

**Extract from draft minutes of meeting of
Panel on Constitutional Affairs on 21 January 2008**

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IV. Research study on "Exit poll" proposed by Hon Emily LAU

(LC Paper No. CB(2)869/07-08(01) - LegCo question raised by Hon Emily LAU at the Council meeting on 16 January 2008 and the Administration's reply

LC Paper No. CB(2)900/07-08(01) - A list of organisations and persons allowed to conduct exit poll for the 2007 District Council Election

LC Paper No. CB(2)900/07-08(02) - A letter dated 4 January 2008 from the Electoral Affairs Commission concerning exit polls conducted for the 2007 District Council election and the 2007 LegCo By-election provided by Hon Margaret NG)

7. The Chairman informed members that a list of 13 organisations and persons allowed to conduct exit polls for the 2007 DC election provided by the Administration in response to the request of Hon Emily LAU was tabled at the meeting (issued to members vide LC Paper No. CB(2)900/07-08(01) on 24 January 2008).

8. Ms Emily LAU said that on the basis of the Administration's response to the LegCo question raised by her at the Council meeting on 16 January 2008, the existing rules for regulating exit polls appeared to be rather loose. She proposed that a research be carried out to study how exit polls were regulated in overseas jurisdictions.

9. Mr Ronny TONG expressed concern whether the 13 organisations and persons were in any way associated with the candidates of the DC election. He pointed out that if the results of exit polls were disclosed to certain candidates to assist them in canvassing votes during the election, it would be unfair to other candidates. He requested the Administration to provide a paper explaining the existing measures for regulating the conduct of exit polls so as to facilitate members to ascertain whether or not they complied with the principles of fairness and openness in an election. He also suggested that the Panel should follow up the matter at a future meeting.

10. Ms Margaret NG said that she had written to the EAC enquiring about the exit polls conducted for the 2007 DC election and the 2007 LegCo by-election. She would provide the reply of the EAC for reference of members (the reply was issued to members vide LC Paper No. CB(2)900/07-08(02) on 24 January 2008).

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Ms NG informed members that exit polls were also conducted for the 2007 LegCo by-election by four organisations. The EAC had declined to provide contact details of the organisations and persons conducting exit polls on the ground of protection of privacy.

11. Some members, including Mr Ronny TONG, Ms Margaret NG, Mr Albert HO, Mr LEUNG Yiu-chung, Ms Audrey EU, Mr CHEUNG Man-kwong and Mr LEUNG Kwok-hung, supported Ms Emily LAU's proposal to conduct a research study on exit polls. They suggested that the proposed research study should cover the following matters -

- (a) who were eligible to conduct exit polls, whether parties conducting exit polls were confined to academic institutions and if so, whether they had to be registered members of certain internationally recognised organisations for conducting polls;
- (b) whether candidates and political parties were prohibited from conducting exit polls;
- (c) whether applicants were required to submit application forms and declarations for the purpose of conducting exit polls, and the content of the application forms;
- (d) the regulations and guidelines imposed on the conduct of exit polls, and whether exit polls were allowed in all polling stations;
- (e) whether information obtained in exit polls could be provided to candidates/political parties for their use before the close of poll and if so, whether the expenses for conducting the exit polls were counted as election expenses of the candidates concerned;
- (f) the regulations and guidelines imposed on the use of information collected through exit polls, and whether parties conducting exit polls were required to submit a report on the results of exit polls and the usage of the results;
- (g) what actions would be taken against those who had breached the regulations/guidelines on the conduct of exit polls and the use of information collected through exit polls, and
- (h) the research study should also cover the situation in Hong Kong.

RLSD 12. Mr LEUNG Yiu-chung suggested and members agreed that the RLSD should propose a research outline for members' consideration at the next meeting. Ms Emily LAU said that the RLSD should also advise when the research would be completed.

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13. On the 13 organisations and persons approved by the Administration to conduct exit polls for the 2007 DC election, some members raised the following points -

- (a) the process of approving the applications from the 13 organisations/persons;
- (b) background of the 13 organisations/persons and whether they had any connection/association with the candidates of the DC election;
- (c) the reasons provided by the 13 organisations/persons for conducting the exit polls;
- (d) details of the guidelines for conducting exit polls provided to the 13 organisations/persons; and
- (e) the results of these exit polls and their usage.

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14. To facilitate further consideration, members considered it useful if the Administration/RLSD could provide information set out in paragraph 13.

15. The Chairman said that the item would be included in the list of outstanding items of the Panel. The timing for discussing the item would be subject to the availability of the research report.

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