a DC election year to promote voter participation and the importance of honest and clean elections.

#### **Past discussions of the Panel**

3. The Panel discussed the publicity programmes for various DC elections at its meetings held on 21 June 1999, 21 July 2003 and 20 June 2011. The relevant issues raised by members are summarized in the following paragraphs.

#### Election forums organized by Radio Television Hong Kong ("RTHK")

4. Some members enquired about the criteria adopted by RTHK for selecting constituencies where election forums would be held and whether the Administration/RTHK had received any complaints about unfairness in the relevant arrangements. The Administration explained that since there were over 400 DC constituency areas (DCCAs), it was not possible for RTHK to organize an election forum in each DCCA. In selecting DC constituencies for the election forums, RTHK would consider the level of competition in the constituencies as well as the degree of general public interest in the constituencies and the candidates concerned. RTHK would take reference from

media reports on these aspects when making the selection. RTHK had not received any complaints relating to the arrangements for the election forums.

5. Some members said that some election forums organized by District Offices would be cancelled if one candidate was not available to attend. They enquired whether the Administration was aware of such arrangement which they considered inappropriate. The Administration clarified that the Home Affairs Department had not arranged any election forums but some media organizations other than RTHK might do so. The Administration respected the practice adopted by individual organizations for holding these forums.

#### Promotion of clean elections

6. Hon Paul TSE considered that the Magistrate Court's ruling in Ms Mandy TAM's case concerning an election corruption charge<sup>1</sup> was not in line with the rulings in previous election-related cases. He suggested that guidelines incorporating the relevant rulings should be drawn up for candidates' reference. He considered that if provided with such guidelines, candidates might avoid breaching the law inadvertently. The Administration agreed to discuss his suggestion with the Independent Commission Against Corruption when designing the publicity programmes to promote clean elections.

#### **Recent development**

7. The Administration will brief the Panel on the publicity for the 2015 DC election at the next meeting on 20 July 2015.

#### **Relevant papers**

8. A list of the relevant papers available on the LegCo website (<http://www.legco.gov.hk>) is in the **Appendix**.

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<sup>1</sup> Ms Mandy TAM was charged with engaging in corrupt conduct in the 2008 Legislative Council election for offering an advantage, namely service in the form of a free seminar to other persons, as an inducement for them to vote for her at the election. It was ruled by the Magistrate Court that the offering of a free seminar to electors was not considered as an advantage. The Department of Justice appealed but the High Court subsequently upheld the Magistrate Court's acquittal decision.

**Relevant documents on publicity for the 2015 District Council Election**

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Constitutional Affairs	21.6.1999 (Item IV)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	21.7.2003 (Item II)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	20.6.2011 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>

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