

**Legislative Council
Panel on Constitutional Affairs**

Publicity for the 2021 Legislative Council General Election

Purpose

The 2021 Legislative Council General Election (“LCGE”) will be held on 19 December 2021. This paper sets forth the main features of the proposed publicity programme.

Objectives of the Publicity Programme

2. The overall objectives of the proposed publicity programme are to encourage registered electors to actively participate in the 2021 LCGE through standing for election and voting, introduce new electoral arrangements and existing electoral procedures, as well as to publicise the importance of clean and fair elections.

Duration of Publicity Programme

3. The publicity programme will begin from early October 2021 and last until the polling day on 19 December. We intend to adopt a phased approach in building up the intensity of the publicity. Some publicity items and activities will start in early October to promote clean elections. From mid-October onwards, a series of publicity items and activities will be launched to tie in with the nomination and canvassing periods, with publicity efforts intensified one week before the polling day.

Phase One (Clean Elections)

4. The nomination period for the coming LCGE will run from late October to mid-November. We expect that people who intend to stand for the election would have started preparation well before the nomination period commences. The experience of the Independent Commission Against Corruption (“ICAC”) is that it is important for those who may consider standing for election and election helpers to understand as early as possible key points of the Elections (Corrupt and Illegal Conduct) Ordinance (“ECICO”) (Cap. 554). It is of utmost importance to prevent people from breaching the law unintentionally because they are unfamiliar with the legislation.

5. Therefore, we intend to launch the first phase of publicity in early October. We plan to mount posters as well as broadcast TV and Radio Announcements of Public Interest (“APIs”) to reinforce the clean election message. We would focus on reminding people who may consider standing for election, their agents and the public of the importance of clean elections. The message of clean elections will be put across the territory through briefings on the ECICO, materials to be distributed to candidates and their election helpers/electors, talks and activities for different groups of electors (including young people, the elderly and people of diverse race), dedicated website, flash roadshows and publicity through various media. A series of education videos will also be broadcast on media platforms such as broadcasting channels at government venues, government websites and infotainment channels on major means of public transport to educate the public on the major provisions in the ECICO. ICAC will suitably incorporate the new offences¹ under the ECICO in the education and publicity items mentioned above in order to step up publicity.

¹ New offences under ECICO (Cap.554) include:-

S.14: Corrupt conduct to engage in certain deceptive or obstructive behaviour in relation to electors

(1A) A person engages in corrupt conduct at an election if the person wilfully—

- (a) obstructs or prevents another person from voting at the election; or
- (b) gets another person to obstruct or prevent a third person from voting at the election.

S.27A: Illegal conduct to incite another person not to vote, or to cast invalid vote, by activity in public during election period

(1) A person engages in illegal conduct at an election if the person carries out any activity in public that—

- (a) incites another person not to vote at the election; or
- (b) incites another person voting at the election to deal with a ballot paper issued to the person in any way that would render the ballot paper invalid at the election under any electoral law.

(2) Subsection (1) applies only to an activity in public carried out during the election period of the election concerned.

(3) In determining whether any activity in public incites another person as described in subsection (1), regard may be had to all circumstances of the case, including—

- (a) the contents of the activity;
- (b) the intended audience of the activity; and
- (c) the circumstances in which the activity is carried out.

(4) It is a defence for a person charged with an offence under section 22(1) for having engaged in the illegal conduct under subsection (1) to prove that, at the time of the alleged offence, the person had lawful authority or reasonable excuse for doing the act to which the charge relates.

(5) In this section—

activity in public (公開活動) includes any of the following activities, whether or not the person carrying out the activity is in a public place while carrying out the activity—

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material;
- (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia;
- (c) the distribution or dissemination of any matter to the public.

Phase Two (Nomination and Canvassing Periods)

6. The second phase of the publicity programme will be launched in mid-October to announce in advance the beginning of nomination period in late October. This phase will cover roughly two weeks before the nomination period, the two-week nomination period and the subsequent five-week canvassing period. Most of the publicity activities will take place during this phase. The Registration and Electoral Office (“REO”) will set up a dedicated election website in mid-October to facilitate the public to obtain information on the LCGE and provide important information in different languages for people of diverse race. Meanwhile, the dedicated website on “Improve Electoral System” maintained by the Constitutional and Mainland Affairs Bureau (“CMAB”) will continue to be accessible to facilitate the public’s understanding of the Legislative Council’s new composition, electorate, as well as the criteria to stand for election after implementing the electoral improvements. CMAB will also roll out election pages on social media platforms for disseminating information related to the LCGE in mid-October.

7. About two weeks before the nomination period and throughout the nomination period, we intend to launch a series of TV and Radio APIs on the nomination of prospective candidates, as well as put up posters in districts to encourage the public to stand for election. We will also promote through newspapers in different languages for people of diverse race and government websites.

8. After the end of the nomination period, we will launch another series of TV and Radio APIs as well as posters to encourage the public to vote. We also plan to step up our publicity efforts through various channels, including TV, radio, digital media, government venues and websites, major public transportation networks and ethnic minorities newspapers, etc., to encourage the public to vote. At the district level, we will put up banners and lamppost buntings at prominent locations.

9. On the other hand, Radio Television Hong Kong (“RTHK”) will produce elections forums, as well as short clips and trailers to introduce manifestos of candidates. Manifestos of candidates will be broadcast on RTHKTV 31 and in its radio channels. RTHK would comply with the equal time rule which ensures all candidates are given with equal air time.

Electoral Arrangements for the Election Committee Constituency

10. Under the improved electoral system, the Election Committee Constituency

(“ECC”) will return 40 members of the Legislative Council. The REO plans to set up a central polling station for the ECC. As such, in addition to uploading information on REO’s dedicated election website, the REO will prepare leaflets for members of the Election Committee with information on the polling procedures from collection of ballot paper(s) to casting of vote(s), counting of votes, voting secrecy and the importance of clean election, etc.

Publicity for New Electoral Arrangements

11. New electoral arrangements, including Electronic Poll Register (“EPR”), special queue for electors in need², and safety measures amid Coronavirus Disease 2019 (“COVID-19”) pandemic, etc. will be implemented for the coming LCGE. About five weeks before the polling day, the REO will broadcast a series of TV and Radio APIs on the voting procedures, points to note and new arrangements (e.g. the application of EPR, special queuing arrangement for electors in need and safety measures amid COVID-19 pandemic, etc.) so that the public can have a better understanding on the related arrangements. We will also produce TV information videos to be broadcast on major television channels. RTHK will produce thematic trailers in English, Cantonese and Putonghua, a variety of programmes for its radio channels and special TV programmes, in order to inform the public of implementation details of the new electoral arrangements.

Financial Implications

12. The estimated cost of the publicity programme described above is about \$37.7 million. REO has reserved sufficient provisions in the draft estimates for 2021 – 2022, and will redeploy its resources if needed.

Advice Sought

13. Members’ comments on the proposed publicity programme are sought.

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² Including persons who are 70 years old or above, pregnant women, and persons who because of illness, injury, disability or dependence on mobility aids are not able to queue for a long time or have difficulty in queuing.