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Panel on Constitutional Affairs
Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 18 March 2019

Publicity for the 2019 District Council Ordinary Election

Purpose

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 publicity programme 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 last discussed the publicity programmes for DC general elections at its meetings on 20 June 2011 and 20 July 2015. The relevant issues raised by members are summarized in the following paragraphs.

Effectiveness of publicity programme

4. Some members took the view that the Administration should formulate more effective measures to encourage the public to vote. They also enquired whether there were measures to facilitate candidates' electioneering activities. The Administration advised that the bulk of the publicity activities would be launched during the nomination and canvassing periods. Candidates were free to carry out electioneering activities which they deemed appropriate subject to the applicable election expenses limit. During the final phase of the publicity programme (i.e. in the week before the polling day), while the publicity measures launched in the earlier phase would continue, daily count-down clips would also be screened on television ("TV") to heighten the atmosphere for the election.

5. Some members suggested that apart from the major TV/radio broadcasters, the Administration should explore collaborating with new media platforms (e.g. Internet TV/Internet radio stations) to launch the publicity programme. Some other members urged the Administration to step up publicity to promote the use of the Online Voter Information Enquiry System ("OVIES") by electors to check their voter registration ("VR") status. There was also a suggestion that REO should step up publicity at elderly homes to raise awareness among elderly people of VR issues. The Administration advised that it would promote the use of OVIES, which provided a convenient means for electors to check their VR status and registration particulars so that they might submit applications timely for updating their particulars if required.

6. Members also suggested that the Administration should step up publicity to remind electors of the proper means for reinstatement of their registration status when their names had been put on the Omissions List. The Administration advised that REO would issue reminder letters by surface mail to these electors to remind them to confirm/update their residential addresses or lodge claims in accordance with the statutory procedure on or before the deadline, if they wished to reinstate their registration status. In addition, REO would launch publicity measures including newspaper and electronic advertisements to remind electors to check their registration status through OVIES or call REO's enquiry hotline. REO would take timely action to reinstate their registration status.

Election forums organized by Radio Television Hong Kong

7. Some members took the view that the Administration should provide venues (e.g. community halls and schools) and necessary resources for holding election forums in as many DC constituency areas ("DCCAs") as possible. They enquired about the criteria adopted by Radio Television Hong Kong ("RTHK") for selecting constituencies where election forums would be held. The Administration explained that since there were over 400 DCCAs, it was not possible for RTHK to organize an election forum in each DCCA. Also, given the small size of DCCAs, some election forums might not be able to attract sufficient audience/viewers. 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.

8. Some members criticized about the previous arrangements of RTHK that an election forum would be cancelled if one of the candidates invited to the forum declined to attend. In these members' view, should any candidate choose not to attend the election forum, RTHK should still continue with the production of the forum as planned. The Administration explained that detailed

arrangements of the programme production were decided by RTHK, and media organizations should continue to be free to exercise their editorial judgment in their productions, having regard to the guidelines on election-related activities issued by EAC.

Smear campaigns and promotion of clean elections

9. Some members expressed concern about measures to deal with smear campaigns during elections. They pointed out that during the canvassing period of previous elections, it was not uncommon to find anonymous leaflets being sent to electors to prejudice the election of another candidate. As such leaflets were anonymous, the identity of the person who had published/distributed the leaflets could not be traced. In these members view, smear campaigns might affect the election results even if the allegations could not be substantiated and this was very unfair to the candidate whose election had been prejudiced. There was a suggestion that the Administration should strengthen publicity of the relevant sanction under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to enhance the deterrent effect.

10. According to the Administration, cases with prima facie evidence would be referred to the law enforcement agencies for follow-up investigation. Besides, the Independent Commission Against Corruption ("ICAC") would organize publicity activities to promote clean elections. The Administration stressed that it was important for people who intended to stand for election and their agents to be made aware from early days of what constituted lawful or unlawful electioneering activities. To promote clean elections, staff of ICAC would reach out to various political parties for publicity and exchange of views.

Recent development

11. The Administration will brief the Panel on the publicity for the 2019 DC Ordinary Election at the next meeting on 18 March 2019.

Relevant papers

12. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

**Relevant documents on publicity for
the 2019 District Council Ordinary Election**

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	21.6.1999 (Item IV)	Agenda Minutes
	21.7.2003 (Item II)	Agenda Minutes
	20.6.2011 (Item V)	Agenda Minutes
	20.7.2015 (Item II)	Agenda Minutes

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