

LEGCO QUESTION NO. 3
(Oral Reply)

Asked by: Hon. Emily LAU

Date of meeting: 16 January 2008

**Replied by: Secretary for
Constitutional and
Mainland Affairs**

Question:

Recently, some members of the public have reflected to me that on the polling day of the District Council election on 18 November last year, some people who claimed to be from a certain policy research centre conducted an exit poll outside the exits of polling stations, enquiring electors who had cast their votes about their voting preferences. These people claimed that they had been commissioned by the Government to conduct the poll. Some of them even entered the polling stations to conduct the poll. In this connection, will the Executive Authorities inform this Council whether:

- (a) they have commissioned any policy research centre to conduct any exit poll; if so, of the details and the reasons for that, and when the results of the exit poll will be released;
- (b) they have permitted any institution to conduct any exit poll inside polling stations; if so, of the reasons for that; and
- (c) measures are in place to monitor if institutions conducting exit polls have released the information obtained from the polls to outsiders, or used such information to assist certain candidates in canvassing votes more effectively during the election?

Reply:

Madam President,

- (a) The Government had not commissioned any organization to conduct exit poll for the 2007 District Council (“DC”) Election.
- (b) Chapter 14 of the Guidelines on Election-related Activities in respect of District Council Election (“the Guidelines”) set out the guidelines for the conduct, publication and broadcasting of results of exit polls. According to the Guidelines, exit polls may be conducted by any person or organization. Organizations or persons intending to conduct exit polls must apply to the REO at least 7 days before the polling day. The REO would consider the application and issue approval to the concerned person or organization in accordance with the Guidelines. The Guidelines provide that exit polls must not be conducted inside the polling stations. The REO would also remind the concerned organizations or persons that in conducting exit polls, they should comply with section 43(13) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541F), which stipulates that a person must not stay or loiter in the no staying zones (“NSZs”). They should also comply with section 14.5 of the Guidelines which does not allow them to accost electors in the NSZs. Regarding the 2007 DC Election, the REO approved a total of 13 organisations or persons to conduct exit polls.
- (c) Under the current legislation or Guidelines, the Electoral Affairs Commission (“EAC”) has not imposed any specific regulation on the use of information collected through exit polls. Nevertheless, any announcement of the results of exit polls or predictions during the polling hours may affect elector behaviour and may have an impact on election results. As such, the EAC appeals to the media and concerned organizations in the Guidelines to refrain from announcing the results of exit polls or making specific remarks or predictions on the performance of individual candidates until after the close of poll. The REO would remind concerned organizations or persons of the relevant guidelines in approving their applications to conduct exit poll. Should any organization or person fail to comply

with the Guidelines, the REO may address a warning letter to the concerned party on the breach of the Guidelines, and the EAC may also make a reprimand or censure in a public statement which may include the name of the concerned organization or the person.