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Mrs Percy MA
Clerk to LegCo Panel on Constitutional Affairs
Legislative Council
3/F Citibank Tower
3 Garden Road, Central
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Dear Mrs Ma,

Special Polling Arrangements

At the meeting of the Legislative Council (LegCo) Panel on Constitutional Affairs held on 15 December 2003, Members requested the Administration to consider the possibility of adopting special polling arrangements in Hong Kong. This letter sets out the Administration's view on this issue.

Under existing electoral legislation, electors are required to cast their votes in person at the designated polling stations on a specified polling day. While the arrangements have been operating smoothly over the years, there have been questions on whether special polling arrangements such as advance polling and postal polling will be introduced.

The Administration is committed to facilitating electors to exercise their voting rights. However, it is important to ensure that the fairness of election will not be compromised with the introduction of any new arrangements. Besides, the arrangements must be carefully considered in the light of their operational and financial implications.

With the above considerations in mind, the Administration did explore the feasibility of providing alternative arrangements to facilitate electors who could not turn up at designated polling stations to vote on the specified polling day in the context of drafting the relevant legislation for the 2000 LegCo Election. At that time, the Administration proposed the introduction of advance polling but the proposal was subsequently withdrawn because of the divergent views expressed by Members during the scrutiny stage of the legislation. In particular, Members expressed concern that the premature release of exit poll results conducted on advance polling day might influence electors' choice on general polling day.

As the existing legislation does not provide for the implementation of alternative polling arrangements such as advance polling, amendments to the relevant ordinance and subsidiary legislation will be required if we wish to put in place such arrangements. Before working on the legislation, the relevant concerns need to be thoroughly addressed, and the operational problems resolved. We must also ensure that the public is fully consulted. Taking into account the time required for all these necessary steps, we do not consider it feasible to introduce any special polling arrangements for the coming LegCo election in September 2004. However, we will bear in mind the views expressed by Members in considering how to improve the electoral arrangements for future elections.

Yours sincerely,

(Miss May CHAN)
for Secretary for Constitutional Affairs