

LCQ1: Ensuring fair and smooth conduct of Legislative Council General Election

Following is a question by the Hon Starry Lee and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (September 15):

Question:

The 2021 Legislative Council (LegCo) General Election will be held on December 19 this year. Some members of the public have pointed out that this Election has a significant meaning in that it is the first LegCo election to be held after the electoral system has been improved to implement the most fundamental principle of "patriots administering Hong Kong". However, during the canvassing period for candidates and even on the polling day of the 2019 District Council (DC) Election, there were numerous illegal acts in society which involved the use of violence to obstruct individual candidates and their teams from conducting electioneering activities. In addition, a large quantity of extreme and misrepresented propaganda appeared on the Internet in an attempt to discredit individual candidates and the entire polling arrangement, advocate electors to take actions to obstruct other electors from voting as well as boycott that Election. In order to ensure the fair and smooth conduct of the LegCo General Election, will the Government inform this Council:

(1) whether it has any targeted plan to enable members of the public to correctly understand the most fundamental principle of "patriots administering Hong Kong" under the new electoral system; if so, of the details; if not, the reasons for that;

(2) of the strategies and measures it has put in place to guard against the recurrence in this Election of illegal acts similar to those which occurred in the 2019 DC Election; the Government's deployment for the election day to ensure that candidates can conduct electioneering activities safely and electors can go to the polling stations to cast their votes free from threat, so as to enable this Election to be conducted fairly and smoothly; and

(3) given that the Government will introduce for the first time in the LegCo General Election measures to provide special queuing arrangement for voters in need and use the Electronic Poll Register system to assist in the issuance of ballot papers, of the Government's plan to strengthen the training for polling staff, and whether measures are in place to prevent the Election from being affected by the coronavirus disease 2019 epidemic, so as to ensure the smooth conduct of this election?

Reply:

President,

The National People's Congress (NPC) made the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region (HKSAR) (the Decision) on March 11, 2021 and authorised the NPC Standing Committee (NPCSC) to amend Annex I on Method for the Selection of the Chief Executive of the HKSAR and Annex II on Method for the Formation of the Legislative Council (LegCo) of the HKSAR and its Voting Procedures to the Basic Law. Subsequently, the NPCSC adopted the amended Annex I and Annex II to the Basic Law on March 30. To implement the amended Annex I and Annex II to the Basic Law, the HKSAR Government introduced the Improving Electoral System (Consolidated Amendments) Bill 2021 (the Bill) into the LegCo for first reading and second reading on April 14. After a total of 5 subcommittee meetings involving 10 meeting hours and a total of 12 intensive meetings of the Bills Committee involving 37 meeting hours, the Bill was passed by the LegCo on May 27. The Improving Electoral System (Consolidated Amendments) Ordinance 2021 (Amendment Ordinance) was formally gazetted and came into effect on May 31. Currently, the Constitutional and Mainland Affairs Bureau (CMAB) is working closely with the Electoral Affairs Commission (EAC) to ensure the three upcoming important elections are conducted in accordance with relevant legislation and in a fair, open and honest manner.

In consultation with the Food and Health Bureau (FHB), the Security Bureau and the Independent Commission Against Corruption (ICAC), our consolidated reply to the Hon Starry Lee's question is as follows:

(1) Following the NPC's passage of the Decision on March 11, the Legislative Affairs Commission of the NPCSC, together with the Hong Kong and Macao Affairs Office of the State Council and the Liaison Office of the Central People's Government in the HKSAR, organised more than 60 seminars and conducted various visits and meetings in Hong Kong on the implementation of the NPC's Decision on the improvement of the electoral system of the HKSAR between March 15 and 17 to enable different sectors in Hong Kong to understand more about the background, ideas and principles of the Decision. They have gauged extensively the views of representatives from various sectors of the Hong Kong society. Besides, the HKSAR Government all along spares no effort in explaining to the public about the advantages, the necessity and urgency of improving the electoral system, as well as how the improved electoral system fully implements "patriots administering Hong Kong" and enhances the effectiveness of governance. Since March this year, the CMAB has allocated more than \$16 million on various publicity activities. In addition to printing and distributing more than 100,000 copies of booklets outlining the improved electoral system in detail, the Government has set up a dedicated website on improving the electoral system, with user friendly texts and diagrams explaining the related matters. Moreover, Secretaries of Departments and Directors of Bureaux have explained the improved electoral system to various sectors in the community through their political platforms, blogs and media interviews, etc., and the Chief Executive even personally hosted a TV programme of the Radio Television Hong Kong to discuss with guests from the 40 Election Committee subsectors, with a view to providing

the public with an in-depth explanation on improving the electoral system.

Moreover, the concept of "patriots administering Hong Kong" has been featured in the ongoing publicity campaign for the 2021 Election Committee Subsector Ordinary Elections and the publicity campaign for the 2021 LegCo General Election commencing in early October, with a view to enabling the public to clearly understand the necessity and superiority of the improved electoral system, i.e. enhancing the balanced and orderly political participation of the Hong Kong community and ensuring broader representation of the political structure, so as to better realise the overall and fundamental interests of the Hong Kong community and fully implement the principle of "patriots administering Hong Kong" further.

(2) The Decision of the NPC on March 11 stipulates that the HKSAR should effectively organise and regulate relevant electoral activities in accordance with law, with a view to implementing the new electoral system that accords with the actual situation in Hong Kong. In this connection, two new offences have been introduced under the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) by virtue of the Amendment Ordinance, including the corrupt conduct to wilfully obstruct or prevent another person from voting at an election, and the illegal conduct to incite another person not to vote, to cast a blank or invalid vote by way of public activity during an election period. As the law enforcement agency of the ECICO, the ICAC will pay close attention to conducts that may constitute manipulation of or sabotaging the elections, and take resolute law enforcement action to combat such illegal activities. Where appropriate, the ICAC will take the initiative to request relevant social media platforms or websites to remove potentially illegal content. The ICAC has kick-started a holistic educational and publicity programme by organising face-to-face sessions to brief stakeholders in the elections on the electoral law and aforementioned new offences, while strengthening the online publicity campaign by producing promotional videos on the new offences after the legislative amendments considering that this type of behaviours mostly occur on the Internet. Regarding the false information about the elections, not only will the relevant officials and the EAC Chairman personally clarify the issues, the relevant clarifications will also be posted on the website of the CMAB, the Facebook page and dedicated website of the LegCo General Election, and the dedicated website on improving the electoral system, with a view to providing the public with correct information as soon as possible.

Indeed, we must point out that the cyber world of the Internet is not a virtual space not bound by law. In Hong Kong, most of the laws targeting crime prevention in the real world apply also in the cyber world of the Internet. Therefore, the public should use the Internet lawfully and properly. Any criminal offences are regulated by the relevant laws regardless of whether they were committed in real life or online. The Police have all along gathered intelligence for criminal offences committed in the cyber world through various channels, including online platforms and social media, and would disseminate crime prevention messages via the Internet. If someone is found to be suspected of breaching the law, the Police will investigate and take enforcement actions in accordance with law. For the 2021 LegCo

General Election, various government departments will work closely to formulate an appropriate security plan to deal with possible risks that may occur and ensure that all election-related activities will be conducted in a smooth and orderly manner. On the polling day, the Police will, based on the risk assessments, implement appropriate measures and make manpower arrangements in each polling station and its vicinity so as to enable the election to be conducted safely.

(3) We are now recruiting electoral staff for the 2021 LegCo General Election. We will conduct briefing sessions on the polling and counting procedures as well as the relevant arrangements for the electoral staff, including hands-on practice of counting duties. In view of the new measures in enhancing the electoral arrangements, including the electronic poll register system and the dedicated queue for electors with special needs, the Registration and Electoral Office will include designated slots during the briefing sessions to brief electoral staff on relevant arrangements, with a view to ensuring smooth operations on the polling day. Meanwhile, having regard to the experience in the 2019 District Council Ordinary Election, we shall strengthen the polling management training for the polling officers concerned, with an emphasis on enhancing their capability in maintaining the order of the polling and counting stations, etc.

In addition, we will closely keep in touch with the FHB and the Centre for Health Protection of the Department of Health to continuously assess the impact of the epidemic on the LegCo General Election to formulate various plans. Our preliminary plan is to set up a polling station at the Penny's Bay Quarantine Centre to allow electors who are undergoing compulsory quarantine to temporarily leave their rooms to vote. As regards persons arriving at Hong Kong who are undergoing compulsory quarantine at designated places, considering that COVID-19 cases with mutant strain are of relatively higher transmissibility, we consider that electors who intend to vote should take note of the quarantine measures for inbound travellers, and plan their itinerary as early as possible to allow sufficient time for quarantine arrangements, so that they can exercise their voting right at their allocated polling stations on the polling day.