

**Motion debate on
“Ensuring the conduct of fair elections”
held at the Legislative Council meeting
on 23 January 2008**

Progress Report

Introduction

At the meeting of the Legislation Council (“LegCo”) held on 23 January 2008, the motion on “ensuring the conduct of fair elections” moved by Hon Audrey EU Yuet-mee, as amended by Hon TAM Yiu-chung, was carried. This report seeks to update Members on the latest development since then.

Follow-up to the Two Elections held in 2007

2. The Electoral Affairs Commission (“EAC”) submitted the reports on the 2007 District Council (“DC”) Election and the 2007 LegCo Hong Kong Island Geographical Constituency By-election to the Chief Executive in February 2008. The two reports were made public on 11 March 2008. The reports describe how the EAC conducted and supervised the two elections, and set out the detailed arrangements and relevant follow up actions to the elections. The reports also contain a review of relevant electoral arrangements in the light of experience, and improvement measures for future elections. The issues covered in the reports include:

- (a) **Exit Poll:** Some electors were dissatisfied that they were

asked to disclose their voting choice. Some electors misunderstood that exit polls were conducted by the EAC or the Government. There was also a complaint that the interviewer claimed that the exit polls were commissioned by the Government. In the light of views and complaints received, the EAC considered it necessary to fine-tune measures on the governance of exit polls, including that the exit poll interviewers should be reminded to wear their identification badges issued by the Registration and Electoral Office (“REO”); interviewers must also make it clear to the interviewee that he has full discretion to decide whether or not to answer the interviewers’ questions and the fact that exit polls are neither conducted by the EAC nor by the Government. The Guidelines on Election-related Activities in respect of the LegCo Election (“the Guidelines”) should also be reviewed to consider the possibility of providing greater transparency on the particulars of the organisations which had obtained approval to conduct exit polls.

- (b) **Incidents of violence during the election:** the EAC expressed concerns on these incidents and stressed that election-related violence would not be tolerated. In addition, the Police would not tolerate any election-related violence and adequate police coverage would be provided to ensure a smooth and safe election. The Police has been following up relevant incidents which happened during the two elections in 2007, and has arrested persons involved in some cases. For future elections, the Police will review and improve

relevant procedures in light of the experience of recent elections.

- (c) **Complaints about the media:** the EAC has received a number of complaints during the 2007 LegCo by-election about unfair treatment of candidates by the media (including radio, magazines and newspapers), which involved the canvassing of votes for particular candidates, and the mentioning of the names of specific (rather than all) candidates. Questions were raised as to whether some of the media reports, special edition or interviews should be regarded as election advertisements promoting or prejudicing the candidature of individual candidates in the by-election. The EAC conducted detailed investigation into complaints concerning these issues. Individual cases were referred to relevant enforcement authority for follow-up action. The investigation regarding some cases is still on-going. Advisory or caution letters would be issued by the EAC to the candidates and the media organisations concerned reminding them to observe the fair and equal treatment principle set out in the Guidelines, as appropriate. The EAC is committed to ensuring that the fair and equal treatment principle stipulated in the Guidelines is observed by all.

- (d) **Training for Electoral Staff:** a number of incidents at the 2007 DC Election indicated that there was room to enhance training for polling staff for future elections. In the light of experience gained over the two recent elections, the EAC

recommended stepping up the training for polling staff to familiarize them with relevant electoral legislation, guidelines and directions laid down in the operational manual. The REO will conduct the recruitment and training for the electoral staff in the coming months. The REO will seek to fill the posts by civil servants, subject to the availability of manpower for deployment within the civil service. In line with past practices, the electoral staff will be fully trained and briefed on the principle of fair election. They will also be reminded to work according to the relevant electoral legislation and electoral guidelines.

3. The Government will work closely with the EAC to follow up on the recommendations contained in the two reports, taking into consideration the views of the community.

Preparatory Work for the 2008 LegCo Election

4. The Government announced on 18 February 2008 that the 2008 LegCo Election will be held on 7 September, and the nomination period is scheduled for 19 July to 1 August. In this connection, the Government is undertaking a series of preparatory work.

Reviews on Legislation and Guidelines

5. As regards review on relevant legislation, we introduced the Legislative Council (Amendment) Bill 2007 into the LegCo on 19 December 2007. The Bills Committee has finished the

examination on the bill recently, and we will take forward relevant legislative procedures. On the other hand, we consulted the LegCo Panel on Constitutional Affairs in January 2008 with regard to proposed amendments to the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D). The EAC enacted the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2008 on 17 March 2008. We shall table the amendment regulation at the LegCo shortly.

6. In light of experience gained at the two elections held last year, and taking account of relevant legislative amendments, the EAC has reviewed the Guidelines. The EAC plans to consult the public shortly on the proposed amendments to the Guidelines, with a view to gauging the views of the public on various arrangements proposed in the Guidelines.

Other Preparatory Work

7. We have consulted the LegCo Panel on Constitutional Affairs on a number of arrangements for the 2008 LegCo Election, including the counting arrangement, the venue for the central counting station, the proposed election expense limits, etc. We will follow up on Members' views, and will continue to seek views from the LegCo on other arrangements relating to this election in the coming few months.

Constitutional and Mainland Affairs Bureau
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