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# The 2005 "7.1" Mock Referendum Observers' Report

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## Table of Contents

1. Introduction and Acknowledgements
2. The Framework Document and the Right to Vote
3. The Campaign
4. Referendum Administration and the Polling Day Procedures
5. Vote Counting
6. Results
7. Handling of Complaints
8. Observers
9. Public Opinion
10. Summary and Recommendations



## Attachments

- A. 我們如何監察模擬公投 (民間全民投票準則清單)
- B. 2005 "7.1" Mock Referendum Terms of Reference for Observers
  - C. Questionnaire on visit to polling station before opening
  - D. Questionnaire to be completed for each polling station
  - E. Questionnaire on observation of the vote counting
  - F. Members of the observation team

## 1. Introduction and Acknowledgements

- 1.1 In April 2005, the Civil Human Rights Front resolved to organize a mock referendum on the issues of the election of the Chief Executive and the Legislative Council by universal suffrage. A Referendums Working Group was subsequently set up to plan and implement the referendum, scheduled to take place on 1 July 2005.
- 1.2 The motions put to the vote were: (1) The Chief Executive of the HKSAR shall be elected by universal suffrage from 2007 [由二零零七年起香港特別行政區行政長官必須由普選產生。], and (2) All members of the HKSAR Legislative Council shall be elected by universal suffrage from 2008. [由二零零八年起香港特別行政區立法會所有議員必須由普選產生。]
- 1.3 Following an invitation by the Referendums Working Group of the Civil Human Rights Front, an Observation Mission was formed in May 2005. The Mission consists of a core team of three academics from local universities who took part in an independent study on *Referendums Around the World and Lessons for Hong Kong* between December 2004 and February 2005 [全民投票的環球經驗及對香港的啓示 <http://hkupop.hku.hk>]. Attachments A and B provide readers with further details of the nature of the mission, the basic principles, the responsibilities and obligations and the code of conduct for observers.
- 1.4 The core team was assisted by 18 volunteers on the polling day. The observers were recruited from political science or social sciences departments of local universities. The full list of the members can be found in Attachment F. All observers were provided with guidelines and checklist with reference to known standards for fair and open referendums.
- 1.5 The authors are most grateful to the volunteers for their invaluable contributions to the mission.
- 1.6 The observation team expresses its appreciation to the Civil Human Rights Front and the Referendums Working Group for their assistance and cooperation during the observation.

## 2. The Framework Document and the Right to Vote

- 2.1 The Referendums Working Group had prepared and revised the Framework Document [運作指引] (hereafter “the Framework”) which, in our opinion, was clear, transparent and publicly accessible. It is noted that a press conference was held to explain the operational details of the referendum.
- 2.2 The Working Group had sufficient lead time to organise the referendum. A budget was prepared in advance. The Framework provided for making

- available sufficient and timely funds to the Working Group to manage its operations.
- 2.3 The Working Group ensured the provision of training and training manuals for polling and counting. Two training sessions took place. The Framework provided for an outline of different roles and duties for all concerned parties to ensure orderly conduct on polling day within polling stations and during the counting at the counting station.
  - 2.4 However, recruitment of operational staff and volunteers was less successful. The Framework envisaged a team of 60-70 volunteers to operate the referendum. There was at least a shortfall of some 20 volunteers on the polling day (See Part 4 below).
  - 2.5 With regard to the right to vote, the Framework provided for the principle of equality of votes in the sense that it did not favour one social or political category of voters over the other.
  - 2.6 Knowing that both the timing and the location of the referendum would attract mostly the supporters of the "Yes" vote, the Framework ensured that one's right to vote was exercised in a non-discriminatory manner on the basis of equal treatment. Voters, whether or not they came to support the motions, were not prevented from exercising their right to vote according to their genuine preference (See Part 6 for the results).
  - 2.7 In practice, owing to limited resources of the experimental nature of the referendum, the Working Group could only handle up to 15,000 permanent HKSAR citizens on the first-come-first-serve basis. Provisional ballots would be issued for 3,000 other Hong Kong residents aged 11 or above. We took notice of the Working Group's claim that the referendum was meant to be the beginning of a process rather than a single, one-off event.
  - 2.8 The requirements for voter verification were stated in clear and unambiguous language. There was clear indication that the Hong Kong Identity Card was necessary to establish one's right to vote. Few citizens were unwilling to have the back of the Identity Card inspected by the staff. We noted with satisfaction that a balance was struck between respect for privacy and the requirements for a credible, efficient verification procedure. Voters were protected from the disclosure of personal data.
  - 2.9 The Framework provided a procedure for clarifying one's eligibility to vote. There was clear procedure for dealing with queries and arguable cases by the polling station chairperson.
  - 2.10 It is important to note that the Framework and the manual for staff/volunteers had been reviewed and revised to ensure that they conformed to the overall objective of holding a credible referendum.

### 3. The Campaign

- 3.1 Hong Kong society is already quite familiar with arguments for or against universal suffrage. However, very few people were familiar with the procedures of the mock referendum due to insufficient publicity, which was attributable to the lack of resources.
- 3.2 The motions of the mock referendum were clear and unambiguous. However, because the motions themselves are related to broad political positions rather than specific proposals, it was not known if voters may have conferred different meanings to the practical implication of the motions.
- 3.3 There was not a seriously organised campaign or concerted effort to get out the votes on either side with regard to the referendum issues. Nor was there any coordinated action to boycott the referendum.
- 3.4 The Framework did not regulate the conduct of political parties and concerned groups before the polling date. Nor did it provide for active and open campaigning. The Framework did not define the campaign period or provide for cessation of all active campaigning one or two days prior to polling day.
- 3.5 There was no evidence that political parties and concerned groups were not provided with access to the media and equitable treatment in media on the referendum issues.
- 3.6 The HKSAR government did not get involved in any manner before and during the polling day.
- 3.7 We noted with satisfaction that the Civil Human Rights Front and its Referendums Working Group made impartial calls for participation in the referendum. The pre-referendum publicity tended to focus on the concept and propagation of the idea of referendums rather than the substance of the motions themselves.

### 4. Referendum Administration and the Polling Day Procedures

- 4.1 The Framework contained sufficient safeguards to ensure that parties and concerned groups did not undertake active campaign within the premises of the polling stations and within the prohibited limits around the polling stations.
- 4.2 The presence of the Hong Kong Police next to the polling stations ensured adequate provisions and safeguards to avoid incidents in which voters, staff and observers might be intimidated.
- 4.3 However, the Framework could not and did not prohibit unauthorized entry of police into polling stations. The Framework in fact did not have this authority.

- 4.4 There were sufficient provisions for the security of all ballots and voting materials before, during and after voting.
- 4.5 The Framework and the organisation of the polling stations guaranteed that votes were cast by secret ballot.
- 4.6 Authorised members of the public and observers got to check that all the ballot boxes were empty before they were sealed.
- 4.7 The polling stations did not open on time. There were 6 polling stations in total. Stations 1-4 were open at 11.25 am (instead of 11.00 am as scheduled). As things got off the ground and the number of voters grew, Stations 5 and 6 were open at 12.00 noon. The delay was largely caused by a shortage of manpower. Please refer to Attachment C for the questionnaire used for observation tasks before the poll.
- 4.8 Heavy rainfalls the night before had rendered some parts of the site too wet, muddy, and in some areas, unsafe for participants and staff alike. One citizen whose ankle was twisted while queuing to vote was treated in a hospital. Members of the Working Group who visited the site the night before had little resource and manpower to bring about improvement before and during the poll.
- 4.9 The Framework did not provide alternative methods of voting for persons with special needs. Ad hoc arrangements had to be made for a small group of voters with disabilities to vote off-site.
- 4.10 The Framework required that voters be adequately identified prior to receiving a ballot. In practice, there remained a few loopholes due solely to a lack of manpower at the registration and identity verification point (where the blue ink was applied to queuing citizens) and at the exits of the polling stations. For example, a well-meaning citizen intended to test the system by returning to another polling station to get another set of ballot papers. On one occasion, a voter almost left the polling station with the ballot papers.
- 4.11 The blue ink used to prevent double voting turned out to be less reliable than expected because of higher outdoor humidity.
- 4.12 It was not always possible to stop citizens from taking pictures in the area though such acts were certainly in breach of the principles of privacy and secrecy of other voters.
- 4.13 The staff was stretched beyond its limits during the peak hours (3.00—4.30 pm) when as many as 2,000 voters took part every 30 minutes. The following problems were noted: (1) Voting booths were too crowded during the peak hours, (2) Stations 1—3 were under-staffed most of the day, (3) Stations 4—6 served relatively smaller number of voters than the rest, (4) Communications between staff and the

management team were rare and far from effective. Please refer to [Attachment D](#) for the observation questionnaire for the polling stations.

- 4.14 We noted with satisfaction that the staff and volunteers adhered to the Framework and the established principles of a free and fair referendum. Most voters got the help they requested in order to cast their ballots successfully.
- 4.15 Of equal importance, participating citizens were mostly cooperative and patient.
- 4.16 There was no evidence of double voting or any hint of fraud during the poll.
- 4.17 By and large, the general atmosphere on the polling day was serious and the voting took place in a calm and orderly manner.

## 5. **Vote Counting**

- 5.1 The Framework ensured that the entire process for counting and tabulating votes was conducted in the presence of authorised parties as well as accredited observers.
- 5.2 It further provided for independent verification of all hardware, software and other elements in the counting and tabulation processes.
- 5.3 All requirements and procedures for a recount of ballots were clearly stated and invariably adhered to.
- 5.4 Voting counting lasted till 9.30 pm and suffered from poor lighting.
- 5.5 The Working Group carried out public posting (on the Civil Human Rights Front web page) and release through the print media of detailed results.
- 5.6 The Framework clearly specified the processes for final certification of election results and its public release.
- 5.7 The Framework provided for independent observation of the closing of the polling stations, and of the counting of ballots, by the representatives of accredited observers. Please refer to [Attachment E](#) for the questionnaire on observation of the vote counting.
- 5.8 We noted with satisfaction that vote counting took place calmly and professionally. The quality of the procedures and the counting itself was quite good.

## 6. Results

- 6.1 On the first motion: The Chief Executive of the HKSAR shall be elected by universal suffrage from 2007 [由二零零七年起香港特別行政區行政長官必須由普選產生。], the number of voters was 7,719, of which 7,478 were issued official ballots and 241 were issued provisional ballots.

	Official Ballots (正式選票)	Provisional Ballots (意向參考選票)
Yes	7,334	231
No	96	8
Invalid	48	2
Total	7,478	241

- 6.2 On the second motion: All members of the HKSAR Legislative Council shall be elected by universal suffrage from 2008 [由二零零八年起香港特別行政區立法會所有議員必須由普選產生。], the number of voters was 7,725, of which 7,482 were issued official ballots and 243 were issued provisional ballots.

	Official Ballots (正式選票)	Provisional Ballots (意向參考選票)
Yes	7,392	231
No	60	11
Invalid	30	1
Total	7,482	243

- 6.3 Both motions were deemed to be duly adopted. However, the organisers did not spell out in advance the ground rules. With hindsight, it did not seem to be a serious problem only because the plurality rule was commonly expected and widely accepted.
- 6.4 The fact that both motions were supported by an overwhelming majority (99%) of voters was no surprise (please refer to paragraph 2.6). However, it is important to note that citizens were not intimidated or in any way prevented from freely expressing their preference. Materials, posters and propaganda activities in and outside the polling area were politically neutral.
- 6.5 We further observed that some voters expressed their disapproval of the referendum as a whole by stamping both "Yes" and "No" or returning a blank ballot, whereby invalidating their votes.
- 6.6 The results of the referendum were declared and published properly by 10.00 pm on the polling day.
- 6.7 To estimate how representative the results of the referendum were of the population at large, a post-referendum telephone survey was conducted by the Public Opinion Programme of the University of Hong

Kong (HKUPOP) between 4 and 6 July 2005 (See <http://hkupop.hku.hk> for the full report).

If you have the right to vote on the motion "The Chief Executive of the HKSAR shall be elected by universal suffrage from 2007", would you vote in favour or against? 假設你有權就「由 2007 年起香港特別行政區行政長官必須由普選產生」的議題投票，你會選擇贊成定反對？

	Frequency (頻數)	Percentage (百分比)
For (贊成)	624	70.5
Against (反對)	119	13.5
Abstain (棄權)	55	6.2
Don't Know (唔知/難講)	87	9.8
Total (合計)	886	100.0
Sample size (基數)	1,020	
Missing (缺數)	134	

If you have the right to vote on the motion "All members of the HKSAR Legislative Council shall be elected by universal suffrage from 2008", would you vote in favour or against? 假設你有權就「由 2008 年起香港特別行政區立法會所有議員必須由普選產生」的議題投票，你會選擇贊成定反對？

	Frequency (頻數)	Percentage (百分比)
For (贊成)	666	75.2
Against (反對)	83	9.4
Abstain (棄權)	54	6.1
Don't Know (唔知/難講)	82	9.3
Total (合計)	886	100.0
Sample size (基數)	1,020	
Missing (缺數)	134	

- 6.8 The data show that in the mock referendum held on 1 July 2005, the "Yes" vote was 24 to 30% over-represented, whereas the "No" vote was under-represented by 8 to 12%.
- 6.9 While the results of the mock referendum and the telephone survey differ significantly, the two motions were still overwhelmingly adopted by citizens in both cases. This means the results of the mock referendum were in line with the patterns of public opinion towards democratic reforms in the population at large.

## 7. Handling of Complaints

- 7.1 The process for filing complaints by citizens was under-specified in the Framework. It provided for the right to appeal but it was less clear who was vested with authority to review and exercise final judgment in the matter on the spot.
- 7.2 The following aspects of the referendum attracted some criticisms: (1) the poor condition of the ground, (2) there were not enough signs in Victoria Park to help voters to get to the poll, (3) the time of waiting was extended to about 30 minutes during the peak hours, (4) citizens who refused to let staff inspect their Identity Card showed their dissatisfaction that they were not allowed to vote, and (5) Elderly People Card was not accepted as a proof of one's eligibility to vote.
- 7.3 Complaints were reported to the Management Team verbally or by writing. However, the Framework did not provide for timely deadlines for filing, considering and determining remedies for a complaint.

## 8. Observers

- 8.1 The Framework provided for an impartial, non-partisan, independent team to undertake observation. No provision in the Framework could prevent the observers from carrying out their tasks.
- 8.2 The Referendum Study Group acted as both the core team of the Observation Mission and advisor to the Working Group.
- 8.3 The responsibilities and rights of observers and their relationships to the Working Group and the management team were defined in the Terms of Reference (Attachment B).
- 8.4 Under no circumstances could the Mission be hindered or the status of observers revoked.
- 8.5 The Framework and the Terms of Reference for Observers represented a balance between the activities of election observers and the orderly administration of the referendum.

## 9. Public Opinion

- 9.1 To find out what participants made of the mock referendum, a post-referendum on-line survey was conducted by the Public Opinion Programme of the University of Hong Kong (HKUPOP) between 1 July and 4 July 2005. Respondents were invited to share their views on as many as 13 aspects of the referendum. Some of the preliminary findings are reported below (See <http://hkupop.hku.hk> for the full report).

你如何評價「七一模擬公投」主辦機構的獨立性？  
How independent you think the Referendum Organiser was?

Not quite independent (幾差)	13	3.9%
Fairly independent (一般)	78	23.4%
Quite independent (幾好)	86	25.8%
Very independent (很好)	137	41.1%
Don't know (不知道)	19	5.7%
Total (總數)	333	100%

你認為「七一模擬公投」的議題是否清晰？  
Were the motions clear to you?

Quite unclear (幾含糊)	1	0.3%
Clear (一般)	16	4.8%
Quite clear (幾清晰)	63	18.9%
Very clear (很清晰)	253	76.0%
Total (總數)	333	100%

你認為「七一模擬公投」整個活動有否涵蓋民主選舉的基本原則例如普及、平等、自願、直接及不記名投票？Do you think the Referendum was held according to the basic principles of universal, fair, voluntary, direct and secret ballot?

Not at all (完全沒有)	1	0.3%
Not quite (幾沒有)	10	3.0%
Fairly (一般)	32	9.7%
To a good degree (幾涵蓋)	108	32.8%
Totally (完全涵蓋)	175	53.2%
Don't know (不知道)	3	0.9%
Total (總數)	329	100%

你認為「七一模擬公投」的主辦機構有否於投票前充份訂立關於有效表決的守則？Do you think the organisers had adopted adequate rules for the referendum?

Very inadequate (很缺乏)	10	3.0%
Quite Inadequate (幾缺乏)	34	10.3%
Fairly adequate (一般)	94	28.6%
Quite adequate (幾充份)	83	25.2%
Very adequate (很充份)	75	22.8%
Don't know (不知道)	33	10.0%
Total (總數)	329	100%

你認為社會人士對「七一模擬公投」所採用議題的討論是充份？

Do you think public discussion regarding the motions was adequate?

Very inadequate (很缺乏)	35	10.7%
Quite Inadequate (幾缺乏)	54	16.5%
Fairly adequate (一般)	125	38.1%
Quite adequate (幾充份)	61	18.6%
Very adequate (很充份)	46	14.0%
Don't know (不知道)	7	2.1%
Total (總數)	328	100%

整體而論，你如何評價「七一模擬公投」的公信力？

Overall, how would you evaluate the credibility of the referendum?

Quite low (幾差)	11	3.3%
Fair (一般)	95	28.7%
Quite high (幾好)	121	36.6%
Very high (很好)	99	29.9%
Don't Know (不知道)	5	1.5%
Total (總數)	331	100%

- 9.2 By and large, citizens who took part in the referendum were quite positive about their experience.
- 9.3 However, very few participating citizens were familiar with the procedures of the mock referendum due to insufficient publicity, which was attributable to the lack of resources.

## 10. Summary and Recommendations

### 10.1 Strengths:

- (a) The motions of the mock referendum were clear and unambiguous. However, because the motions themselves are related to broad political positions rather than specific proposals, it was not known if voters may have conferred different meanings to the practical implication of the motions.
- (b) The Framework and the manual for staff/volunteers had been reviewed and revised to ensure that they conformed to the overall objective of holding a credible referendum.
- (c) The Civil Human Rights Front and its Referendums Working Group made impartial calls for participation in the referendum. The pre-referendum publicity tended to focus on the concept and

propagation of the idea of referendums rather than the substance of the motions themselves.

- (d) The HKSAR government did not get involved in any manner before and during the polling day.
- (e) There was no restriction on the expression of different views (on the motions), and we observed that some people who objected to the idea of referendums also voted without obstruction.
- (f) The staff and volunteers adhered to the Framework and the established principles of a free and fair referendum. Most voters got the help they requested in order to cast their ballots successfully. There was no evidence of double voting or any hint of fraud during the poll. Participating citizens were mostly cooperative and patient. By and large, the general atmosphere on the polling day was serious and the voting took place in a calm and orderly manner.
- (g) We noted with satisfaction that vote counting took place calmly and professionally. The quality of the procedures and the counting itself was quite good.
- (h) Although the "Yes" vote was expectedly over-represented in the mock referendum, the results were in line with the patterns of public opinion towards democratic reforms in the population at large.
- (i) Complaints were reported to the Management Team verbally or by writing. However, the Framework did not provide for timely deadlines for filing, considering and determining remedies for a complaint.
- (j) The Framework and the Terms of Reference for Observers represented a balance between the activities of election observers and the orderly administration of the referendum.
- (k) By and large, citizens who took part in the referendum were quite positive about their experience.

## 10.2 Shortcomings:

- (a) Recruitment of operational staff and volunteers was less successful. There was at least a shortfall of some 20 volunteers on the polling day.
- (b) There was not a seriously organised campaign or concerted effort to get out the votes on either side with regard to the referendum issues.
- (c) Very few participating citizens were familiar with the procedures of the mock referendum due to insufficient publicity, which was attributable to the lack of resources.

- (d) Heavy rainfalls the night before had rendered some parts of the site too wet, muddy, and in some areas, unsafe for participants and staff alike.
- (e) The Framework did not provide alternative methods of voting for persons with special needs.
- (f) The blue ink used to prevent double voting turned out to be less reliable than expected because of higher outdoor humidity.
- (g) Communications between staff and the management team were rare and far from effective.
- (h) Voting counting lasted till 9.30 pm and suffered from poor lighting.
- (i) The "Yes" vote was 24 to 30% over-represented in the referendum, whereas the "No" vote was under-represented by 8 to 12%.
- (j) Both motions were deemed to be duly adopted. However, the organisers did not spell out in advance the ground rules. With hindsight, it did not seem to be a serious problem only because the plurality rule was commonly expected and widely accepted.
- (k) The Framework did not provide for timely deadlines for filing, considering and determining remedies for a complaint.

### 10.3 General comments:

- (a) The lack of resources and proper venues have severely handicapped the operation of the mock referendum, in that only a limited portion of the general public was able to vote in the mock referendum. Moreover, since the mock referendum was organized by a political group which also organised the 1 July rally, and in the same venue as that of the rally, it naturally attracted people who supported the motions. These factors caused biases in the voting results.
- (b) However, since the mock referendum was designed to be a pilot project to test the operation of civil referendums, and did not have any practical implication policy-wise, we are satisfied that the mock referendum has achieved its aim of educating the general public, and providing experience for future civil referendums. Equality, voluntarism, anonymity and direct participation were guaranteed for those who participated.
- (c) We especially like to congratulate the organiser and its team of volunteer helpers for their effort to uphold a high degree of neutrality and professionalism in managing the polling stations and in counting the votes.

#### 10.4 Recommendations:

- (a) **Public Information:** Proactive, impartial publicity campaigns to inform the public about the motion(s), the meanings of the referendum, where/how to vote, the ground rules and the procedures.
- (b) **The Organiser(s):** We noted with satisfaction that the organiser maintained a neutral position in the operation of the mock referendum, but because the organiser was also involved in organising the 1 July rally, which advocates universal suffrage, and that the mock referendum was held in the vicinity of the starting point of the rally, it naturally attracted participants who were in favour of universal suffrage. It would be better for future civil referendums to be operated by an impartial body. Moreover, in any case, provisions should be made for independent observers or monitors to ensure the credibility of the referendum.
- (c) **The Campaign:** To encourage turnout and public deliberation on the motions in question, the organisers should try to induce active and open campaigning by defining the campaign period and sponsoring public debates.
- (d) **The Venue:** (i) Choose indoor venues with easy access for votes with disabilities or special needs. (ii) Disabled citizens should be allowed to vote before others. (iii) Have more polling sites across the territory to encourage turnout and enhance credibility.
- (e) **The Implications of Results:** Organisers of future civil referendums should spell out practical implications, if any, of the results of the referendum. For example, district councillors may commit themselves to be morally bound by the results of a civil referendum when they cast their votes in their councils.
- (f) **Future prospects of civil referendums** depend on manpower and resources, which must expand considerably. Special attention must be paid to better trainings and briefings, as well as more effective communications between the staff and the management.

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## **Attachments**

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## Attachment A:

### 我們如何監察模擬公投（民間全民投票準則清單） 全民投票研究組

由一群學者自發和義務組成的「全民投票研究組」，成員包括鍾庭耀、陳家洛、陳健民和黃偉豪，已經在本年 2 月完成了一項關於全民投票發展的研究，並發表了題為《全民投票的環球經驗及對香港的啓示》的報告書，歡迎各界人士到香港大學民意網站（<http://hkupop.hku.hk>）下載。

研究組在發表報告當日，公開承諾會盡量協助任何機構在本地試驗和推動全民投票，條件是主辦機構主動尋求協助，和絕對尊重學者的獨立思考。

及後，民間人權陣線決定在七一遊行當日，在維多利亞公園草地舉行「七一模擬公投」，並邀請「全民投票研究組」的學者成員擔任顧問。研究組欣然答應，經過商討後，其中三名成員，包括陳家洛、鍾庭耀和黃偉豪，承諾在有關活動中擔任以下工作：

#### 活動籌備階段

在民陣籌備有關活動時，三名研究隊成員以顧問身份，就民陣公投小組提出的問題提供意見。不過，意見最終是否得到採納，是民陣本身的決定。研究隊的成員體會到，民陣沒有資源籌辦一個遍及全港及具代表性的民間全民投票，因此退而求其次，舉辦一個主要由民陣支持者參與的小型「模擬公投」，測試民間全民投票的可行性。研究隊成員已把有關觀察記錄在案。

由於是試驗性質，顧問建議民陣毋須記錄投票人士的身份證號碼，但須核實投票人士是否年滿 18 歲的香港永久居民。若是，則發予正式模擬選票；若否，則按情況發予意向參考選票。這些建議，民陣經已採納。

至於投票的議題，顧問的建議只涉及議題數目和形式的問題。究竟應該採用一個合併議題？還是單一選票兩個議題？還是兩張選票兩個議題？經過討論，民陣採用了兩張選票兩個議題的方式。

至於模擬投票的具體操作部份，差不多全部都是由民陣公投小組自己策劃。

#### 模擬投票期間

研究組成員在「七一模擬公投」期間，將會全程擔任監察工作。研究組將會動員 18 名特定的工作人員，每人輪流在票站內實地監察和記錄整個投票和點票過程，包括票站的人手安排、流程是否暢順、投票是否保密、選民是否受到干擾等。每名工作人員都會在觀察過後填寫一份表格，供研究組成員參考和分析。

此外，18 名工作人員亦會輪流在票站外圍派發單張，要請投票人士到指定網頁就「七一模擬公投」發表意見。除了上述工作人員，研究組又徵用了另外一項研究的 32 名工作人員，在遊行沿線派發單張，要求遊行人士到網上發表意見。

## 檢討階段

活動結束後 14 天內，研究組會根據觀察所得，結合所有工作人員的記錄和匯報，再參考市民在網上發表的意見和其他調查數據，撰寫觀察報告，總結經驗。

在總結報告中，研究組會按照《全民投票的環球經驗及對香港的啓示》報告書內列出的各項準則，評估活動的成效，當中包括主辦機構的角色、議題的清晰程度、投票有否涵蓋民主選舉的基本原則、活動的透明度等等，詳情請參閱上述報告第六章。

## 總結

從「七一模擬公投」目前的安排看，研究組不會預計模擬投票會出現驚人的結果，亦相信參與投票的人士會相當合作。研究組因此會著眼觀察和思考，倘若同類活動在不同場合舉行，涉及投票人士意見分歧的議題，會否出現一些可預知而難以預計的問題。這是研究組員面對的挑戰。

## 民間全民投票準則清單：

- i. 發起人：民間團體或政治領袖均可，但以前者更為合適。
- ii. 議題：在社區或社會層面屬重大而涉及公眾利益的事件。
- iii. 問題設計：必須清晰而毫不含糊，避免具引導性、意思不明或可任意詮釋的問題，須針對主流民意的分歧之處。
- iv. 民主選舉的基本原則：普及、平等、自願、直接及不記名。
- v. 最低參與投票人數及其他要求：由發起人於投票前決定是否訂定。
- vi. 基本自由的保障：投票活動期間，須尊重表達、集會及結社自由。
- vii. 客觀資訊：預留充裕時間向選民派發或郵寄投票問題及說明文件，讓社會對議題有充分討論。
- viii. 政府角色：不可進行片面的宣傳活動。
- ix. 投票活動收支：具高透明度及受到規則的監管。
- x. 監察委員會：必須獨立於發起團體之外，訂立及執行投票規則，確保全民投票的公信力。

## **Attachment B:**

### The 2005 "7.1" Mock Referendum Terms of Reference for Observers

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#### Election/Referendum Observation (General Notes)

- λ Essentially, election or referendum observation means the purposeful gathering of information regarding an electoral/referendum process, and making informed judgments on the conduct of such process on the basis of information collected, by persons who are not inherently authorized to intervene in the process and whose involvement in mediation or technical assistance activities should not jeopardize their main observation responsibilities.
- λ What a domestic observer may not do: for instance, interfere with voting, take a direct part in the counting processes, or attempt to determine how a voter will vote or has voted.
- λ One should strike a balance between the rights of observers and the orderly administration of the election/referendum processes. But in no case should it hinder legitimate observation, "muzzle" observers, or prevent them from reporting or releasing information that has been obtained through their observations.

#### **1. The Mission**

- 1.1 To provide the public with an objective assessment of the integrity, transparency and credibility of process and the outcome of the 2005 "7.1" mock referendum (hereinafter "the referendum").
- 1.2 To demonstrate and publicize relevant standards for the strengthening of democratic processes and rights.
- 1.3 To engage in problem-solving if the organizers request in order to ensure that the referendum proceeds fairly and without fraud or misconducts.

#### **2. Basic Principles**

- 2.1 Organizers of the referendum shall provide observers with accreditation, as well as institutionalized channels of communication.
- 2.2 Observers shall maintain a position of impartiality, binding themselves to the principles of independence, diligence, transparency and accountability.
- 2.3 Observers shall have access to polling stations, counting centres and to all relevant documents and meetings.
- 2.4 Observers shall not interfere in any way in voting proceedings.

#### **3. Responsibilities and Obligations**

- 3.1 To compile guidelines and checklist with reference to known standards for fair and open referendums.

- 3.2 To observe relevant aspects of the organization and administration of the referendum.
- 3.3 To receive and investigate complaints of any irregularities brought to its attention.
- 3.4 To consider factors impinging on the credibility of the process as a whole and to determine independently whether (a) the conditions exist for a free expression of will by the citizens and (b) the result reflects the wishes of the voters.
- 3.5 To assess the institutional framework for the referendum and the campaign environment on the basis of verifiable, factual evidence.
- 3.6 To record and report on our observations to the organizers and the public at large.
- 3.7 To make recommendations that could enhance confidence and participation in future civil referendums.

#### 4. Code of Conduct

- 4.1 Observers will carry the prescribed identification issued by the organizers, and will identify themselves to any interested persons upon request.
- 4.2 Observers will maintain strict impartiality and independence in the conduct of their duties in the course of the referendum, and shall at no time express any bias or preference in relation to the organizers, or with reference to the motions in question.
- 4.3 Observers will not display or wear any partisan symbols, colours or banners.
- 4.4 Observers will undertake their duties in an unobtrusive manner, and will not interfere with the process of voting, polling day procedures, or the vote count.
- 4.5 Observers must never give instructions or countermand decision of the organizers.
- 4.6 Observers will base all conclusions on well-documented, factual, and verifiable evidence.
- 4.7 Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers.
- 4.8 Observers will participate in post-referendum debriefings.
- 4.9 Observers will give their consent to comply with the mission, the basic principles, the responsibilities and obligations and the code of conduct with regard to the referendum.

## Attachment C:

### QUESTIONNAIRE ON VISIT TO POLLING STATION BEFORE OPENING

Names of observers: \_\_\_\_\_ Team number : \_\_\_\_\_

Polling Station Number: \_\_\_\_\_

Time of arrival at station:

Time of leaving station:

Time of opening of polling station \_\_\_\_\_

Did the polling station open before time?  YES /  NO

Were other observers present?  YES /  NO

Was the manpower of the polling station at full strength  
when you arrived?  YES /  NO

How many people were there? \_\_\_\_\_

Are members of the public admitted before  YES /  NO

the official opening of the poll?

Were unauthorised persons present in the polling station?  YES /  NO

- IF yes, who? \_\_\_\_\_

Have ballot papers and other voting materials arrived?  YES /  NO

What was missing? \_\_\_\_\_

Number of ballot papers received (4 colours): \_\_\_\_\_

Were the quantities sufficient and in compliance with  
legal requirements?  YES /  NO

**Conduct of Formal Operations:**

Did members of the Referendum Group and observers get to check that ALL the ballot boxes were empty before they were sealed?  YES /  NO

Who performed the check?

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Was the ballot box properly sealed or closed?  YES /  NO

Are the members of the Referendum Group familiar with their tasks?  YES /  NO

Comments (if any): \_\_\_\_\_

Are the other operations required performed correctly?  YES /  NO

Comments (if any): \_\_\_\_\_

Was the polling station ready at the official time for the start of voting?  YES /  NO

If not, what was the reason for the delay? \_\_\_\_\_

General atmosphere prevailing between the members of the electoral commission:

Tense       Serious       Lacking seriousness

**Other comments by observers:**

**Signatures of observers:** \_\_\_\_\_

## Attachment D:

### QUESTIONNAIRE TO BE COMPLETED FOR EACH POLLING STATION

Part to be completed *in* the polling station

Names of observers: \_\_\_\_\_ Team Number: \_\_\_\_\_

Polling Station Number: \_\_\_\_\_

Time of arrival at polling station: \_\_\_\_\_ Time of leaving station: \_\_\_\_\_

Number of persons working at the station: \_\_\_\_\_

Number of voters at time of arrival: \_\_\_\_\_

**Polling Station:** Is it clearly signposted?  YES /  NO

Is it of adequate size?  YES /  NO

Is the polling station easily accessible  YES /  NO

(for example, for persons with disabilities)

Any problems on approach to polling station?  YES /  NO

#### **Persons Present at the Polling Station:**

Is the manpower sufficient?  YES /  NO

Is it clear who are in charge of the polling station?  YES /  NO

Presence of observers:  YES /  NO

Are they accredited:  YES /  NO

Are unauthorised persons present?  YES /  NO

-If yes, who? \_\_\_\_\_

Presence of police: outside the polling station:  YES /  NO

inside the polling station:  YES /  NO

Presence of propaganda (material, posters, or individuals carrying out propaganda activities):

In the polling station:  YES /  NO

outside and near the polling station  YES /  NO

(less than 50m away from the polling station):

Politically

neutral? \_\_\_\_\_

Intimidation of electors: Have there been any attempts:  YES /  NO

**(if yes, set out on the other side of the page the facts noted)**

**Conduct of Operations:**

Does voting take place in a calm, orderly manner?  YES /  NO

Ballot box properly sealed:  YES /  NO

Is it positioned so it can be watched over?  YES /  NO

Helpers check the ID?  YES /  NO

Is it possible to see who has voted?  YES /  NO

Is the check on voters' identity effective?  YES /  NO

- Comments: \_\_\_\_\_

Are the ballot papers distributed properly?  YES /  NO

- Comments: \_\_\_\_\_

Voting booths: are they placed so they can be watched over?  YES /  NO

- Comments : \_\_\_\_\_

Were any voters refused the right to vote?  YES /  NO

- Comments : \_\_\_\_\_

Were disabled voters allowed to vote before others?  YES /  NO

Who assisted them? \_\_\_\_\_

Did any voters leave the polling station with a ballot?  YES /  NO

<b>Overall assessments:</b>	Yes	No	Further details (if any)
1 – Too many persons in the polling station			
2 – Presence of unauthorized persons			
3 – Disturbances in the polling station			
4 – Political pressure on voters			
5 – Problems relating to the ID			

**The following points are for reference only:**

Where the answers to <b>Questions 1, 2 and 3</b> are « yes», this suggests that the conduct of voting at the station is unsatisfactory
Where the answers to <b>Questions 1 and 3</b> alone are yes, this means that the chairperson of the polling station is not competent, since the presence of too many people in one place leads to behavioural problems.
Where the answers to <b>Questions 3 and 5</b> alone are yes, this implies that unregistered person are showing their dissatisfaction and that the chairman of the polling station is probably unable to keep order.
Where the answers to <b>Questions 3 and 4</b> alone are yes, this suggests that there is considerable political pressure.
Where the answers to <b>Questions 2, 3 and 4</b> are yes, this suggests that the presence of unauthorised persons is causing the disturbance.
Where the answer to <b>Question 2</b> alone is yes, it is desirable to question the unauthorised persons in order to learn their identity. If, for example, one of them says he is an electrician, ask him what he would do if there was an electricity failure.
Where the answer to <b>Question 4</b> only is yes, this could mean that political pressure is accepted by all or is discreet.

***Part to be completed after leaving the polling station:***

**1 – Additional comments by observers:**

Specific events which should be noted:

**2 – Facts reported to observers:**

(indicate the identity of the person(s) reporting the facts):

**3 – General atmosphere in the polling station:**

- Tense       Serious       Lacking seriousness       Antagonistic

**4 – Overall assessment of the polling station after the visit:**

- Very Good       Quite Good       Rather Poor       Very Poor

**5 – Any recommendations to be made in the observation report:**

**Signature of observers:** \_\_\_\_\_ -

## Attachment E:

### QUESTIONNAIRE ON OBSERVATION OF THE VOTE COUNTING

Name of observers: \_\_\_\_\_ Team Number: \_\_\_\_\_

Polling station Number: \_\_\_\_\_

Time of arrival at the station: \_\_\_\_\_

Time of leaving the station: \_\_\_\_\_

Close of voting announced by the Chairman at the planned time? If not, why not? \_\_\_\_\_  
 YES /  NO

At the close of voting were voters still present who were unable to vote?  
 YES /  NO

#### **Persons Present:**

Referendum Group at full strength at the close of polling?  YES /  NO

Were there any unauthorised persons in the polling station after the close of poll?  YES /  NO

Public admitted to the room after the official close of polling?  YES /  NO

Are observers allowed to be present?  YES /  NO

#### **Counting Operations:**

Are unused/spoilt ballots counted and then segregated?  YES /  NO

Are the number of ballots issued counted,..... and the number recorded? .....  YES /  NO

Are the seals on the ballot box intact prior to opening?  YES /  NO

Are the members of the polling station familiar with the procedures?  YES /  NO

Does counting take place calmly?  YES /  NO

Or somewhat hurriedly?  YES /  NO

- Are unused ballot papers put aside/placed under seal?  YES /  NO
- Were there any pens/pencils on the counting table?  YES /  NO
- Were ballots in stacks or bundles inside the ballot box?  YES /  NO
- Were the ballots counted face down?  YES /  NO
- Did the Chairperson announce the number of ballots?  YES /  NO
- Were ballots sorted into piles for each question/category?  YES /  NO
- Were separate piles made for invalid and unmarked ballots?  YES /  NO
- Were the undecided ballots reviewed by the Chairperson, and the polling station commission?  YES /  NO
- Did you follow the whole counting process at this polling station?  YES /  NO

**Spoilt ballot papers:**

- Is the decision to invalidate a ballot paper taken according with pre-determined rules?  YES /  NO
- Is it made transparently (paper shown to delegates, observers)?  YES /  NO
- Does the number of spoilt papers seem to you to be ...
- Excessive       Normal       Nearly nil
- Principal grounds for invalidating a ballot paper:

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Do you consider them justified?  YES /  NO

**Declaration of results:**

- Are the results of voting declared clearly?  YES /  NO
- Are the results published properly?  YES /  NO

**Overall assessment of the quality of counting at the polling station:**

- Very Good       Quite Good       Rather Poor       Very Poor

**Transport of voting material and documents:**

- security assured:  YES /  NO
- supervision:  YES /  NO

**General comments by the observers:**

**Signature of the observers:** \_\_\_\_\_

**RESULTS OF THE POLLING STATION**

Station Number: \_\_\_\_\_

Numbers of registered voters at the station: \_\_\_\_\_

Total votes cast: \_\_\_\_\_ (of which provisional ballots: \_\_\_\_\_)

Spoilt papers: \_\_\_\_\_ (of which provisional ballots: \_\_\_\_\_)

**Results per ballot:**

**Comments by the observers**

(1) 2007 CE Election .....  **YES** | \_\_\_\_\_ |  
.....  **NO** | \_\_\_\_\_ |  
(2) 2008 Legco Election .....  **YES** | \_\_\_\_\_ |  
.....  **NO** | \_\_\_\_\_ |

## **Attachment F:**

### **Members of the Observation Team**

Dr. Robert Chung Ting-Yiu 鍾庭耀 (University of Hong Kong)

Dr. Kenneth Chan Ka-Lok 陳家洛 (Hong Kong Baptist University)

Dr Wilson Wong Wai-Ho 黃偉豪 (Chinese University of Hong Kong)

### **Volunteers**

Wong Tin Lun 黃天倫

Li Wing Cheung, Samuel 李穎璋

Tsang Chi San, Isono 曾志生

Li Ching, Ashley 李蒸

Li Fun 李歡

Liu Tin Yi, Joey 廖天怡

Lau Tin Wai, Carrie 劉天慧

Lam Pui Ting, Betty 林沛庭

Lee Tsui Ling, Cherry 李翠玲

Tang Wing Ho, Leo 鄧永豪

Fung Pui Wai, Janice 馮佩慧

Chiu Yee Lin, Angel 趙綺蓮

Chan Wai Shing, Tony 陳偉城

Yip Wai Ka, Oli 葉慧嘉

Ling Lam, Margaret 凌琳

Lam Ka Keung 林嘉強

Kwok Wing Fai 郭穎暉

So Wing Lam, Derek 蘇詠嵐