

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 18 April 2016

Publicity for the 2016 Legislative Council General Election

Purpose

This paper summarizes the past discussions held by the Panel on Constitutional Affairs ("the Panel") on the publicity for Legislative Council ("LegCo") elections.

Background

Voter turnout publicity campaign

2. In each LegCo election year in the past, an inter-departmental working group was formed under the coordination of the Constitutional and Mainland Affairs Bureau (or the then Constitutional Affairs Bureau before the 2008 LegCo election) to formulate publicity strategy and work out the programmes of the voter turnout publicity ("VTP") campaign. The working group also included representatives from the Registration and Electoral Office ("REO"), the Home Affairs Department, the Information Services Department, the Independent Commission Against Corruption and the Radio Television Hong Kong ("RTHK").

3. The amount earmarked for the 1998 and 2000 VTP campaigns totalled \$40 million and \$50 million respectively, covering the publicity work for both the Election Committee ("EC") subsector elections and the LegCo election. The budgets for the 2004 and 2008 VTP campaigns both amounted to \$30 million, which only covered the publicity work for the LegCo election. A budget of \$33 million was earmarked for the 2012 VTP campaign.

4. The voter turnout rates of the past LegCo elections are as follows:

Table - Voter turnout of the past LegCo elections

	1998	2000	2004	2008	2012
Geographical constituencies					
Voter turnout rate	53.29%	43.57%	55.64%	45.20%	53.05%
Total number of electors	2 795 371	3 055 378	3 207 227	3 372 007	3 466 201
Functional constituencies					
Voter turnout rate	63.50%	56.50%	70.10 %	59.76%	69.65% (Note)
Total number of electors (for the contested constituencies)	122 537	163 026	192 374	212 227	216 979
District Council (second) functional constituency (since the 2012 LegCo election)					
Voter turnout rate					51.95%
Total number of electors					

Note: Excluding the voter turnout rate for the District Council (second) functional constituency.

Sources: Electoral Affairs Commission ("EAC") Reports on the respective LegCo elections held in 1998, 2000, 2004, 2008 and 2012.

Past discussions of the Panel

5. The Panel discussed the publicity programmes for various LegCo elections at its meetings held on 17 April 2000, 21 June 2004, 19 May 2008 and 21 May 2012. The relevant issues raised by members are summarized in the following paragraphs.

Awareness of LegCo elections

6. Concern was raised about the adequacy of television and radio airtime for activities such as election forums to achieve an effective impact on the election during the 1998 LegCo election. It was suggested that the time for such publicity programmes should be extended, particularly in view of the increasing

number of candidates who would be contesting in the geographical constituencies in the 2000 LegCo election. It was also suggested that the Administration should consider the possibility of launching online discussion forums on the Internet to encourage public participation in election.

7. The Administration advised that RTHK was responsible for organizing activities on electronic media to promote public accessibility to information about candidates at elections, such as debate forums and television/radio airtime, for candidates to introduce their platforms and appeal to voters etc. All these programmes would be uploaded onto the Internet to further convey the message and information to the public at large. In addition, voters could gain online access to candidates' platforms through the Election Homepage specially set up for the 2000 LegCo election by REO.

8. Some members asked whether souvenirs would be distributed on the polling day to promote voter participation. The Administration advised that souvenirs would be distributed throughout the campaign period to promote general awareness of the election and encourage voter turnout.

Alleged use of duress

9. Some members expressed concern about some media reports on the alleged use of duress against electors with a view to influencing their voting behaviour. It was suggested that publicity measures should be stepped up to promote public awareness of arrangements and legislative provisions which protected the secrecy of votes. The Administration undertook to follow up the issue when it worked out the publicity programme for the 2004 LegCo election.

Publicity leaflets distributed on the polling day

10. When the Panel was briefed on the VTP campaign for the 2008 LegCo election, some members were concerned that leaflets might be distributed on the polling day with the purpose of canvassing votes for a candidate who was falling behind at the election. They asked whether EAC would require the candidate to provide any evidence about a claim to that effect in the leaflets and what action would be taken if the leaflets contained misleading information.

11. The Administration advised that according to the existing electoral law and guidelines, statements made during election must not contain any misrepresentation. In addition, expenses incurred for publishing leaflets for the purpose of promoting or prejudicing the election of a candidate or a list of candidates at the election would be counted as election expenses. EAC would investigate into the case according to the above two principles if such a complaint was received.

Publicity for District Council (second) functional constituency ("DC (second) FC")

12. When the Panel was briefed on the VTP campaign for the 2012 LegCo election, some members expressed concern about the electoral procedures relating to the new DC (second) FC and urged the Administration to step up the relevant publicity work so that the public would have a better understanding of the "one-person-two-votes" arrangements. In response to members' suggestions to put emphasis on enhancing publicity for the DC (second) FC and prompting electors to update their registered particulars with REO, the Administration agreed to consider including the relevant messages in the TV and radio announcements of public interest ("API") to be produced.

Eligibility of electors living outside Hong Kong

13. Some members enquired about the eligibility of electors living on the Mainland and considered that the eligibility to vote of Hong Kong people living on the Mainland should be included in APIs. The Administration advised that the court rulings had indicated that a host of factors would be relevant in considering their eligibility including the length of the person's absence, the reason for his absence, and his continuing connections with Hong Kong etc and each case would have to be considered on its own merits. Given the short duration of an API which lasted about 30 seconds, there were practical difficulties for it to cover detailed messages. However, a public enquiry number of REO would be provided.

Related development

2016 Voter registration ("VR") campaign

14. When the Panel was briefed on the main features of the 2016 VR campaign at its meeting on 21 December 2015, some members considered that more innovative ways should be explored to target young people aged between 18 and 30 to get registered as electors. Some members suggested that consideration could be given to sponsoring community organizations to organize more VR promotional activities at district level. The Administration advised that efforts had been made in recent years to reach out to young people through new social media platforms (e.g. Facebook, YouTube and Yahoo) to encourage more young people to register.

15. Some members urged the Administration to take measures to promote VR in functional constituencies ("FCs") in the light of a decrease of 3 200 FC electors according to the 2015 final registers. The Administration advised that various measures would be adopted to encourage VR in FCs, including sending

appeal letters and notification letters to encourage and facilitate eligible persons to register as electors/voters in FCs/EC subsectors; appealing to umbrella organizations to encourage their members who were eligible for registration in FCs/EC subsectors; and placing advertisements on websites/journals of umbrella organizations in FCs.

16. In January 2016, the Administration published the Consultation Report on Enhancement of Voter Registration System. In the light of the consultation outcome, EAC made amendments¹ to the relevant subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) to advance the statutory deadline for change of registration particulars² to the same statutory deadline for new registrations, and to change to use surface mail for all inquiries and VR notifications. The amendments came into effect on 18 March 2016. In the discussion of the 2016 VR campaign, members requested REO to widely publicize the new statutory deadline for updating registration particulars in its VR publicity measures. At members' request, REO also provided information on the publicity costs of the 2012 and 2015 VR campaigns [LC Paper No. CB(2)1187/15-16(01)].

Recent development

17. The Administration is scheduled to brief the Panel on the publicity for the 2016 LegCo general election at the upcoming meeting on 18 April 2016.

Relevant papers

18. A list of relevant papers which are available on the LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
13 April 2016

¹ The amendments were made by EAC under section 7 of Cap. 541. The amendment regulations were tabled at LegCo on 27 January 2016 for negative vetting.

² The statutory deadline for change of particulars in the 2016 VR cycle would be advanced from the original deadline of 25 June 2016 to 2 May 2016.

**Relevant documents on publicity for the
2016 Legislative Council General Election**

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	17.4.2000 (Item IV)	Agenda Minutes
	21.6.2004 (Item V)	Agenda Minutes
	19.5.2008 (Item IV)	Agenda Minutes
	21.5.2012 (Item IV)	Agenda Minutes
	21.12.2015 (Item IV)	Agenda Minutes

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