

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 19 July 2021

Publicity for the 2021 Legislative Council General Election

Purpose

This paper summarizes the discussions held by the Panel on Constitutional Affairs ("the Panel") on the publicity for Legislative Council ("LegCo") General Elections in recent years.

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 General Election) to formulate publicity strategy and work out the programmes of the voter turnout publicity ("VTP") campaign. The working group included representatives from the Registration and Electoral Office ("REO"), the Home Affairs Department, the Information Services Department, the Independent Commission Against Corruption ("ICAC") and the Radio Television Hong Kong.

3. The budgets for the 2012 and 2016 VTP campaigns were both \$33 million. The proposed budget for the publicity activities for the discontinued 2020 LegCo General Election was \$32 million. The voter turnout rates of the LegCo General Elections in 2012 and 2016 were as follows:

	2012	2016
Geographical constituencies		
Voter turnout rate	53.05%	58.28%
Total number of electors	3 466 201	3 779 085
Functional constituencies		
Voter turnout rate (Note)	69.65%	74.33%
Total number of electors (for the contested constituencies)	216 979	232 498
District Council (second) functional constituency		
Voter turnout rate	51.95%	57.09%
Total number of electors	3 219 755	3 473 792

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

Sources: Electoral Affairs Commission Reports on the LegCo General Elections held in 2012 and 2016

Past discussions of the Panel

4. The Panel discussed the publicity programmes for various LegCo General Elections at its meetings held on 21 May 2012, 18 April 2016 and 18 May 2020. The major issues raised by members are summarized in the following paragraphs.

Voter turnout publicity

5. Members enquired about the Administration's plan to boost voter turnout on the polling day and whether souvenirs would be distributed on the polling day to promote voter participation. The Administration advised that publicity efforts would be made vigorously to increase voter turnout and encourage voting through various channels, including Announcements in the Public Interests ("APIs") on television/radio and online, advertisements, posters, etc. Souvenirs would also be distributed throughout the campaign period to promote general awareness of the election and encourage voter turnout. The Administration advised that while it would continue to explore feasible measures to boost voter turnout, many factors would also affect voter turnout rate, including the competitiveness of elections, and the canvassing activities conducted by candidates. To encourage electors to cast their votes, REO

would also make sustained efforts in identifying suitable venues which were most convenient to electors as polling stations.

6. When the Panel was briefed on the VTP campaign for the 2016 LegCo General Election, members enquired why the proposed budget of \$33 million set aside for the VTP campaign for the election was the same as that for the 2012 LegCo General Election. The Administration explained that unlike the 2012 LegCo General Election where extra publicity had to be launched to educate voters about the newly introduced "one-person-two-votes" arrangements, there was no need to do so again for the 2016 LegCo General Election. The Administration considered that the proposed budget for 2016 would suffice for implementing the series of publicity activities which would be launched through various channels in phases from early July 2016 to the polling day.

Publicity on clean elections

7. Members enquired about the publicity measures to prevent corrupt and illegal conduct in elections. They considered that the Administration should explain the restrictions and disclosure requirements on election expenses set out in the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("ECICO") to parties concerned. The Administration advised that ICAC would organize publicity programmes to promote clean elections. Briefings would also be organized for candidates, their electioneering teams and political parties/organizations on the major provisions of ECICO. Some members expressed concern that publicity campaigns might be launched by prospective candidates well before the election periods. They questioned whether the expenditures so incurred would be counted as election expenses and subject to the regulation of ECICO. The Administration advised that section 2(1) of ECICO stipulated that "election expenses" meant expenses incurred or to be incurred, before, during or after the election period, by a candidate for the purpose of promoting the election of the candidate or prejudicing the election of another candidate. Any expenditures incurred for election purpose should be regarded as election expenses.

Eligibility of electors living outside Hong Kong

8. Some members enquired about the voting eligibility of Hong Kong permanent residents who resided and worked in the Mainland. They suggested that relevant information should be publicized through APIs. The Administration advised that under the current legislation, a person was not eligible to be registered as an elector in the geographical constituencies unless, at the time of applying for registration, the person satisfied the Electoral Registration Officer that he/she ordinarily resided in Hong Kong and that the residential address provided was the person's only or principal residence in

Hong Kong. The Administration further advised that the definition of "ordinarily resides in Hong Kong" was a complicated issue of both law and fact. Whether a person "ordinarily resides in Hong Kong" depended on the facts of each case and involved judgment on the specific circumstances of the case such as the concerned person's linkage or relation with Hong Kong. REO would need to consider relevant previous court judgments, if any, and seek the advice of Department of Justice if necessary. The Administration explained that 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.

Recent development

9. The Administration will brief the Panel on the publicity programme for the 2021 LegCo General Election at the next meeting on 19 July 2021.

Relevant papers

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

**Relevant documents on publicity for the
2021 Legislative Council General Election**

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	21.5.2012 (Item IV)	Agenda Minutes
	21.12.2015 (Item IV)	Agenda Minutes
	18.4.2016 (Item IV)	Agenda Minutes
	18.5.2020 (Item V)	Agenda Minutes

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