

Legislative Council Panel on Constitutional Affairs

Electoral Affairs Commission Interim Report on the 2004 Legislative Council Election

Introduction

The Electoral Affairs Commission (EAC) published the Interim Report on the 2004 Legislative Council (LegCo) Election (the Interim Report) on 10 November 2004. This paper informs Members of the follow up action that will be taken by the Government.

Background

2. The third term LegCo Election was held on 12 September 2004. Section 8 of the Electoral Affairs Commission Ordinance (Cap. 541) requires, inter alia, that the EAC shall make a report to the Chief Executive, within three months after the election, on matters relating to that election in respect of which the Commission has any function under Cap. 541 or any other Ordinance. Thus, the EAC should submit a report on the 2004 LegCo election to the Chief Executive by 12 December 2004. In view of public concern on the various problems regarding the practical arrangements of the 2004 LegCo election, the EAC submitted an interim report to the Chief Executive on 8 November 2004 to give an account of the progress of investigation carried out by the EAC and the findings so far in respect of the major areas of complaints.

3. The findings of the Interim Report affirms that the integrity of the election has not been affected. The electoral process is open, fair and honest. The findings of the Interim Report also reveal a number of administrative and planning errors relating to the practical arrangements for the election. The EAC has proposed a number of improvement measures (please see a separate paper prepared by the Registration and Electoral Office for the Panel). The EAC also proposes that considerations be given as to whether it is necessary to seek assistance from outside experts to follow up on the findings and recommendations.

The Independent Committee of Experts

4. The various problems identified in the Interim Report reveal that there is clearly room for improvement in the planning and conduct of election. In view of this, the Government has decided to set up a non-statutory Independent Committee of Experts to review the management, planning and conduct of elections, and to make recommendations on improvement measures. Its terms of reference is at the **Annex**.

5. On the basis of the EAC's reports, any further information obtained by the Committee regarding the arrangements for the 2004 LegCo election, and the Committee's assessment of the management responsibilities for these arrangements, the Independent Committee of Experts will review and advise on how the Registration and Electoral Office may better support the EAC in carrying out its statutory functions in the conduct and supervision of elections, and how the communication system and other arrangements for the counting of votes and the compilation and announcement of polling and counting figures can be improved.

6. The Committee will consist of three members appointed by the Chief Executive with relevant experience in legal, information technology, and management and logistics matters. We will establish the committee as soon as possible. It will start work after the EAC has submitted the final report. We expect that the Committee will take about three months to complete its work, and will submit a report to the Chief Executive afterwards. The membership of the Committee will be announced later.

Constitutional Affairs Bureau
10 November 2004

**Independent Committee of Experts for the Review
on the Management, Planning and Conduct of Elections**

Terms of Reference

Having regard to the reports of the Electoral Affairs Commission (EAC) and any further information obtained by the Committee regarding the arrangements for the 2004 Legislative Council election, and in the light of the Committee's assessment of the management responsibilities for these arrangements-

- (a) to review and advise on how:
 - (i) the Registration and Electoral Office (REO) may better support the EAC in carrying out its statutory functions in the conduct and supervision of elections;
 - (ii) the REO may better perform its functions in relation to the management, planning and conduct of elections; and
 - (iii) the communication system and other arrangements for the counting of votes and for the reporting, compilation and announcement of polling and counting figures and other relevant matters can be improved, and
- (b) to make such recommendations as it considers necessary for further follow-up action.