

## Appendix

**Case – Television Programmes “News Report” (新聞報道) and “News at 6:30” (六點半新聞報道) broadcast on the I News Channel<sup>1</sup> of Television Broadcasts Limited (“TVB”) at 7:00pm to 7:30pm on 12 December 2016 and on the Jade Channel of TVB at 6:30pm to 7:00pm on 20 February 2017 respectively**

The Communications Authority (“CA”) received a public complaint against each of the captioned programmes. The main allegation was that the names of some candidates for the Chief Executive Election were omitted in the relevant news items in the two programmes under complaint.

### **The CA’s Findings**

In line with the established practice, the CA considered the complaint case and the representations of TVB in detail. The CA took into account the relevant aspects of the case, including the following –

#### *Details of the Case*

- (a) upon receipt of the two complaints which were election-related, the CA, in accordance with the established procedures, referred the complaints to the Electoral Affairs Commission (“EAC”) for its advice as to whether there was any non-compliance with the regulations and guidelines in connection with elections issued by EAC. Following investigation, EAC informed the CA of the findings in respect of the

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<sup>1</sup> The I News Channel was renamed as TVB News Channel with effect from August 2017.

two complaints in December 2017; and

- (b) as advised by EAC, paragraphs 11.3 and 11.4 of the “Guidelines on Election-related Activities in respect of the Chief Executive Election” (the “Guidelines”) require broadcasters to handle any programmes relating to the election and candidates in accordance with the fair and equal treatment principle and to ensure that each of the candidates will be introduced and reported in the programme and that no favourable or unfavourable treatment will be given to any of the candidates. EAC noted, *inter alia*, that in both programmes under complaint, the news items concerned did not mention the candidates who were pointed out by the complainants, notwithstanding the fact that the omitted candidates fell within the meaning of “candidate” under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). According to EAC’s findings, TVB did not fully comply with the relevant requirements in the Guidelines in the broadcast of the relevant news items; and
- (c) TVB submitted, among other things, that the complaints fell within the purview of EAC and that the CA should not try to interpret or enforce the law under the purview of other enforcement agencies.

***Relevant Provision in the Generic Code of Practice on Television Programme Standards (“TV Programme Code”)***

- (a) paragraph 9 of Chapter 12 - licensees should observe all the regulations and guidelines in connection with elections issued by EAC

## **The CA's Considerations**

The CA, having regard to the relevant facts of the case, considered that –

- (a) paragraph 9 of Chapter 12 of the TV Programme Code expressly stipulates that licensees should observe all the regulations and guidelines in connection with elections issued by EAC. For the present complaints, EAC had interpreted and enforced the Guidelines under its purview and found that TVB did not fully comply with the Guidelines; and
- (b) on the basis of EAC's findings, the CA took the view that TVB was in breach of paragraph 9 of Chapter 12 of the TV Programme Code.

## **Decision**

In view of the above, the CA considered that the complaints were justified. Taking into consideration the specific facts and circumstances of the case and other relevant factors (including the fact that TVB has no record of breaching the relevant provision governing reporting of elections in the TV Programme Code), the CA decided that TVB should be **advised** to observe more closely paragraph 9 of Chapter 12 of the TV Programme Code.