

## Section 6 – Review & Recommendations

### (A) Nuisance caused by broadcasting vans and telephone canvassing

6.1 There has been an increase in the number of complaints against noise nuisance caused by loudspeakers on broadcasting vans and against nuisance caused by telephone canvassing. Although candidates observed the time-restriction for using the loudspeaker, complainants found the volume of noise disturbing or intolerable. With regard to telephone canvassing, complainants strongly felt that the phone calls were annoying and that their privacy was intruded. There was also a prevailing sense of apprehension among the complainants over how the callers had come to know of their residential phone number.

6.2 **Recommendations:** Consideration would be given to including in the future Guidelines on Election-related Activities (“the Guidelines”) that candidates and their agents should:

- (a) seriously consider the public's concern over the noise level of loudspeakers on broadcasting vans and should try to keep the noise volume at a reasonable level; and
- (b) avoid using telephone canvassing as a means to promote their candidature as such an act is obviously not welcomed by many members of the public.

(B) Personal casting of vote

6.3 There was an incident in which an elector let her child cast her vote for her and when a member of the polling staff tried to stop her from doing so he met with her objection.

6.4 **Recommendation:** Consideration would be given to stipulating in the Guidelines more explicitly that electors should cast their votes by themselves.

(C) Identity documents produced by electors

6.5 There was a complaint in which the complainant, producing his passport (instead of his identity card) at the ballot-paper issuing desk, felt embarrassed because the polling officers concerned were not sure whether they should accept the passport as a valid identity document and they passed it around for seeking advice from other staff.

6.6 **Recommendation:** Consideration would be given to briefing the polling staff in greater detail on how the identity of an elector should be verified according to the relevant legislation.

(D) The electronic media's treatment of candidates

6.7 Ten individual complainants separately but unanimously lodged a complaint against the host of a local television programme for unfairly treating the candidates, as he spoke highly of one of the six candidates but not so of another, and left out the remaining four altogether. The Commission met to discuss whether the broadcaster in question had

breached Chapter 9 of the Guidelines. The meeting concluded that though the programme under complaint had not breached any expressed provision of the Guidelines, it did violate the spirit of the Guidelines that the media should treat all candidates fairly and equally. The Commission wrote to advise the broadcaster to refrain from repeating the same conduct.

6.8        **Recommendation:** Consideration would be given to revising the Guidelines to the effect that the licensees of the electronic media should treat all candidates in the same constituency fairly, equally and even-handedly in all programmes. The licensees should also be cautioned that, depending on the circumstances, comments or undue promotion or deprecation on candidates might in effect become political advertisements on their behalf, which were forbidden under the existing legislation and, being free of charge, would undermine the effectiveness of the ceiling imposed on the election expenses of the candidates for the purposes of the Elections (Corrupt and Illegal Conduct) Ordinance. Extra care would be exercised in so revising the Guidelines so as not to interfere with the editorial freedom of the media or violate the Bill of Rights.