

## **LCQ5: Public consultations and opinion polls**

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Following is a question by the Hon Frederick Fung and a reply by the Secretary for Home Affairs, Dr Patrick Ho, in the Legislative Council today (December 7):

Questions:

Regarding public consultations and opinion polls, will the Government inform this Council:

(a) whether policy bureaux and departments are required to follow uniform guidelines and standards which specify the circumstances where public consultations and opinion polls are to be conducted, and how to ensure the independence and impartiality of the processes and conclusions of these consultations and polls; if so, of the details of the guidelines and standards; if not, the reasons for that; and the mechanism in place to ensure that the contents of the questionnaires designed by policy bureaux and departments are impartial and non-leading;

(b) of the circumstances in which the authorities will consider commissioning non-governmental organisations to conduct opinion polls; how the responsibilities for opinion polls are divided between the authorities and the organisations concerned, including whether the contents of the questionnaires are designed by these organisations, and whether conclusions of the polls are drawn by them independently; if so, how the authorities ensure that the organisations concerned will not have a bias in favour of the Government's intention when designing the questionnaires, or draw conclusions of the polls in favour of the Government's wish, in an attempt to win future awards from the Government to conduct opinion polls; if not, how the authorities ensure the independence and impartiality of the polls; and

(c) whether the authorities will, in their future publication of the results of the opinion polls conducted by the Government itself or non-governmental organisations commissioned by the Government, ensure no selective release of those parts which are to their advantage and, at the same time, make public all relevant information about the polls including the methodology used for the polls, names of the organisations commissioned, full text of the questionnaires and their designers, the dates at which the polls are conducted, sampling methods, sample sizes, response

rates and error ranges, etc, to facilitate monitoring by the public; if not, the reasons for that?

Reply:

Madam President,

The Government subscribes to the principle of being open, transparent and accountable to the public in the policy-making process. In formulating public policies and measures, we aim to keep abreast of community aspirations in a timely and accurate manner, fully consider the views of Hong Kong people and respond effectively to their demands. The decision of when and how to consult the public on specific public policies or proposals rests with individual responsible bureaux and departments.

According to the existing internal guidelines on public consultation, every policy bureau and department should take into account a set of principles in conducting public consultation. The following are the key principles:

- (a) The public should be consulted on a subject at as early a stage as possible, so as to give them a reasonable period of time to air their views;
- (b) The purpose of consultation, the options available and the Government's preferred option (if any) should be set out clearly;
- (c) Depending on the nature of the subject, the scope and coverage of consultation should be as wide as possible. Special efforts should also be made to ensure that those parties directly affected by a proposal are consulted as far as possible;
- (d) The public should be presented with comprehensive information relating to the subject, including the background and all relevant factors considered in drawing up the proposal;
- (e) Sufficient time should be allowed for the public and interested parties to study the consultation document and prepare their submissions;
- (f) Adequate publicity should be given to the consultation exercise, including the scope and the deadline of consultation; and

(g) The public should be informed of the results of the consultation exercise. In cases where certain opinion cannot be fully adopted, a clear explanation should be given of the reasons for this.

The actual means to gauge public views by individual bureaux and departments vary with respect to the nature of the subject. Conducting opinion surveys is one option.

Generally speaking, policy bureaux and departments commission opinion surveys to ascertain public views on controversial issues, to keep track of public reaction to existing and planned Government policies or work, and to detect changes, if any, in public opinions on long-standing issues. The results of an opinion survey, if properly conducted, can help reflect public views on specific issues.

The Government generally adopts a range of measures to ensure the independence and impartiality of any opinion survey. The major measures are set out as follows:

- (a) Select an appropriate contractor to conduct the survey through a tendering procedure. Before tendering, relevant policy bureaux or departments would first draw up a set of services requirements, including the background of the survey, the professional standards required of the contractor and the scope of services to be delivered. The selection criteria would also be included in the services requirement. If necessary, relevant policy bureaux or departments would consult other government bodies, relevant organisations or advisory committees on the content of the services requirement;
- (b) Policy bureaux or departments would invite contractors to bid for the tender and submit their proposals;
- (c) With reference to services requirements, policy bureaux or departments would form an assessment panel to select an appropriate contractor to conduct the opinion survey; and
- (d) The contractor commissioned as a result of the selection process must conform with established professional standards. These standards include the requirement that questionnaires should be designed in ways which would ensure clarity of the

questions and to avoid leading questions. Another related requirement is to have the survey conducted by experienced enumerators.

Questionnaire design is an important part of the survey process. Depending on the nature of the survey, some questionnaires would be compiled by the relevant policy bureaux or departments. Nonetheless, there are instances where the contractors are responsible for designing the questionnaire and providing professional comments on the questionnaire. The questionnaire would be finalised after pre-test and consultation with the relevant bureaux or departments, and the relevant organisations or advisory bodies as and when appropriate.

Contractors are required to complete each step of the survey in an independent and professional manner, on the basis of their submitted proposals. During the survey process, they are required to consult the relevant policy bureaux or departments as necessary. The main role of the Government is to monitor the quality and progress of work of the contractor to ensure the successful completion of the survey without any undue intervention.

Policy bureaux or departments would give prior consideration to the objectives and content of a survey in deciding whether or not to publish the results. If the survey is intended for internal reference only, or if it involves market-sensitive information, the usual practice is not to disclose the survey results or information relevant to the survey. Otherwise, the Government would release all information related to the survey in publishing the survey results, including the research methodology, the name of the contractor, the full text and design of the questionnaire, the enumeration period, the sampling method and sample size, the response rate and the marginal error.

Thank you, Madam President.

Ends/Wednesday, December 7, 2005