

**THE OFFICE OF ROBERT T.Y. CHUNG 鍾庭耀辦公室**

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17 December 2017

Hon Martin LIAO Cheung-kong, SBS, JP

Chairman

Panel on Constitutional Affairs

The Legislative Council of the Hong Kong Special Administrative Region

(By post, fax: 25099055, and email: [panel\\_ca@legco.gov.hk](mailto:panel_ca@legco.gov.hk))

Dear Hon Martin LIAO,

**Special Meeting of Panel on Constitutional Affairs on December 20, 2017**

Thank you for your letter of December 14, 2017 inviting us at the Public Opinion Programme of The University of Hong Kong to attend the special meeting of your Panel to be held on December 20, 2017, to express our views on the Consultation Paper on Review of Electoral Arrangements. To facilitate our discussions that day, let me first send you my written submissions. Because I will be out of town that day, I will send a representative to attend the meeting.

To start with, I would like to inform panel members that I am making my submissions under two capacities: 1) Director of Public Opinion Programme at The University of Hong Kong, and 2) newly elected President of WAPOR Asia (World Association for Public Opinion Research: Asia Chapter). There is no conflict of role and status between the two positions, only a difference in perspective and weight of opinion.

The World Association for Public Opinion Research (WAPOR) was established 70 years ago, its constitution starts downright with this:

Public opinion is a critical force in shaping and transforming society. Properly conducted and disseminated survey research provides the public with a tool to measure opinions and attitudes in order to allow its voices to be heard. In light of this mission the Association shall... promote in each country of the world the right to conduct and publish scientific research on what the people and its groups think and how this thinking is influenced by various factors... promote the

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knowledge and application of scientific methods in this objective...

WAPOR Asia was founded this year, it also considers the conduct and publication of opinion surveys to be a civil right, and endeavors to promote and protect all such rights as its constitutional duty. Moreover, to show its concern, WAPOR regularly investigates and reports on the freedom to publish opinion polls around the world. The last report was published in 2012, its next report should be published next year.

Whether from the research reports or from my personal observations, Hong Kong is still the freest society in Asia and among the four Chinese societies across the Taiwan Straits, we should be proud of our liberal tradition. Mainland China is yet to develop democratic elections, Taiwan forbids the publication of election polls ten days before elections, while Macau forbids such publications throughout the campaign period plus one day after the election. From the global perspective, Hong Kong is the freest Chinese society governed by the rule of law, it is a bridge between the Chinese race and the world. The liberal traditional of Hong Kong did not come by easily, it should not be given up easily too.

According to the study of a German scholar Wolfgang Donsbach<sup>1</sup>, election polls only have minimal effects on people's voting behavior, but even if it has, they should not be banned, otherwise scientific information would be replaced by rumors and insider hearsays, which would only create privileges to the political parties in controlling elections.

Regarding two of the questions raised by the Consultation Paper on Review of Electoral Arrangements on election surveys: 1) Whether election surveys conducted outside the No Canvass Zones on the polling day should be regulated? and 2) Whether election surveys conducted prior to the polling day should be regulated? My answer is "no" to both questions, but I would welcome the government to help introduce international standards to Hong Kong, so that professionals can self-regulate themselves, and people can differentiate good surveys from bad ones. Such standards would spell out the professional ethics of researchers, including submission to professional monitoring, and not using exit polls for election engineering.

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<sup>1</sup> Wolfgang DONSBACH, 2001, "Who's Afraid of Election Polls? Normative and Empirical Arguments for the Freedom of Pre-Election Surveys", Foundation for Information. Downloadable from <https://wapor.org/wp-content/uploads/who-is-afraid-of-opinion-polls.pdf>.

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As a matter of fact, it is virtually impossible for the government to prohibit people and organisations running pre-election polls, or conducting surveys outside the no canvassing areas on election day. It can at most forbid the publication of survey results, but this would create three bad consequences:

## 1. Prevalence of unscientific commentary

Just as what Donsbach has written, the banning of pre-election polls would allow commentators to spread rumors based on what they like, or what they claim to be insider information. Different political camps would also capitalize on this blackout period to distort the opinion climate and disturb the election process. Without the backing of scientific data, society would become less civilized, which is not good for Hong Kong.

## 2. Unfair elections due to information restriction

Under the current system, it is already general knowledge that many pre-election and exit poll researchers are engaged in secret election engineering exercises<sup>2</sup>. Existing regulations cannot effectively forbid research organizations using their data for secret engineering. I do not ask for regulation, because I trust Hong Kong people, and I have high hope in the research profession itself. Any further regulation on any kind of election survey would only dampen information flow, facilitate the monopoly of information by those engaged in even more secret engineering, and bring further injustice to the electoral process.

## 3. “Smart City” no longer smart

Following the global trend, the government is advocating the concept of “smart city”, which basically involves big data, artificial intelligence, and information technology. If Hong Kong can capitalize on our own advantages, like our tradition of freedom, rule of law and civility, we may be able to become a model for all Chinese societies. Curbing information freedom, even only during elections, would turn “smart city” into an empty slogan. Some legislators may think that increased regulation would prevent their opponents from designing “abandon tactics”, or prevent voters from engaging in strategic voting. I think this is putting the cart before the horse, because the basic problem lies in the election system, not in the freedom of information. On the contrary,

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<sup>2</sup> POP has never participated in any secret election engineering exercise.

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when information becomes free and data becomes open, the city will become smart, not to say elections will become fairer.

To conclude, I consider all government regulations on election surveys to be harmful to Hong Kong's development. Even if there are regulations, they should follow these principles: 1) government restrictions lesser the better, 2) information flow freer the better, and 3) professional standards sooner the better. The best way forward is to ask research professionals to follow international standards, comply with regulations set by professional bodies, just like those in the medical and legal professions. In case an organization violates these standards, the professional body will take appropriate actions. In this way, elections can become fairer, information can become freer, and Hong Kong's leadership among Chinese societies would be entrenched.



Robert CHUNG Ting-yiu  
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