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By email
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23 June 2020

Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.
(Attn: Ms Joanne MAK)

Dear Ms MAK,

Panel on Constitutional Affairs

Motion passed at the meeting on 20 April 2020

Thank you for your letter dated 22 April 2020. Our written response to the motion passed at the meeting on 20 April 2020 under agenda items III “Electoral Affairs Commission Report on the 2019 District Council Ordinary Election” and IV “Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election issued by the Electoral Affairs Commission” (of the meeting on 16 March 2020) is set out at **Annex**.

Yours sincerely,

(Ms Cherie YEUNG)
for Secretary for Constitutional and Mainland Affairs

Panel on Constitutional Affairs

**Motion passed at the meeting on 20 April 2020
under agenda items**

**III “ Electoral Affairs Commission Report on
the 2019 District Council Ordinary Election”
and**

**IV “ Proposed Guidelines on Election-related Activities in respect of
the Legislative Council Election issued by
the Electoral Affairs Commission”
of the Meeting on 16 March**

(English translation of the motion)

Given the prevalence of violence and election-related unfairness in the 2019 District Council ("DC") election, and the fact that many pro-establishment candidates were repeatedly under the threat of black violence in the election-related activities as a whole, the "Report on the 2019 DC Ordinary Election", however, had not issued a reprimand in this regard; and the Electoral Affairs Commission ("EAC") had also not come up with findings in its investigation into any complaint cases against election-related violence. In this connection, this Panel expresses great disappointment and strong regret about EAC's performance, and urges EAC, in proposing the Guidelines on Election-related Activities in respect of the Legislative Council Election after completing the public consultation exercise, to make various practicable improvement recommendations, including but not limited to issuing ballot papers by electronic means, according priority to all electors who are Senior Citizen Card holders to cast their votes, and authorizing Independent Commission Against Corruption to deploy officers at polling stations to provide the Presiding Officer with prompt advice on election-related unfairness or corrupt conduct, etc., with a view to preventing recurrence of violence and election-related unfairness, as well as chaos in relation to polling and vote counting, etc.

Moved by: Hon Starry LEE Wai-king, SBS, JP

Government's response

The 2019 District Council Ordinary Election ("DCOE") was held on 24 November last year. The Electoral Affairs Commission ("EAC") has made the Report on the 2019 DCOE ("the Report") to the Chief Executive on 24 February 2020 in accordance with the law. The Report was discussed at

the meeting of the Legislative Council (“LegCo”) Panel on Constitutional Affairs (“CA Panel”) on 16 March. The Report describes how the EAC conducted and supervised the 2019 DCOE at various stages and sets out a detailed account of the preparatory work and electoral arrangements. In the light of the experience gained from the election, the EAC also puts forth recommendations for improvement in future elections.

2. The EAC mentions in Chapter 12 (Complaints) of the Report that, against the background of successive incidents undermining the public order and peace in the society, the total number of complaints received at the election was the highest ever. In particular, the number of complaints involving criminal damage/use of violence/intimidation has reached a total of 1,458 cases. The EAC noted that during the election, there had been successive occurrences of protests, confrontations, violent incidents and unlawful acts in society, such as assaults on candidates and public figures during the electioneering activities, severe damage of candidates’ offices, display of political slogans or intimidating messages on “Lennon Walls”, etc. In this connection, the EAC had repeatedly called upon the public to cherish the fine election culture of Hong Kong so that the election could be conducted in a peaceful and safe environment. The EAC reminded members of the public that they should report immediately to the law enforcement agencies (“LEAs”) should they encounter any violence, whether or not it was in connection with the election. The EAC has referred the relevant complaints received to the LEAs for follow-up according to the established procedures. The EAC also urged relevant Government departments to step up preventive and law enforcement vigour in future public elections to curb the illegal conducts.

3. On the other hand, in preparation for the seventh-term LegCo general election, the EAC promulgated the Proposed Guidelines on Election-related Activities in respect of the LegCo Election (“proposed guidelines”) on 9 March this year for public consultation, and the consultation period ended on 7 April. The EAC received more than a hundred thousand representations during the public consultation period. The EAC has given thorough consideration of the representations received, and the Registration and Electoral Office has submitted the recommendations set out in the abovementioned motion passed by the CA Panel to the EAC for consideration. The Guidelines on Election-related Activities in respect of the LegCo Election was issued on 18 June.