

**Electoral Affairs Commission Final Report
on the 2004 Legislative Council Election**

**Statement by the Secretary for Constitutional Affairs at the
Legislative Council Meeting held on 15 December 2004**

Madam President,

The third term Legislative Council (LegCo) Election was held on 12 September. In view of the public concern on various problems regarding the practical arrangements for polling day, the Electoral Affairs Commission (EAC) made public the Interim Report on the 2004 LegCo election in November to give an account of the progress of the Commission's investigation into the problems regarding the arrangements on the polling day and its findings. The Interim Report affirms that the electoral process was conducted in an open, fair and honest manner. The problems which occurred on polling day had not affected the integrity of the election.

2. The EAC continued its investigation into the uncompleted complaint cases as well as other outstanding issues after the submission of the Interim Report. The Final Report made public by the EAC today gives a detailed report on the findings of those issues and sets out the EAC's recommendations on improvement measures for future elections.

3. The EAC has just held a press conference to give a briefing on the findings of the Final Report. I will now briefly explain its main findings and the follow up action that will be taken by the Government.

The Interactive Voice Response System

4. The EAC mentioned in the Interim Report that it would continue its investigation into the problems occurred on polling day relating to the Interactive Voice Response System (IVRS) which was deployed to collect voter turnout figures and counting results from polling stations, and would set out its findings in the Final Report. After in-depth investigation, the EAC is of the view that the shortfall in the design of the

software programme of the system, the deficiencies in the testing approach, and the lack of a suitable contingency plan are the main factors leading to the failure of the IVRS.

5. The findings of the Final Report indicate that although the failure of the IVRS had given rise to the delay in the compilation of voter turnout statistics and announcement of election results, the integrity of the election has not been affected.

6. The experience of this election reflects that there is room for improvement in the management, planning and conduct of elections. The Chief Executive has earlier announced the setting up of the Independent Committee of Experts. The Committee will conduct a review of the relevant issues and will make recommendations on improvement measures.

Findings of the Final Report

7. In the light of the experience of this election and taking into account the views received by the Commission from different parties, the EAC has put forth in the Final Report a number of recommendations to improve the arrangements for future elections. Some of the recommendations are on operational arrangements, while some concern long term electoral arrangements. For example, if decentralized counting centre could be set up in each of the eighteen districts or in each of the five geographical constituencies, and whether these arrangements would enhance efficiency and co-ordination. Further, apart from the existing voting arrangement, we could consider whether advance polling be adopted to facilitate electors who are not in Hong Kong on polling day to exercise their voting rights.

8. Bureaux and departments concerned will consider carefully the recommendations put forth in the report and, where necessary, will further discuss with the EAC. At the same time, we welcome the public to put forth their views on these recommendations. If we have any plan to introduce changes to the arrangements for future elections, there will definitely be prior consultation with the Legislative Council and the

public.

Independent Committee of Experts

9. The Chief Executive has announced earlier today the appointment of Dr Daniel TSE Chi Wai, the President Emeritus of the Hong Kong Baptist University, as the Chairman of the Independent Committee of Experts. Other members of the Committee include Mr Philip CHEN Nan Lok, Mr Daniel LAI and Mr Herbert TSOI Hak Kong. They are experienced members in management and logistics, information technology and legal fields. With their knowledge and experience, the Committee members will offer views and make recommendations on the management, planning and conduct of elections.

10. The Committee will collect through different channels the information necessary for the conduct of the review. Apart from the EAC's Interim Report and Final Report, the Committee will listen to the views of the public and other parties concerned including LegCo Members.

11. Relevant departments and organisations, including the EAC, the Registration and Electoral Office and Constitutional Affairs Bureau, will co-operate fully with the Committee and will provide information for the Committee's consideration as required.

12. The Committee will be serviced by an independent secretariat in taking forward its work. We expect the Committee to start work in early January, and will take about three months to complete its work and report.