

(Translated by Legislative Council Secretariat, for reference only)

(Letterhead of the Newspaper Society of Hong Kong)

From: The Newspaper Society of Hong Kong

To: Legislative Council Bills Committee
on Elections (Corrupt and Illegal Conduct) Bill

Date: 12 August 1999

Concerning the documents on the Elections (Corrupt and Illegal Conduct) Bill we have received, our views are as follows. To ensure that the elections will be held in a fair, impartial and clean manner, it is imperative to prevent corrupt and illegal conducts in elections in Hong Kong and various measures can be adopted. With regard to whether advertisements published during elections may constitute corrupt and illegal conducts, while the media should deal with such advertisements in accordance with their professional ethics, it would be more appropriate for candidates to be held liable in this respect. For example:

1. Clause 2 of the Bill provides that “election advertisement.....has the effect of promoting or prejudicing the election of a candidate or candidates”. In electioneering, a candidate may indicate explicitly or implicitly that he is superior to his opponent. This will have the effect of prejudicing the election of his opponent, with the purpose of prompting the readers to vote for the candidate instead of his opponents. It is impossible for the newspaper to predict the consequence of such “implicit indication”.
2. Clause 34 (4) of the Bill states: A person must not publish a printed election advertisement unless 2 copies of the advertisement have been lodged with the appropriate returning officer.
 - (a) Are newspapers counted as “printed advertisements”?
 - (b) How can a newspaper know whether two copies of an advertisement have been lodged with the appropriate returning officer and will the returning officer issue a letter acknowledging the receipt of 2 copies of the advertisement?

Suggestion: Advertisements published on newspapers should be neutral (such as those issued by organizations calling on their members to vote but candidates should not be allowed to publish negative advertisements).

The Newspaper Society of Hong Kong