

CHAPTER 10

ELECTION BROADCASTING, MEDIA REPORTING AND ELECTION FORUMS

PART I : GENERAL

10.1 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 nominations for the election, whether or not he has submitted a nomination form [s 2 of the ECICO].

PART II : ELECTIONEERING ON TV AND RADIO

10.2 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 election advertisements territory wide.

10.3 For current affairs or other programmes on TV and radio which

are not election-related, candidates 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 contesting in the same constituency.**

10.4 **No unfair advantage** should be offered to or obtained by any candidate over others regarding election campaigning.

10.5 When inviting a candidate 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 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.**

10.6 The principles stated in paras. 10.3, 10.4 and 10.5 above apply equally to political parties or political organisations of which the candidate is a member as they apply to the candidate himself and to a prescribed body the registered name or registered emblem of which has been printed on any ballot paper for the election. *[Amended in September 2007]*

10.7 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 DC 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 DC election or a prescribed body the registered name or registered emblem of which has been printed on ballot paper for the election, whether or not contesting the same constituency, should also be invited. *[Amended in September 2007]*

10.8 The EAC appeals to broadcasters to treat all candidates 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 election advertisements, if reference could be made from the materials to identify the candidate(s) being promoted or prejudiced [see also para. 7.8 of Chapter 7 : Election Advertisements]. Moreover, if such comments are determined by the EAC as election advertisements, 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

10.9 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 regular contributor may, of course, appear as a candidate in election forums referred to in Part IV below.

10.10 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 endeavours 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. *[Amended in September 2007]*

Candidates Appearing in Commercial Advertisements

10.11 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.

10.12 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 endeavours 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. *[Amended in September 2007]*

PART III : ADVERTISING THROUGH THE PRINT MEDIA

10.13 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 election advertisement, 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 election advertisement [see para. 7.55 of Chapter 7 : Election Advertisements.] The expenses so incurred must be accounted for in the return and declaration of election expenses and donations. Election advertisements printed in a registered local newspaper/magazine would be exempted from the requirement of bearing printing details [see also para. 7.54 of Chapter 7 for details]. *[Amended in September 2007]*

10.14 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 election advertisements for the candidate(s) concerned and are subject to the requirements for election advertisements and election expenses as stipulated in Chapters 7 and 15. A publisher is therefore likely to contravene the relevant legislation if the requirements for publishing and distributing election advertisements 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 election advertisements and counted towards election expenses. The EAC appeals to members of the print media to provide **fair and equal treatment** to all candidates 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 the **Appendix H**. *[Amended in August 2008]*

10.15 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

10.16 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. If a candidate is invited to take part in the election forum, then all candidates of the same constituency should also be invited to be present at such forums so as to give the candidates an equal opportunity to appear.

10.17 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 of the same constituency to be present at such forums, so that no unfair advantage will be accorded to or obtained by any candidate over others regarding election campaigning.

10.18 The EAC also appeals to all candidates 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

10.19 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 August 2008]*