

CHAPTER 11

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

11.1 This chapter deals with election broadcasting through electronic means (which covers all programmes including those on current affairs and news reporting on the radio and television), media reporting on election-related matters and the holding of any election forum.

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the close of nomination for the election, whether or not he has submitted a nomination form [s 2 of the ECICO]. It also includes a list of candidate(s) in a GC list to which the list voting system of proportional representation applies.

PART II : ELECTIONEERING ON TELEVISION AND RADIO

11.2 Commercial broadcasters, including operators of television and radio channels, which are the licensees under the Broadcasting Ordinance (Cap 562), are generally not allowed to accept advertisements of a political nature. Other service providers which are not licensable under the Broadcasting

Ordinance are allowed to carry EAs territory wide. *[Amended in October 2007]*

11.3 For current affairs or other programmes on TV and radio which are not election-related, candidates/GC lists may take part as guests in these programmes insofar as their participation is pertinent. Otherwise, the “equal time” principle will apply. “Equal time” means **equal time for each of the candidates/GC lists contesting in the same constituency.**

11.4 **No unfair advantage** should be offered to or obtained by any candidate/GC list over others regarding election campaigning.

11.5 When inviting a candidate/GC list to attend a programme whose entire or partial theme is on the election, broadcasters should include in the invitation a notice to the invitee that a similar invitation has been or will be made to other candidates/GC lists of the same constituency, so as to give the invitees an equal opportunity to appear. **A record should be kept by the broadcaster of the date, time and contents of the invitation and the notice until 3 months after the election.**

11.6 The principles stated in paras. 11.3, 11.4 and 11.5 above apply equally to political parties or political organisations of which the candidate or candidate(s) in a GC list are members as they apply to the candidate(s) himself/themselves and to the prescribed body the registered name or registered emblem of which has been printed on any ballot papers for the election.

11.7 During the election period (ie the period beginning with the commencement of the nomination for the election and ending with the polling day for the election), broadcasters should ensure that the “equal time” principle as well as the “no unfair advantage” principle are applied to all political parties

or political organisations which have members contesting the LegCo election and the said prescribed bodies, whether or not contesting the same constituency. If a political party or political organisation whose members contest as candidates in the election is invited to take part in a current affairs or any other programme whose entire or partial theme is on the election, then all political parties or political organisations which have members contesting the LegCo election or a prescribed body the registered name or registered emblem of which has been printed on any ballot papers for the election, whether or not contesting the same constituency, should also be invited.

11.8 The EAC appeals to broadcasters to treat all candidates/GC lists competing in the same constituency fairly and equally when making comment on or reference to the candidates in any of their programmes. Comments made for the purpose of promoting or prejudicing a candidate or candidates are treated as EAs, if reference could be made from the materials to identify the candidate(s) being promoted or prejudiced [see also para. 8.8 of Chapter 8 : Election Advertisements]. Moreover, if such comments are determined by the EAC as EAs, the EAC will refer the matter to the Broadcasting Authority for appropriate action. If there is fair and equal treatment to all candidates of the same constituency, the editorial line of the broadcaster or personal opinions of the programme presenter on each of the candidates can be freely expressed, insofar as they are fair comments and based on true facts. The guidelines do not seek to impose any shackle on the expression of such ideas. However, broadcasters should ensure that in the expression of such ideas, no unfair advantage may result towards any candidate over another or any political parties or organisations to which contesting candidates belong.

Candidates Appearing on TV/Radio/Movie as Presenters, Regular Contributors, Actors, Musicians, Singers or Other Entertainers

11.9 A presenter, including a guest presenter, or a regular contributor should not appear in any programme in his normal programme role after he has

publicly declared his intention to stand for the election or during the election period if he becomes a candidate. This is to avoid unfair extra publicity for him at the critical time. A presenter or a regular contributor may, of course, appear as a candidate in election forums referred to in Part IV below.

11.10 A person who has contracted to appear as presenter, regular contributor, actor, musician, singer or any other form of entertainer in any performance scheduled to be shown before his declaration of intention to stand for the election or before and after the election period may always do so and continue to do so. However, such a person should make his utmost endeavour to request the person(s) responsible not to broadcast his appearance in any media after his declaration of intention to run for the election or during the election period if he becomes a candidate.

Candidates Appearing in Commercial Advertisements

11.11 A person should not participate in the making of an advertisement in which his image, name or voice appear ("the relevant advertisement") and which he knows will be broadcast on TV/radio/cinema after his declaration of intention to stand for the election or during the election period if he becomes a candidate.

11.12 If, after the relevant advertisement has been made, the person then decides to run in the election, and it comes to his attention that the relevant advertisement will appear in TV/radio/cinema after his declaration of intention to stand for the election or after the nomination period has commenced if he becomes a candidate during that period, he should make his utmost endeavour to request the person(s) responsible not to broadcast the relevant advertisement after his declaration of intention to stand for the election or during the election period.

PART III : ADVERTISING THROUGH THE PRINT MEDIA

11.13 A candidate is at liberty to advertise in the print media to promote his candidature. Where such an advertisement is placed in the print media and takes the form of a news report or any other form which does not clearly show that it is an EA, the words “**Election Advertisement**” or “**選舉廣告**” must be stated in the advertisement, to avoid misunderstanding by readers that it is not an EA [see para. 8.58 of Chapter 8 : Election Advertisements.] The expenses so incurred must be accounted for in the return and declaration of election expenses and donations. EAs printed in a registered local newspaper would be exempted from the requirement of bearing printing details [see also para. 8.57 of Chapter 8 for details]. *[Amended in October 2007]*

11.14 No unfair advantage should be offered by any publisher to a candidate. Nor should a candidate obtain from a publisher any unfair advantage regarding election campaigning. Any free publications (e.g. special newspaper editions or leaflets) which serve to promote or prejudice the election of a particular candidate/candidates may be construed as EAs for the candidate(s) concerned and are subject to the requirements for EAs and election expenses as stipulated in Chapters 8 and 16. A publisher is therefore likely to contravene the relevant legislation if the requirements for publishing and distributing EAs are not complied with prior to distributing such free publication. Candidates and publishers should consult their legal advisors if they have doubt as to whether a free publication should be treated as EAs and counted towards election expenses. The EAC appeals to members of the print media to provide **fair and equal treatment** to all candidates or GC lists competing in the same constituency in the reporting of them or their electioneering activities. How fair and equal treatment is to be applied in practice is set out in **Appendix K**. *[Amended in July 2008]*

11.15 A regular columnist should not contribute articles to the print media after he has publicly declared his intention to stand for the election or during the election period if he becomes a candidate. This is to avoid unfair extra publicity for them at the critical time. A regular columnist may, of course, appear as candidate in election forums referred to in Part IV below.

PART IV : ELECTION FORUMS

11.16 During the election period, broadcasters may organise election forums in their programmes. Broadcasters should ensure that the “equal time” principle as well as the “no unfair advantage” principle are applied to all candidates/GC lists. If a candidate/GC list is invited to take part in the election forum, then all candidates/GC lists of the same constituency should also be invited to be present at such forums so as to give the candidates/GC lists an equal opportunity to appear.

11.17 Any organisations, such as professional or trade organisations, academic institutions and schools, etc, may also organise election forums for civic education or other purposes. In line with the fair and equal treatment principle, the EAC appeals to all these organisers to invite all candidates/GC lists of the same constituency to be present at such forums, so that no unfair advantage will be accorded to or obtained by any candidate/GC list over others regarding election campaigning.

11.18 The EAC also appeals to all candidates/GC lists to use their best endeavours to take part in election forums in order to enable electors and the public to be apprised of their platforms.

PART V : SANCTION

11.19 If the EAC comes to know of unfair or unequal treatment of candidates by any broadcaster, publisher or forum organiser, it may make a **reprimand** or **censure** in a public statement which will include the names of the candidates favourably and unfavourably treated and the broadcaster, publisher or forum organiser concerned. The EAC may also notify the relevant authorities for appropriate action to be taken. *[Amended in July 2008]*