

**For discussion on
8 January 2001**

**Legislative Council
Panel on Information Technology and Broadcasting**

**Proposed Revisions to the Draft Generic Codes of Practice for
Television and the Draft Radio Codes of Practice**

Purpose

This paper outlines the revisions proposed by the Broadcasting Authority (BA) to the draft Generic Codes of Practice for Television (Draft Generic Codes) and the draft Radio Codes of Practice (Draft Radio Codes) after careful consideration of the views received in the public consultation exercise.

Background

2. At the meeting of the Legislative Council Panel on Information Technology and Broadcasting on 2 November 2000, Members were informed that the BA had issued on 22 September 2000 the Draft Generic Codes and Draft Radio Codes for public consultation. Upon the close of the consultation period on 4 November 2000, the BA received a total of 57 submissions. Of these, 18 submissions are from organizations and 39 from individuals. Copies of the submissions are available on the website of the BA at <http://www.hkba.org.hk>. The name list of the respondents is at Annex A.

Annex A

3. Respondents from the industry generally consider that the draft codes are user-friendly and provide a clear and well-defined regulatory regime. They support the regulatory approach of linking the level of regulation to the pervasiveness and degree of influence of a television programme service; the relaxation of advertising time; and the removal of outdated regulatory restrictions. The more controversial areas are impartiality, personal view programmes and conflict of interest.

A summary of the major comments received and the BA's response to these comments are at Annex B.

Major Comments on the Draft Generic Codes and Draft Radio Codes

Impartiality

4. Paragraphs 2 to 6 of Chapter 9 of the Draft Generic Code on Programme Standards and paragraphs 21 to 25 of the Draft Radio Code on Programme Standards set out the provisions on impartiality. They provide that licensees must ensure that due impartiality is preserved as respects news programmes and any factual programmes dealing with matters of public policy or controversial issues of public importance.

5. Some respondents express concern that the impartiality provisions are too restrictive and may undermine freedom of expression and result in self-censorship by the broadcasters. Some express doubts as to whether it is always possible or appropriate to include opposing viewpoints in a programme or programme series.

6. It should be noted that impartiality is not a new requirement as it is already stipulated in the existing code of practice on programme standards. The proposed provisions in the Draft Generic Codes and Draft Radio Codes are in fact an improvement over the existing formulation. The existing code requires that "every current affairs or documentary programme dealing with controversial issues of public importance must attempt to be impartial in itself" (our emphasis). The Draft Generic Codes and Draft Radio Codes explicitly provide licensees with a larger degree of flexibility in seeking to achieve impartiality. The Draft Generic Codes and Draft Radio Codes state clearly that impartiality does not necessarily have to be achieved in one single programme and that the requirement of impartiality would be interpreted as meaning adequate or appropriate to the subject matter and type of programme.

Personal View Programmes

7. Personal view programmes are programmes in which the programme hosts and other contributors put forward their own views. Such programmes may not measure up to the impartiality requirement in the strictest sense, as there may not be a sufficiently wide range of views covered by the programme. The BA accepts that the requirements for such programmes may be more relaxed as long as the audience can clearly recognise the programmes for what they are.

8. Some respondents consider the BA's proposed requirement of an announcement at the start of a programme and a half-hourly announcement of the nature of the programmes superfluous and unnecessarily intrusive. Concern has been expressed by some respondents over the definition of the personal view programmes and in particular whether phone-in programmes or talk shows are personal view programmes. Some respondents also seek clarification as to whether personal view programmes need to comply with the impartiality requirement at all.

9. The BA considers that there is a need for licensees to clearly identify the nature of personal view programmes to alert viewers or listeners to the fact that the views expressed therein are personal opinions. The manner in which such identification is made is a technical consideration. The BA appreciates that frequent reminders of the nature of a personal view programme may be annoying to some audience. The BA has no objection to deleting the requirement of a half-hourly announcement provided the nature of the programme is clearly identified at the start of the programme.

10. As regards the definition of the personal view programme, the BA considers it impracticable to define it by reference to programme format for the simple reason that such programmes can come in different forms. For example, a phone-in programme can be very impartial, with the programme host carefully including a wide range of views on a subject, and dealing with the opposing views even-handedly. Such a programme can be regarded as a serious current affairs programme. Other phone-in programmes may adopt a more casual approach, allowing

more room for the programme host to express his own views. It should therefore be up to the licensee to decide whether a programme is labelled as personal view programme.

11. Because of the nature of personal view programmes, the BA proposes that such programmes should be subject to a more relaxed standard in respect of the requirement of impartiality. The proposed codes, for example, allow for the expression of purely personal views as long as they do not rest upon false evidence.

Conflict of Interest

12. Paragraph 10 of Chapter 9 of the Draft Generic Code of Practice on Programme Standards and paragraph 29 of the Draft Radio Code of Practice on Programme Standards contain provisions governing potential conflict of interest of presenters of news and factual programmes dealing with matters of public policy or controversial issues of public importance. They provide that licensees shall require these programme presenters to declare their commercial interests to them, and shall keep a register of such interests. Licensees should then decide whether programme presenters should refrain from discussion of a topic or disclose the interests on air.

13. There is general support for the spirit behind the proposal to require licensees to make public the existence of any potential conflict of interest in a programme. Concerns, however, have been expressed by some respondents about practical difficulties in the enforcement of the proposed provisions and about possible invasion of privacy and restriction on freedom of expression. Some respondents consider it unfair that licensees should be held responsible for the action of the programme presenters. Some respondents propose the establishment of a self-regulatory system by the licensees.

14. It is noted from the submissions that some broadcasters have already adopted some sort of mechanism to deal with the issue of conflict of interest. After careful deliberation, the BA takes the view that a transparent regulatory mechanism institutionalised by licensees themselves would be an acceptable alternative. The BA has therefore

proposed that licensees should be required to devise and institutionalise, within three months from promulgation of the Code, a mechanism whereby its presenters of news and factual programmes dealing with matters of public policy or controversial issue of public importance are required to disclose to the licensee the existence of any commercial agreements, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee should then exercise its editorial judgement and decide whether:

- (a) the relevant programme presenter shall refrain from taking part in discussion of issues over which he may have conflict of interest; or
- (b) a disclosure announcement that a relevant commercial agreement exists shall be made at the time of broadcast of the programme material.

The licensee should be required to receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee should also be required to inform the complainant and the BA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website.

15. Upon receipt of complaints about conflict of interest in a particular programme from the public, the BA will refer the complaints to the licensee concerned for investigations. The manner in which the licensee investigates individual complaints will be outside the ambit of the BA, but subject to public scrutiny. The revised provision is set out in paragraph 8 of Chapter 9 of the revised Draft Generic Code on Programme Standards and paragraph 27 of the revised Draft Radio Code on Programme Standards.

The Next Step

Annexes C&D

16. On 4 January 2001, the BA issued the revised Draft Generic Codes and the revised Draft Radio Codes at Annexes C and D respectively to licensees for consultation. The BA will consider their comments on the revised Draft Codes before finalising them for promulgation.

Television and Entertainment Licensing Authority

5 January 2001

**Submissions Received on the Draft Generic Codes of Practice for
Television and the Draft Radio Codes of Practice**

Organisations

1. Asia Television Limited
2. Cable & Wireless HKT VOD Ltd.
3. Democratic Alliance for Betterment of Hong Kong
4. Democratic Party
5. The Frontier
6. Hong Kong Cable Television Ltd.
7. Hong Kong Commercial Broadcasting Co., Ltd.
8. HK Network TV Limited
9. Hong Kong Human Rights Monitor
10. Hutchvision Hong Kong Ltd.
11. Metro Broadcast Corporation Ltd.
12. Office of the Privacy Commissioner for Personal Data
13. Pacific Convergence Corporation
14. Pacific Digital Media (HK) Corporation Ltd.
15. Radio Television Hong Kong
16. Radio Television Hong Kong Staff Union
17. Television Broadcasts Ltd.
18. Yes TV (HK) Ltd.

Individuals

19. Chung
20. Sau Lok Chan
21. Fai
22. C. Chan
23. Elaine Cheng
24. Catherine Yeung
25. Johnny
26. Catherine Chong & Cleresa Wong
27. S. Wong
28. Liu Kai-ming
29. Eric Leung
30. K.K. Liu
31. Stephen Chan Chit-Kwai, JP
32. 黎穗德
33. 阮小梅
34. 不署名人士
35. 張孔飛
36. 楊健敏
37. 不署名人士
38. 憤怒者
39. 國標
40. 李錦成
41. 陳毓慶
42. 黃太
43. 黃卓偉
44. 潘小姐
45. 周子焯
46. 李健華
47. 盧任生
48. 岑太
49. 胡偉雄
50. 香港市民
51. 李凌榮珠
52. 盧燕清
53. 凌楊林美
54. 胡燕琼
55. 黃達明
56. 陳華裕
57. 黃一柱

**Major Issues raised on the proposals on
The Draft Generic Codes and Draft Radio Codes**

Items	Issues	BA's Views
<u>General</u>		
	1. Consider the draft codes user-friendly and would enable licensees to operate in a clear and well-refined regulatory regime.	Noted.
	2. Support the principle that the degree of restriction applied should be related to the pervasiveness and the degree of the influence of the television programme service; the relaxation of the requirements on advertising time; and the removal of regulatory restrictions which are outdated.	Noted.
<u>Impartiality</u> <i>(Draft Generic Programme Code – para.2-6 of ch.9; Draft Radio Programme Code – para.21-25)</i>		
	3. Impartiality should be judged by the media's own editors, applying accepted journalistic standards.	Ours is a light-touch regulatory approach. The proposed provisions merely seek to clarify the existing requirements on impartiality and fairness and reduce the scope of subjective interpretation in the enforcement of the codes. The proposed formulation is an improvement over the existing version and is in line with international standards.
	4. The impartiality provisions as drafted are unrealistic and impracticable. They may curtail the editorial independence of the licensees by requiring them to include views of a certain section of the community.	We do not agree. The proposed formulation of the impartiality provisions is an improvement over the existing version. The impartiality provisions explicitly provide licensees with more flexibility, e.g. impartiality does not necessarily have to be achieved in one single programme and the requirement of impartiality would be interpreted as meaning adequate or appropriate to the subject matter and type of programme.
<u>Personal view programmes</u> <i>(Draft Generic Programme Code – para.9 of ch.9; Draft Radio Programme Code – para.28)</i>		
	5. The requirement that personal view programmes must be impartial is too onerous.	In personal view programmes, the programme host or the individual contributor is allowed to put forward his own views provided that the programme is clearly identified as a personal view programme and the opinion expressed does not rest upon false evidence. The requirement is necessary and reasonable.

Items	Issues	BA's Views
6.	No need to identify personal view programmes as the audience can judge for themselves.	Our proposal is in line with international trend to provide more programme information to viewers to help them make an informed choice and judgement for themselves.
7.	Object to the requirement of a half-hourly announcement. Broadcasters should be left with the flexibility as to how they may identify programmes.	The means of identification of personal view programme is a technical issue. We propose to delete the half-hourly announcement requirement provided the nature of such programmes has been clearly identified at the start. For clarity purpose, we are prepared to include some examples of the format of the announcement in the codes after consultation with the industry.
8.	The ambit of personal view programmes is difficult to define.	Personal view programmes are programmes in which the programme hosts/contributors put forward their own views. Where the nature of such programmes are clearly identified, they are subject to different standards in respect of impartiality. The provision provides more flexibility to licensees. Similar provisions can be found in UK's ITC & Radio Authority codes of practice and BBC's Producers' Guidelines. A personal view programme can take many different forms. The main crux is the way views are presented, not the format its takes.

Conflict of interests

(Draft Generic Programme Code –para.10 of ch.9; Draft Radio Programme Code – para.29)

9.	The issue should be dealt with in licensees' own guidelines rather than in the codes. The requirement to keep a register of commercial agreements should be deleted.	The intention is to enable viewers and listeners to take into account possible conflict of interest of current affairs programme presenters when forming an opinion on the subject discussed in a programme. Similar requirements can be found in the UK's codes of practice and Australia's licence conditions. Nevertheless we consider self-regulation an acceptable alternative if licensees are prepared to adopt and institutionalise a mechanism for disclosure of conflict of interest, and is prepared to make public its investigation of related complaints.
10.	The collection and centralised storage of personal data may give rise to anxieties among those that are subject to the requirement.	The requirement in question is designed to safeguard impartiality and fairness of a programme. It is by no means an attempt to intrude on privacy. Please also see our revised proposal and comment at para.9 of this Annex.

Items	Issues	BA's Views
11.	Licensees may have practical and administrative difficulties in operating a register.	Licensees would need to comply with the PD(P)O in collecting personal data. Please also see our revised proposal and comment at para.9 of this Annex.
12.	Licensees should not be held responsible for the failure of programme hosts to disclose their interests correctly and/or completely.	Please see our revised proposal and comment at para.9 of this Annex.
13.	Licensees should be given discretion on when and how to present disclosure announcements for viewers or listeners.	Please see our revised proposal and comment at para.9 of this Annex.

Broadcast of material unsuitable for children outside family viewing hours

14.	The proposal seems to tighten the standards on scheduling and broadcast of material outside the Family Viewing Hours. Both ATV and TVB have proposed revised wording for paragraphs 6 & 7 of Chapter 2 of Draft Generic Programme Code.	There is no intention to tighten the standards. We admit that the wording may be misleading and have no objection to accepting the licensees' proposal to amend paragraphs 6 & 7 to dispel uncertainty.
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Scheduling requirements for domestic pay services

15.	With the mandatory provision of locking device on domestic pay services, material unsuitable for children should be prohibited only in programmes or on channels specially designed for children. The prohibition of such material in programmes or on channels likely to be watched by a large number of children and young viewers is not necessary and should be deleted. (Draft <i>Generic Programme Code – para.8 of ch.2, para.7 of ch.4, para.7 of ch.5, para.10 of ch.6; Draft Generic Advertising Code – para.3 of ch.5 , para.2-4 of ch.7</i>)	We agree that for domestic pay television services, which provide a mandatory locking device, it should be sufficient to prohibit material unsuitable for children only in programmes or channels specially designed for children. Parents have a responsibility to decide, based on the programme information provided, whether other programmes or channels are acceptable for their children's viewing. Suitable amendments will be made.
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Items

Issues

BA's Views

Programme information

16. Omitting the additional requirement on programme information. Licensees should be given discretion on when to provide information for viewers. (*Draft Generic Programme Code – para.8-12 of ch.8*)

The strengthening of programme content information is in line with the worldwide trend to provide viewers with sufficient information in advance of viewing. As the requirement only applies to programmes containing problematic content, we believe it would not impose undue burden on licensees.

17. The requirement on the inclusion of additional programme content information in programme promos, programme guide and programme schedule is more onerous than that in the existing codes. (*Draft Generic Programme Code – para.8 & 12 of ch.8*)

The proposed provisions only require the licensees to make reasonable effort to carry additional programme content information in programme promos, programme guide etc. It has already built in flexibility for the licensee's actual operation.

Interviews

18. Impracticable to require the licensees to ensure that the views of interviewees remain valid when they are broadcast on air. Both RTHK and CRHK have proposed specific wordings for the provision. (*Draft Generic Programme Code – para.16 of ch.9; Radio Programme Code – para.35*)

The purpose of the requirement is to ensure that licensees should not mislead viewers about the validity of the views in recorded programmes. Where necessary, the licensee could inform viewers of the date the interviews were conducted. We have no objection to accepting the licensees' proposal to amend the paragraph to make the meaning clear.

Privacy

(*Draft Generic Programme Code – ch.10; Draft Radio Programme Code – para.38-41*)

19. Since all licensees must comply with the PD(P)O, there is no need to include privacy provisions in the law. Privacy could be addressed in licensees' internal working guidelines rather than in the code.

We believe it is important to set out clear standards regarding privacy in the codes to ensure compliance. The privacy provisions remind the licensee to observe PD(P)O and require licensees to comply with another three provisions which are not covered by the law. The three proposed provisions aim to alert the licensees to the extra sensitivities needed in the interviewing of children or people under stress. Similar requirements can be found in the codes of practice of the ITC & BSC.

Items	Issues	BA's Views
20.	Gathering a child's views on his/her family matters should be allowed if the purpose is for the benefit of the child or if the interview has been consented to by the child's parents/guardians. <i>(Draft Generic Programme Code – para.3 of ch.10; Radio Programme Code – para.40)</i>	The proposed provision relating to interviewing of children aims to ensure that a child's trust is not abused. As a rule of thumb, licensees should not attempt by any means to <u>elicit</u> children's views on private family matters. Our view is that this applies whether or not broadcasters have secured parental consent before interviewing the children or whether the purpose is for the benefit of the child.

Home shopping services

21.	The draft Codes have not given clear guidelines on home shopping services.	There is no specific regulation on the home shopping services. The requirements of the Draft Generic Advertising Codes apply to home shopping services in general. However, we are prepared to add a new provision that if a channel comprises of home shopping material and the nature of the channel is clearly indicated to viewers, the channel does not need to comply with the requirement to flag an advertisement or to show an advertisement only in programme breaks and intervals <i>(Draft Generic Advertising Code – para.5 of ch.3 & para.1 of ch.8)</i> .
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Enforcement and relationship with other enforcement agencies

22.	Licensees should not be subject to double penalties if they breached the provisions on privacy and elections.	As a matter of general principle, the BA would not interpret or enforce provisions which are within the purview of other enforcement agencies. We will revise the codes to make this clear.
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Contests

23.	The restriction on fee collection in contests should be lifted or relaxed such that licensees may deviate from this rule in respect of contests for charitable purposes without prior approval from the BA. Exemptions should be extended to non-charitable contests subject to BA's prior approval. <i>(Draft Generic Programme Code – para.1 of ch.12; Radio Programme Code – para.43)</i>	The “no fee payable” provision is necessary to ensure that a programme would not encourage gambling and that viewers enjoy free and equal access to contests. As for charitable contests, there is a need for the BA to grant exemption to the licensee on a case-by-case basis to ensure that the organizer concerned is a bona fide charitable organisation, and that any proceeds from the contest will be devoted to disadvantaged third parties and will not be associated with the promotion of any other unrelated objectives.
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Items**Issues****BA's Views****Live broadcast programmes**

24. Licensees should be allowed to deviate from the standards (e.g. impartiality & fairness, privacy, programme information, etc.) in the codes where compliance is not feasible.

The licensee has a responsibility to ensure that the programmes or channels they acquire comply with the codes. We believe that there is sufficient flexibility built into the codes. For example, the preamble of the Generic Codes specifies that when forming a view about the acceptability of any programme material, the BA will give consideration to, among other things, the circumstances in which the programmes are broadcast, such as the nature of a channel.

Films classified by FCA

(Draft Generic Programme Code – para.18 of ch.3)

25. The requirement that the licensee may show films that have been classified by the Film Censorship Authority (FCA) as Cat.III subject to the rules set out in the codes is overly restrictive. The licensee should be allowed to show on its adult channel articles which have been classified by the Obscene Articles Tribunal (OAT), subject to the applicable restrictions under the COIAO.

We have no objection to allowing the licensee to use the classification of the FCA or OAT's certification as a guide to programming. The provision as drafted does not preclude this. Our intention is to make it clear that such classification or certification (whether issued by FCA or OAT) may not be directly applicable to television. The responsibility for ensuring the acceptability of a film ultimately lies with the licensee.

Annex C

REVISED

**DRAFT GENERIC CODE OF PRACTICE
ON TELEVISION PROGRAMME STANDARDS**

Contents

1. Preamble	3
2. Scheduling	7
3. General Programme Standards	9
4. Use of Language	14
5. Sex and Nudity	16
6. Violence	19
7. Protection of Children	22
8. Information for Viewers	25
9. Impartiality and Fairness	31
10. Privacy	37
11. Indirect Advertising	38
12. Other Programme Matters	41
Annex Definitions of Programme Types	44

Chapter 1 Preamble

1. This Code of Practice is issued by the Broadcasting Authority (BA) pursuant to Section 3 of the Broadcasting Ordinance (Cap.562). All materials included in a television programme service licensed under the Broadcasting Ordinance (Cap.562) must comply with this Code. The BA has the power to impose sanctions on licensees who do not comply with the Code.

2. This Code sets out the programme standards for the four categories of television programme services licensed under the Broadcasting Ordinance (Cap.562), viz., domestic free television programme services, domestic pay television programme services, non-domestic television programme services and other licensable television programme services.

3. Due to the difference in characteristics, pervasiveness and degree of influence of the television programme services, each category of television programme service is subject to a level of control appropriate to that particular type of services. As a general principle underlying television programme regulation, the degree of restriction applied must be related to the likely audience of the television programme service and their expectations.

4. *Domestic free television programme services* are intended or available for reception by the public free of charge in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Since they are the most pervasive of all the four categories of television programme services, it is reasonable for the audience to expect more stringent standards for protection of minors and public morality.

5. *Domestic pay television programme services* are intended or available for reception by the public, on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Given that subscription is voluntary and is by choice, and that the provision of a television programme service locking device is a mandatory requirement, sufficient safeguards are in place so as to allow a more relaxed regulatory regime for its content. Domestic pay television programme services are therefore subject to less stringent content control.

6. *Non-domestic television programme services* cover television programme services which do not primarily target Hong Kong. Such services are either (i) intended or available for reception by the public free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; or (ii) neither intended nor available for reception by the public free of charge in Hong Kong

or on payment, whether periodically or otherwise, of a subscription in Hong Kong. Television programme service locking devices are required for subscription services provided in Hong Kong by the licensees. Since these services do not primarily target Hong Kong, they are required to comply with only the minimum standards. Nevertheless, the non-domestic television programme service licensee should take all reasonable steps to ensure the acceptability of the licensed services in, and to comply with the laws and programme and advertising standards stipulated by the relevant authorities of, recipient countries and places.

7. *Other licensable television programme services* are intended or available for reception free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of not more than 5,000 specified premises (unless otherwise permitted by the BA where it is satisfied that the service concerned is only intended or available for reception by a single housing estate), or in hotel rooms. They are television programme services whose reception is limited to a narrower audience. Since these services (except for a service provided to hotel rooms) are required to provide a television programme service locking device, they should not be subject to a degree of control greater than that imposed on the domestic pay television. However as the target audience of these services may range from members of the general public to hotel guests and other special interest groups, the licensee should be sensitive to the expectations of different audiences. The content of programme material delivered on television programme services targeting members of the general public should be consistent with the relevant standards applicable to domestic pay television. Where television programme services are targeted at hotel guests and other special interest groups, they may be subject to a lighter control than domestic pay television.

8. Some of the provisions in the Code are common to all categories of television programme services while others apply to a certain category or categories of such services. This will be clearly stated in the headings or the concerned paragraphs or chapters.

9. The BA, as the regulator, does not preview or pre-censor any programmes. The editorial responsibility lies with the licensees themselves. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any programmes delivered on their licensed services will comply with the Code. Judgement will always be called for by the licensee. When forming a view about the acceptability of any programme material, the BA will give consideration to the following factors: -

(a) Type of licensees

Restrictions on content control are to be adjusted according to the degree of pervasiveness and the nature of a certain category of licensees. See also paragraphs 4 to 7 in this chapter.

(b) Type of programme

The provisions in the code will vary with the type of programme; the considerations applying to drama, for example, are different from those applying to a documentary. It is important to consider the

expectations that viewers have of particular programmes. Whether or not a scene causes offence to an audience can depend greatly on whether it is contrary to the expectations of a programme.

(c) Programme context

Much depends on the context; i.e. where and why the material appears in the particular programme, whether a scene may be justified by the storyline or the expectations created about the individual characters. What is unacceptable in one context may be appropriate and acceptable in another.

(d) Time of the day

The licensee's responsibility for sensitive scheduling of programmes may reduce a risk of offence to the minimum. For example, at certain times, parents will want to be confident that their children can watch television unsupervised without the risk of being exposed to unsuitable material. At other times, they can accept more challenging material and can reasonably be expected to take greater control over their children's viewing.

(e) Target audience

The provisions in the code will differ according to the likely composition of the audience to television programmes. Material within a programme has to be judged in relation to what that particular audience may reasonably expect. Special concern should be given to the interests of children and young viewers. The content control over the programmes ~~targeting produced for~~ children is much more stringent than those ~~targeting directed to~~ adults.

(f) Circumstances in which the programmes were shown

Account should be taken of the circumstances in which the programmes were shown such as the nature of a channel or whether the programme is subject to access control, only available on demand or accessible on a programme by programme basis.

(g) Programme information

The licensee should ensure that appropriate information such as clear and specific warnings or labelling is available to assist viewers in their choice of television programmes. Such information should be employed where there is a likelihood that some viewers may find a programme disturbing.

(h) Merits of programme

The use of material that may cause offence or distress may be justified by its purpose and the overall quality of the programme. The considerations applying to programmes which are serious presentations of moral, social or cultural issues, for example, are different from those applying to a light entertainment programme.

10. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.

11. The provisions set out in this code have to be applied in spirit as well as in letter and should be read in conjunction with relevant legislations and licence conditions currently in force. As a matter of principle, the BA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the BA will generally refer the case to the proper enforcement agency for action.

Chapter 2 Scheduling

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. As a matter of principle, programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or offending the audience. *(For details on the standards for programmes targeting ~~at~~ children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Family Viewing Policy

2. The family viewing hours are determined as the period between the hours of 4:00p.m. and 8:30p.m. on any day, during which time nothing which is unsuitable for children should be shown. The Family Viewing Policy assumes that there is a progressive decline in the proportion of children present in the audience throughout the evening. The restriction on the provision of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30p.m. It is assumed that after 8:30p.m. parents may reasonably be expected to share responsibility for what their children are permitted to [watch](#) ~~see~~.

3. Violence is not the only reason for a programme to be considered unsuitable for family viewing. Other factors include bad language, innuendo, sex and nudity, scenes of extreme distress, the deliberate use of horror for its own sake, morbid sound effects intended to anticipate or simulate death or injury, the use of the supernatural or superstition so as to arouse anxiety or fear, torture, cruelty to children or animals, any matter likely to lead to hysteria, nightmares or other undesirable emotional disturbances in children and the use of ~~incorrect pronunciation and~~ crude slang. More detailed rules relating to some of these matters are set out in subsequent chapters of the Code.

4. The licensee must be particularly sensitive to the likelihood that programmes which start before 8:30p.m. but which run beyond that time will continue to be viewed by a family audience.

5. No programmes classified as Parental Guidance Recommended (“PG”) or Mature (“M”) should be included within family viewing hours. More detailed guidance on programme classification is given in Chapter 8 Information for Viewers.

Scheduling Outside the Family Viewing Hours

6. The licensee must not show material unsuitable for children or young viewers at times when programmes [targeting](#) ~~directed at~~ children or young viewers are normally included or under circumstances such that large numbers of children and young viewers might be expected to be watching television, particularly ~~on Saturday nights and~~ during school holidays.

7. ~~No programmes classified as “PG” should be shown at times when there is a large audience of children and young viewers watching television.~~ Programmes classified as “M” should only be shown between 11:30p.m. and 6:00a.m.. More detailed guidance on programme classification is given in Chapter 8 Information for Viewers.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

8. The licensees [should](#) ~~must~~ ensure that the programmes on their licensed services are suitable for their likely audience. Nothing which is unsuitable for children or young viewers should be shown in programmes or on channels [targeting](#) ~~specially designed for children or young viewers or likely to be watched by a large number of children and young viewers.~~ Programme material which is suitable for viewing by adults only should be clearly labelled as such.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

9. There is no specific rule on the scheduling of programmes for non-domestic television programme services as they may be delivered to many different societies and across different time zones. However, programme material which is suitable for viewing by adults only should be clearly labelled as such. In addition, it should not be scheduled in any part of the television programme service which has no access restriction.

Chapter 3 General Programme Standards

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast.
2. In the presentation of television programmes, certain basic standards must always be observed. A licensee should not include in its programmes
 - (a) any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers taking into consideration the circumstances in which the programme was shown;
 - (b) any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or
 - (c) anything which is in contravention of the law.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Decency and Decorum in Production

3. To preserve decency and decorum in production so as to avoid embarrassment or offence to viewers at home, the presentation of all performers must be within the bounds of propriety. Special care must be taken as regards costuming, movements of dancers and artists, and selection of camera angles.

Human Relationships

4. The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations should be treated with sensitivity and not in an exploitative or irresponsible manner. Respect should be maintained for the sanctity of marriage and the importance of the home.

Crime

5. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified. Glamorization of the lifestyles of criminals should be avoided. The presentation of criminal techniques, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation should also be avoided. Scenes containing detailed instructions for, or illustrations of, the use of illegal drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules:

- (a) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, should be avoided.
- (b) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language should be avoided.
- (c) Glorification of the power of the triads and membership in a triad society should be avoided.

(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).

Alcoholic Drinks, Tobacco and Drugs

6. The use of alcoholic drinks, tobacco and drugs should be avoided except when it is necessary for the development of the plot or characterisation. In addition, particular care is needed with programmes likely to be ~~watched~~^{seen} by children and young viewers. Programmes made specially for children should not feature any alcoholic drinks, tobacco and drugs unless an educational point is being made, or unless in very exceptional cases, the dramatic context makes it absolutely necessary.

7. The portrayal of, and reference to, drunkenness and addiction to drugs or narcotics should be limited to the needs of the plot and characterisation, and not presented as desirable. *(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).*

Gambling

8. The use of gambling devices or scenes relevant to the development of the plot or as an appropriate background is acceptable. It should be presented with discretion, moderation and in a manner which does not encourage or offer instructions in gambling.

Religion

9. Attacks on any established religious faiths or beliefs should not be

permitted.

10. Any programme which includes a portrayal of religious rites should ensure the accurate presentation of such rites and the correct treatment of religious dignitaries and officers in their various callings.

Superstition

11. The promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to fortune-telling, feng-shui, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, spiritualism and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young viewers. (*For details on the standards for programmes classified as "PG", please see Chapter 8 Information for Viewers*).

Hypnotism

12. Demonstrations of hypnotism should be done with care to avoid any possible adverse impact on the audience or viewers. Hypnotists should not be shown performing straight to camera.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Crime

13. Unless otherwise stated below, the depiction of criminal activities should comply with the rules set out in paragraph 5 above. The depiction of triad groups and activities is further subject to the following rules:

- (a) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia including cryptic poems and icons may only be permitted in programmes restricted for adult viewing.
- (b) Triad expressions not generally accepted in, or in the process of being absorbed into daily language may only be permitted in programmes restricted for adult viewing.
- (c) Glorification of the power of triads and membership in a triad society should be avoided.

Alcoholic Drinks, Tobacco and Drugs

14. The presentation as desirable of the misuse of alcoholic drinks, tobacco and drugs should be avoided. Detailed instruction in the use of illegal drugs is not permitted.

Gambling

15. Depictions of gambling should not be presented in a manner that would encourage gambling.

Hypnotism

16. The licensee must comply with the rules set out in paragraph 12 above.

Adult Programmes

17. The licensee may include adult material in its licensed service subject to sufficient safeguards against children's access to such material. The licensee must devise a scheme to the satisfaction of the BA to ensure that children will not be exposed to the adult material. No obscene material may be included in the television programme service. Obscenity includes also violence, depravity and repulsiveness.

Films Classified as Category III by the Film Censorship Authority

18. Where a Film Censorship Authority certification exists for the version of a film proposed for showing on programme services, it may be used as a guide to programming. The responsibility for ensuring the acceptability of a film ultimately rests, however, with the licensee. Subject to the rules set out in this section and elsewhere in the Code, the licensee may show films which have been classified as Category III by the Film Censorship Authority under the Film Censorship Ordinance (Cap. 392) in the form as approved for exhibition as adult programmes. However, films which the Film Censorship Authority have refused to approve for exhibition should not be shown on programme services at all.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

Crime

19. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour.

Sensitivities of Intended Recipient Countries

20. The licensee should have respect for the cultural, religious and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

Adult Programmes

21. The licensee must comply with the rules set out in paragraph 17 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

22. The licensee must comply with the rules set out in paragraphs 13-18 above.

Services Intended for Hotel Guests and Other Special Interest Groups

Crime

23. The licensee must comply with the rules set out in paragraph 19 above.

Chapter 4

Use of Language

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. There is no absolute ban on the use of bad language. Many viewers are however offended by such language on television. While there are circumstances in which bad language may be used to reflect certain types of characters in a programme, licensees must ensure that such use is defensible in terms of the context. They must take care to avoid the gratuitous use of language that is likely to be offensive.
2. Bad language should not be used in programmes targeting ~~designed for~~ ~~children~~ ~~for children~~. *(For details on the standards for programmes targeting children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. For domestic free television programme services, bad language should not be used in programmes likely to be watched by a large number of children and young viewers.
4. Some expressions which were considered unacceptable in the past have been absorbed into our daily language. There is no objection to their use on television, but the licensee should ensure that such expressions are employed with discretion.
5. Expressions not so widely accepted, which may still be considered offensive by the average viewers, should not be used within the family viewing hours. At other times they may be presented with discretion and in moderation. Crude expressions with sexual connotations, more explicit adult jokes and other offensive language may only be used infrequently after 11:30p.m. where they are defensible in terms of context. *(For details on the standards for programmes classified as "PG" or "M", please see Chapter 8 Information for Viewers. For standards on triad expressions, please see paragraph 5(b) of Chapter 3 General Programme Standards).*

6. Downright offensive expressions and obscene or profane language are prohibited.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

7. For domestic pay television programme services, bad language should not

be used in programmes or on channels targeting children or young viewers likely to be watched by a large number of children and young viewers. In other programmes or on other channels, the use of crude expressions with sexual connotations, more explicit adult jokes and other offensive language must be appropriate to the story line or programme context. The use of downright offensive language may only be permitted in programmes or on channels restricted for adults provided it is appropriate to the story line or programme context and not overly frequent and impactful. (*For standards on triad expressions, please see paragraph 13(b) of Chapter 3 General Programme Standards.*)

8. Obscene or profane language that is likely to offend a substantial portion of the audience is prohibited.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

9. For non-domestic television programme services, the licensee should be sensitive to language which has religious, cultural and racial connotations for the audience of the intended recipient countries and places.

Subscription Services in Hong Kong

10. The use of downright offensive language may only be permitted in programmes or on channels restricted for adults provided it is appropriate to the story line or programme context and not overly frequent and impactful. Nevertheless, obscene or profane language that is likely to offend a substantial portion of the audience is prohibited.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

11. The licensee must comply with the rules set out in paragraphs 7 to 8 above.

Services Intended for Hotel Guests and Other Special Interest Groups

12. The licensee must comply with the rules set out in paragraph 8 above.

Chapter 5

Sex and Nudity

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Television programmes deal with a variety of sexual themes and portrayals. Some are capable, if wrongly treated, of giving offence, making public and explicit what many people regard as private and exclusive. It is, therefore, necessary for licensees to exercise due care in their treatment of sex and nudity so that they can avoid shocking or offending the viewing public. The need for sensitive scheduling and labelling over material of this kind should always be kept in mind. *(For details on the standards for programmes targeting ~~at~~ children, please see Chapter 7 Protection of Children).*

2. The portrayal of sex and nudity on television needs to be defensible in context and presented with tact and discretion. Explicit or gratuitous depiction of sexual violence is prohibited.

3. Explicit depiction of sexual behaviour involving a child who is, or who is apparently, under the age of 16 years should not be permitted. A sexual relationship involving a child can be a proper theme for a television programme; it is the treatment of the theme which may make it improper. The treatment should never suggest that such behaviour is legal or acceptable.

4. Care must be taken with the treatment of incest and child abuse in television programmes. These subjects must be treated with sensitivity and not in an exploitative or irresponsible manner. Programmes containing material of this kind require sensitive scheduling and clear labelling of their contents. Depiction of exploitative incestuous behaviour is prohibited.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

5. Within the family viewing hours, depictions of sexual behaviour or nudity must be incidental, extremely discreet and absolutely necessary to the story line or programme context. At other times such depictions must be discreet and appropriate to the story line or programme context. Depictions of intimate sexual behaviour may be permitted after 11:30p.m. only where they are discreetly implied or simulated and must not be grossly offensive taking into consideration the likely composition of the audience for the time of day at which they are shown. *(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).*

6. Of the greatest concern are scenes of non-consensual sexual behaviour. When a scene involves rape or indecent assault, strong consideration must be given to minimizing the depiction of the details of the crime. Non-consenting sexual relations should not be presented as desirable. Rape should be portrayed as an act of violence subject to the stringent rules on violence in this code, not a sexual act. (*For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers*).

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

7. For domestic pay television programme services, depictions of sexual behaviour or nudity must be incidental, extremely discreet and absolutely necessary to the story line or programme context when they are included in programmes or on channels ~~targeting~~ directed at children or young viewers ~~or likely to be watched by a large number of children and young viewers~~. Intimate sexual behaviour may be implied or simulated and must not be grossly offensive in other programmes or on other channels. Sexually explicit scenes may only be shown in programmes or on channels restricted for adults.

8. Depictions of hard core material, or sexual acts with offensive perversion, are not permitted.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

9. Non-domestic television programme services should have respect for the cultural, religious and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

10. These services may enjoy a more relaxed standard than a free-to-air television service in respect of the portrayal of sex and nudity subject to sufficient safeguards against children's access to adult material. Sexually explicit scenes may be shown only in programmes or on channels restricted for adults. Depictions of hard core material, or sexual acts with offensive perversion, are not permitted.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

11. The licensee must comply with the rules set out in paragraphs 7 to 8 above.

Services Intended for Hotel Guests and Other Special Interest Groups

12. The licensee must comply with the rules set out in paragraph 8 above.

Chapter 6 Violence

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Real-life violence takes many forms: "physical" violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means; "mental" violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression.
2. The depiction of violence on television should be handled with extreme care by the licensee. The degree and type of violence and the detail which can be shown depend upon context and the service on which it is shown. *(For details on the standards for programmes targeting ~~at~~ children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. No violence for its own sake or purely for dramatic attraction is allowed. Gratuitous or excessive depictions of violence, sadistic or other perverted practices, gore, pain or physical suffering are not acceptable. Callousness or indifference to suffering experienced by victims of violence should be avoided.
4. Extreme caution must be exercised in any themes, plots or scenes which mix sex and violence, including rape and other sexual assaults. On the treatment of non-consensual sexual behaviour, see paragraph 6 in Chapter 5 Sex and Nudity.
5. The licensee should take great care in the depiction of violence against women, children or older people, particularly in an abusive context. Incitement to violence against specific groups identified by race, national or ethnic origin, colour, religion, gender, sexual orientation, age, mental or physical disabilities should not be permitted.
6. Suicide and suicidal attempts should be handled with discretion and care, particularly in the case of programmes appealing to children and popular drama serials. There should be no detailed demonstration of the means or method of suicide. Care also needs to be taken over the use of words to describe the event.
7. The use of animals in violent acts, consistent with plot and character delineation, should be in conformity with accepted standards of humane treatment. It

may also be helpful to indicate that no harm was caused to the animals in an announcement given at the start of the programme.

8. In depicting violence in one form or another, the time of day at which it is shown and the likely presence of children in the audience must be taken into account. Physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children within the family viewing hours. At other times any portrayal of violence, whether physical, verbal or psychological, must not be too frequent or impactful and must be essential to the story line or programme context. Feature films and telemovies of a violent nature should not be scheduled before 9:30p.m. Violence may only be realistically depicted after 11:30p.m. if the scenes are justifiable in context and not overly frequent. Depictions, however, should not be unduly bloody, sadistic or horrific. (*For details on the standards for programmes classified as "PG" or "M", please see Chapter 8 Information for Viewers*).

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

9. The portrayal of sexual violence and the treatment of specific groups must conform with the rules set out in paragraphs 4 to 5 of this chapter.

10. For domestic pay television programme services, physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children or young viewers in programmes or on channels ~~targeting aimed at children or young viewers or likely to be watched by large numbers of children and young viewers~~. Realistic depictions of violence must be appropriate to the programme context when they are shown in other programmes or on other channels. In any programmes or on any channels restricted for adults, violence with a higher degree of realism or impact may be depicted when justified by the context.

11. Sustained or excessively detailed acts of violence are not permitted.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

12. Non-domestic television programme services should have respect for the cultural, religious, and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

13. These services may enjoy a more relaxed standard than a free-to-air television service in respect of the portrayal of violence subject to sufficient safeguards against children's access to adult material. Violence with a higher degree of realism or impact may be depicted when justified by the context in programmes or

on channels restricted for adults. Nevertheless, sustained or excessively detailed acts of violence are not permitted.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

14. The licensee must comply with the rules set out in paragraphs 9 to 11 above.

Services Intended for Hotel Guests and Other Special Interest Groups

15. The licensee must comply with the rules set out in paragraph 11 above.

Chapter 7 Protection of Children

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. The licensee should be vigilant on the likely effects of all material shown on television on children. Children covers a wide age range. It is, therefore, necessary for the licensee to exercise judgement on the capacity of children in different age groups in coping with the depiction and treatment of material which may not be suitable for them.
2. No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised. The licensee should ensure that scenes likely to frighten, unnerve or cause pain to children should not be permitted in programmes targeting children.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. For domestic free television programme services, the rules set out in paragraphs 4 to 10 below must be observed during family viewing hours or at times when there is a large audience of children or young viewers. In applying the rules, the BA will have regard to the spirit and letter of the standards on programme scheduling and take into account whether the licensee has made reasonable and conscious efforts to comply with the relevant rules.
4. Scenes in which pleasure is taken in the infliction of pain or humiliation upon others should be avoided.
5. Scenes in which the infliction or acceptance of pain or humiliation is associated with sexual pleasure should be eliminated.
6. The portrayal of dangerous behaviour easily imitated by children should be avoided. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children.
7. Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, should be avoided. These include, for example, rabbit punches, suffocation, sabotage of vehicles and booby traps.
8. Smoking or drinking of alcoholic beverages by minors should not be presented in a favourable light.

9. References to the consumption of illegal drugs should only be made where absolutely justified by the story line or programme context.
10. Care must be taken in the treatment of themes dealing with gambling, prostitution, crime, or social or domestic conflict.
11. The following rules should apply to children's programmes:-
 - (a) Disrespect for law and order, adult authority, good morals and clean living should be strictly avoided.
 - (b) Children's programmes should be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.
12. There should be a balanced mix of programmes to cater for the needs of children of different age groups, and a balanced mix of different types of programmes, such as drama, comedy, sports, current affairs and cartoons, on each language service. Whilst it may not always be possible to ensure that a balanced mix is attained on a daily basis, the children's programmes over a period of time, say one week, should in the aggregate offer a balanced mix of different types of programmes for different age groups of children.
13. The BA requires that a children's programme shall not be shown more than twice within any period of 24 months, subject to the proviso that the BA may specify a different frequency of repeats in respect of any specific children's programme. For the purpose of the above, repeating the same children's programme during a different session/time slot once on the following day or the following weekend for the benefit of children attending bi-sessional schools should not be regarded as a repeat. In any event a repeat programme should be so identified in advance either on air or in the published programme schedule.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

14. For domestic pay television programme services, the licensee needs to ensure that the rules mentioned in paragraphs 4 to 11 above are strictly observed in programmes or on channels targeting children. On the safeguards against children's access to adult material, see paragraph 17 in Chapter 3 General Programme Standards.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

15. For non-domestic television programme services, the licensee should have respect for the cultural, religious and racial sensitivities of the intended recipient

countries or places.

Subscription Services in Hong Kong

16. On the safeguards against children's access to adult material, please see paragraph 21 in Chapter 3 General Programme Standards.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

17. The licensee must comply with the rules set out in paragraphs 4 to 11 above in programmes or on channels targeting children.

Chapter 8 Information for Viewers

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Licensees have a clear duty to provide sufficient and reliable information about the nature and content of the programmes to enable viewers to make an informed choice about viewing for themselves and their children.
2. Licensees should consider, where appropriate, the use of clear and unambiguous warnings or labelling where there is a significant risk that viewers, particularly children, may otherwise be unprepared for material that may shock or offend them. This does not diminish the licensee's responsibility for sensitive scheduling of programmes to reduce the risk of causing offence to the minimum.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Programme Classification

3. Programmes which are not generally suitable for viewing by children must be classified, according to the standards on programme classification specified in the following paragraphs, into Parental Guidance Recommended ("PG" [家長指引]) and Mature ("M" [成年觀眾]) categories. These rules are, by nature, not exhaustive, and the licensee should exercise due care, sensitivity and common sense in the actual process of classification, giving particular consideration to the merit of the production, context, relevancy, and purpose of a sequence and its treatment as well as the scheduling of the programme and the likely composition of the audience.

The Parental Guidance Recommended ("PG"[家長指引]) Classification

4. Programmes classified "PG" may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian. The standards to be adopted in a "PG" programme are as follows:

(a) Violence

No overly realistic, bloody or horrific depictions of violence are permitted. Any violence depicted must not be too frequent or impactful and must be essential to the story line or programme context.

(b) Language

The use of language likely to cause offence in an average viewer, including

bad language, must be defensible in terms of context and authenticity and in any case, excessive use should be avoided.

(c) *Sex and nudity*

The portrayal of sexual behaviour and nudity should be discreet and defensible in context. Nature films, programmes with a serious educational purpose, or where representation is non-graphic with appropriate depiction of such matter may be allowed if the overall effect is not likely to offend their targeted audiences. Mild forms of sexual innuendo and ambiguous (or suggestive) gesture and behaviour may be allowed in certain contexts (such as light entertainment and comedy) if they are considered not likely to offend contemporary standards.

(d) *Sexual violence*

Sexual violence should be suggested and allowed only when absolutely relevant to the story line or programme context. The licensee should also ensure that such scenes only appear sparingly over a reasonable period of time and their overall impact not likely to produce a feeling of revulsion in young viewers, even when they are accompanied by adults in watching the sequences.

(e) *Suicide*

The depiction of suicide or attempted suicide must be inexplicit and discreet, and must not be presented as the means of achieving a desired result or as an appropriate response to stress, depression or other problems.

(f) *Drugs and alcohol*

All portrayals of alcoholic consumption and/or use of legal or illegal drugs should be restricted to situations necessary to plot and/or character delineation. The use of illegal drug and/or the abuse of legal drugs or alcohol should not be depicted as desirable, beneficial or as an effective problem-solver. The adverse consequences of substance abuse (such as the dangers of driving while intoxicated) should be noted when it is practical for the licensee to do so.

(g) *Dangerous behaviour*

The portrayal of dangerous behaviour easily imitated by children, including the use of offensive weapons or articles readily accessible, should be avoided. The portrayal of other dangerous acts not as easily imitated by young viewers where imitation is still considered probable should be accompanied by clear aural and visual warnings.

(h) *Hanging scenes*

Scenes depicting hanging or preparations for hanging of easy imitation should be discreet without dwelling on details.

(i) Bad taste and indecency

Material within programmes should not appeal to prurient interest. The depiction or description of sexual or excretory organs or activities should be in a mild and inoffensive manner, subject to the condition that they only appear infrequently and when they do, justifiable in the context of the programme.

(j) Scenes of extreme suffering and distress

Depiction of the effects of natural disaster, accident or human violence should not include gruesome details.

(k) Exorcism, psychic or occultic practice and depiction of the supernatural

Exorcism, psychic or occultic practice and depiction of the supernatural should not be included in factual programming unless they are the subject of a legitimate investigation. Particular care should be taken not to induce fear and disturbances in children even when they are accompanied by adults in watching the programme. Fictional depiction of such phenomena should not be overly realistic so as to unsettle young minds. In certain cases, clear advance warnings should be provided.

(l) Triad expressions and ceremonies

Only triad expressions already absorbed, or in the process of being absorbed, into common language may be used, sparingly, when justified by the context and authenticity. Stylised ceremonies reasonably far removed from reality may be depicted where the story line or programme context absolutely demand them. Detailed depiction/description or frequent revisits on such subjects are prohibited.

The Mature (“M” [成年觀眾]) Classification

5. Programmes classified “M” are recommended for viewing by grown-up members of the family only. The standards to be adopted in a “M” programme are as follows:

(a) Violence

May be realistically depicted only if it is contextually justifiable and not overly frequent. Depictions should not be unduly bloody, sadistic or horrific. Violence should not be presented as desirable in its own right. Violence occurring in a sexual context is to be assessed more stringently.

(b) Language

Downright offensive expressions and obscene or profane language should not be used. The infrequent use of explicit adult jokes, expressions with explicit sexual connotations and other offensive language must be defensible in the programme context.

(c) Sex and nudity

Intimate sexual behaviour may only be discreetly implied or simulated and must be relevant to the story line or programme context. It must not be grossly offensive taking into consideration the composition of the viewers for the time of day at which it is shown. The licensee should guard against material solely intended to satisfy prurient interests.

(d) Sexual violence

There should not be explicit or gratuitous depiction of sexual violence. Realistic depiction of sexual violence must be essential to the story line or programme context.

(e) Drugs

There should not be any detailed instruction in the use of illegal drugs. Illegal drugs must not be depicted favourably.

(f) Triad expressions and ceremonies

Genuine triad expressions not readily recognisable in the common language should not be used. Overly realistic depiction of triad ceremonies should be avoided.

Display of Classification Symbols

6. Aural and visual advice on the classification of programmes should be given before the start of the programme. In addition, a classification symbol as approved by the BA signifying the classified category of the programme should be superimposed on the screen in the top left or right corner and is to remain visible for four seconds after the programme begins. It should be displayed immediately, or as soon as is practicable, when the programme recommences after each break.

7. The licensee should make reasonable efforts to carry the appropriate classification symbols in the promotional material for its classified programmes and to include advice or the classification symbols in the licensee's programme guide, whether in printed or in electronic form, and the programme schedule it sends out for publication.

Programme Content Information

8. In addition to the programme classification advice, an aural and visual statement must be given at the start of the programme describing the principal elements which have contributed to the classification and indicating their intensity and/or frequency (e.g. "strong violence", "frequent coarse language", etc.). The information should be clearly worded so that viewers can make informed choices about what to watch and whether their children should be allowed to watch. The statement should be in a readily legible typeface and should remain visible for at least five seconds. The licensee should make reasonable efforts to include the information ~~It should also be included~~ in the licensee's programme guide, whether in printed or in electronic form, and the programme schedule it sends out for publication ~~so far as is practicable~~.

Programme Promotions

9. Programme promotions for “PG” or “M” programmes should not contain anything unsuitable for children when they appear in the family viewing hours and at other times when large numbers of children and young viewers might be expected to be watching television.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Advisory Announcement

10. A programme or channel intended for viewing solely by adults should be clearly labelled as such.

11. Any programme containing material which [is unsuitable for children or](#) is likely to disturb some audience should carry an advisory or cautionary announcement together with a descriptive statement of problematic content. The announcement and descriptive statement should be shown at the start of the programme. The wording of a descriptive statement should be clear, factual and contain the necessary information to alert viewers of material which may disturb or offend them.

12. The licensee should make reasonable efforts to carry the advisory or cautionary announcement in its on-air promotions and promotional programmes, and to include the information in its programme guide, whether in printed or in electronic form, and the programme schedule it sends out for publication.

Promotional Material for Adult Programmes or Channels

13. Promotional material for a programme or a channel showing material of an adult nature should be scheduled so as to be consistent with the nature of surrounding programmes. Such promotional material should not be permitted on a channel targeting children and in or adjacent to a programme targeting children. Such promotional material included in or adjacent to a programme other than an adult programme should not include excerpts or other material that is not suitable for persons under 18 years of age.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

14. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraphs 1 and 2.

Subscription Services in Hong Kong

15. The licensee must comply with paragraph 10 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

16. The licensee must comply with the rules set out in paragraphs 10 to 13 above.

Services Intended for Hotel Guests and Other Special Interest Groups

17. The licensee should ensure that any programme which may contain material unsuitable for children is preceded by a notice in the following form, or a notice to the like effect:

“WARNING : THIS PROGRAMME CONTAINS MATERIAL WHICH
MAY BE UNSUITABLE FOR CHILDREN”.

Chapter 9 Impartiality and Fairness

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. News programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality. Impartiality does not require editorial staff to be unquestioning; nor is it necessary for all sides of an issue be devoted the same amount of time. But it requires reporting to be dispassionate and give viewers an even-handed account of events.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Impartiality

General

2. For domestic free and domestic pay programme services, the licensees must ensure that due impartiality is preserved as respects news programmes and any factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes which are dealt with separately under paragraph 17 below). Factual programmes are non-fiction programmes which are based on material facts. They can take the form of news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting.

3. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme. Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes should not be slanted by the concealment of facts or by misleading emphasis. Every reasonable effort must be made to ensure that the factual content of programmes is accurate.

4. In achieving due impartiality, the term "due" is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. Due impartiality does not mean that "balance" is required in the sense of equal time or an

equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgement will always be called for by the licensees. ~~The requirement will also vary with the type of programme; news and personal views programmes, for example, are different in kind and bound by separate sets of rules.~~

5. A programme host should encourage the widest possible airing of views. He/She should also be alert to the danger of unsubstantiated allegations being made by participants in live programmes. Where necessary, the programme host should correct the factual errors to the best of his/her knowledge.

Impartiality Over Time

6. Although it is desirable, it is not always possible for principal opposing viewpoints to be reflected in a single programme. Sometimes a series of programmes may be considered as a whole. At other times, a narrower range of views may be appropriate within individual programmes. This is an issue which calls for editorial judgement based on particular circumstances. In achieving impartiality over time, it is not always necessary to ensure that in a single programme all sides have an opportunity to speak.

~~7. The ways in which impartiality may be achieved in relation to news and personal views programmes are dealt with below.~~

News

7.8. Presentation of news should observe the following rules:

- (a) Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be presented in such a manner as to avoid unnecessary alarm.
- (b) Pictorial representation of news should be carefully selected to ensure fairness and should not be misleading or sensational.
- (c) Commentary and analysis should be clearly distinguished from news.
- (d) When the presence of television cameras provokes incidents that would not otherwise have occurred, news editors and producers should make every effort to eliminate "manufactured" incidents or to reveal them for what they are.
- (e) Correction of factual errors should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme. In some circumstances it may be appropriate for a statement to appear in print.

- (f) No bona fide news programmes comprising local or international news item may be sponsored. No advertising matter should be offered as news or included in the contents of a news programme or newsreel.

Personal View Programmes

9. ~~—————"Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance:~~

- ~~(b)The nature of a personal view programme must be identified clearly at the start of the programme. Where a personal view programme is over half an hour in duration, such identification must be made at least once during each half hour or part thereof of the transmission of the programme.~~
- ~~(b)Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.~~
- ~~(b)A suitable opportunity for response to the programme should be provided.~~
- ~~(a) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes, taking into account the frequency of the programmes within the series, the length of individual programmes and the nature of the subject matter.—~~

Potential Conflict of Interest of Programme Presenters

8. ~~The licensee shall devise and institutionalise within three months from promulgation of the Code a mechanism whereby its presenters of news and factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong are required to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee must then exercise its editorial judgement and decide whether: require its programme presenters to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, which imposes obligations on the presenters and pursuant to which the presenters receive directly or indirectly any benefit or valuable consideration in addition to payment from the licensee. The licensee must keep a register of such commercial agreements for the period during which the relevant presenters are engaged by the licensee to present a programme or programmes and 90 days thereafter. The licensee must make the~~

~~register available for inspection upon request by the BA. Where such agreements may call into question the fairness or impartiality of any programme material, the licensee must exercise its editorial judgement and ensure that either—~~

- (a) the relevant programme presenter(s) will refrain from taking part in discussion of issues over which he may have conflict of interest; or
- (b) a disclosure announcement that a relevant commercial agreement exists will be made at the time of broadcast of the programme material.

The licensee shall receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee shall inform the complainant and the BA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website.

Fairness

General

~~911.~~ The licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

Reporting of Court Cases

~~1012.~~ Programme items which are based on extracts of court proceedings or other matters of public record must be presented fairly and accurately. In particular the reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would likely prejudice a fair trial, and the following should be avoided:

- (a) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
- (b) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
- (c) any comment relating to the character or conduct of the accused; and
- (d) any comment or report which tends to impair the impartiality of the court.

Dramatised "Reconstructions"

11~~13~~. Dramatised "reconstructions" in factual programmes which seek to reconstruct actual events should be carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

Interviews

12~~14~~. Where proposed interviewees are unable or unwilling to accept an invitation to participate in a factual programme, references to the missing participants should be made in a detached and factual manner. Care should be taken to ensure that their views are not misrepresented.

13~~15~~. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees.

14~~16~~. Licensees should not misrepresent the views of interviewees by broadcasting a previously recorded interview and presenting it as the interviewees' current views. ~~ensure that the views expressed by the interviewees in recorded interviews are still valid when they are shown on television.~~ Viewers should be informed of the date the interviews were conducted where necessary.

Right of Reply

15~~17~~. Licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organizations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

16~~18~~. Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticized should be given an appropriate and timely opportunity to respond.

Personal View Programmes

17. "Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance in Hong Kong:

- (a) The nature of a personal view programme must be identified clearly at the start of the programme, for example, by an announcement in the following form, "The following programme only reflects the personal views of the programme host and/or the individual contributor."
- (b) Facts must be respected and the opinion expressed, however partial,

should not rest upon false evidence.

- (c) A suitable opportunity for response to the programme should be provided.
- (d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

1819. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

1920. The licensee must comply with the rules set out in paragraphs 2 to 178 above.

Services Intended for Hotel Guests and Other Special Interest Groups

2021. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.

Chapter 10 Privacy

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

General

1. The rights of individuals to privacy should be respected in all programmes. Complaints about programme invasion of privacy can arise from the gathering of material or from the way an individual is treated in the programme itself. In obtaining material for a programme, the licensees must ensure that the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) are observed. The licensees shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.

Scenes of Extreme Suffering and Distress

2. Licensees should be sensitive to the possibility of causing additional anxiety or distress when interviewing, filming or recording people who are already extremely upset or under stress. People in a state of distress ~~should~~ must not be put under pressure to provide interviews. Normally funerals may only be covered with the permission of the family.

Interviewing of Children

3. Children should not be questioned to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgement.

Reporting of Sexual Offences Against Children

4. Reporting of sexual offences against children should avoid identification of the child.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. This chapter does not apply to this category of television programme service.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

6. The licensee must comply with the rules set out in paragraphs 1 to 4 above.

Chapter 11 Indirect Advertising

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Separation of Programme and Advertising Material

1. Indirect advertising in television programmes refers to the mingling of programme and advertising material or the embedding of advertising material within programme content, whether inadvertently or by design. As a matter of principle, advertisements should be recognizably separate from the programmes. The underlying rationale for the prohibition of indirect advertising is that viewers should not be confused as to whether they are watching a programme or a paid advertisement. Advertising material must be clearly identified as such so that viewers could attach appropriate weight to such material according to their own assessment.

2. As a general rule, the placement of advertising material should be confined to paid-for advertising time. Exceptions may be made in the following circumstances:

- (a) it may be necessary in a news or factual programme to include a reference to or extract from a particular advertisement. This should give it no greater prominence than is necessary to make the required point; or
- (b) a television programme may refer to or use extracts from advertisements provided that the choice and range of advertisements are subject only to the editorial requirements of the programme. In particular, they may in no circumstances be influenced by advertising considerations.

Undue Prominence

3. No undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. Such references must be limited to what can clearly be justified by the editorial requirements of the programme itself, or of an incidental nature.

Consumer Advice

4. Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial values. The real objective of the material must be bona fide consumer advice, and the presentation must be fair and objective. In addition, the licensee should ensure that the following rules are compiled with:

- (a) the licensee or programme producer should not receive consideration for making references to products or services in such programmes;
- (b) such material must be designed to convey truthful and objective consumer information about products or services;
- (c) the disclosure of brand names must be relevant and appropriate to the objective of the programme and the products and services are selected objectively and without regard to the manufacturer or supplier of the product or service;
- (d) such material should be based on research so far as is practicable;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) as widely a range of firms or products or services as practicable should be included in order not to give unfair advantage or disadvantage to a particular brand or firm. In the case of a serial programme, the licensee may cover a range of products and services within the same series and not necessarily in one single episode;
- (g) while fair and objective assessment on certain products or services is permissible, presenters should avoid being carried away by personal preferences and showering the product or service with excessive praises and unnecessary details and hence giving it undue advantage over other products or services; and
- (h) such material should not include products or services insofar as they are not acceptable for advertising under the advertising code.

References to Commercial Names in Sports Programmes

5. References to commercial names in sports programmes are acceptable and not considered as giving undue prominence to those commercial names provided that the following conditions are satisfied:

- (a) the references are:
 - (i) for acknowledgment of the actual technical service providers of timing or other specialised data directly relating to the sports event being covered; or
 - (ii) justified by the editorial needs of the programme itself; or
 - (iii) built into a live sports programme acquired by a licensee; or
 - (iv) built into a satellite feed sports programme delivered by a

licensee;

- (b) the licensee does not receive payment or other valuable consideration for including the references in a programme;
- (c) the presentation, in the opinion of the BA, does not obtrude on viewing pleasure or entertainment; and
- (d) the references are not related to a product or service not acceptable for advertising under the codes of practice, licence conditions or laws of Hong Kong.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

6. This chapter does not apply to this category of television programme service.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

7. The licensee must comply with the rules set out in paragraphs 1 to 5 above.

Services Intended for Hotel Guests and Other Special Interest Groups

8. Advertising material should be clearly identifiable as an advertisement.

Chapter 12 Other Programme Matters

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Contests

1. No fee is payable either in money or money's worth for participation in any contests. Subject to prior approval from the BA, a licensee may deviate from this requirement in respect of a contest for charitable purposes.
2. Any contest included in a programme or in an advertisement must offer an opportunity for all contestants to win on the basis of skill or knowledge and not purely by chance.
3. All rules and conditions of contests, including commencing and closing dates, should be clearly and fully announced at the beginning of the contest, and thereafter adequately summarized on each occasion. The names of winners should be released as soon as possible after the close of the contest. The conditions of all contests must meet the requirements of the laws of Hong Kong.
4. Where a contest is included in a programme which is recorded in advance of the date on which it is shown, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person viewing the programme to send in an entry before that date. In the case of a continuing contest which closes immediately on receipt of a correct answer, the licensee must ensure the immediate notification of the fact to avoid useless expenditure of time and money by viewers in the submission of entries which no longer have any chance of winning.
5. Where a contest is included in a programme, references ~~References~~ to prizes must not be made in such a way as to amount to give an impression of advertising. Aural or visual references to prizes or acknowledgment of the source of prizes are allowed in contests provided that they are not used excessively. However, there must be no promotional reference to any product or service.
6. The presentation of tobacco products as prizes or gifts for contests is not permitted. The presentation of alcoholic liquor as prizes or gifts in isolation for contests is not permitted.

Simulated News Programmes

7. There should not be any simulation of news programmes which may alarm or mislead viewers either in programmes or in programme promotional material.

Programme Sponsorship

8. The licensee must comply with the standards on programme sponsorship as set out in the Generic Code of Practice on Television Advertising Standards.

Elections

9. Licensees should observe all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission.

Starting Times and Under-runs

10. When a programme under-runs, the programme that follows should not be allowed to start earlier than the advertised starting time and the gap should be occupied by suitable fill-up material. This rule does not apply to video-on-demand programme services and satellite feed channels where in the opinion of the BA the licensee has no control over the scheduling of programmes.

Programme Changes

11. Where programmes are not shown in accordance with publicly announced or published programme schedules, the licensee should take reasonable steps to inform viewers of such changes. These steps may include making on-screen announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended audience of the programme might be watching television. This rule does not apply to video-on-demand programme services and satellite feed channels where in the opinion of the BA the licensee has no control over the scheduling of programmes.

Programme Segment Duration

12. For *domestic free television programme services*, the minimum duration of each programme segment between breaks or between an interval and a break should be 10 minutes. In the interest of better viewing and presentation, the licensee may deviate from this rule in respect of the following programmes:

- (a) programmes produced by the Licensee prior to December 1988;
- (b) imported programmes with built-in breaks;
- (c) live telecast events; and
- (d) sports programmes.

13. For the purpose of subparagraph 12(c) 'event' shall mean an important, interesting or unusual function organised or conducted by, or independent of, the licensee, the inherently structured parts of which are autonomous or natural, or in which the licensee, for artistic or practical reasons, will not normally be able to insert natural breaks without affecting the continuity of the perceived function. A

‘programme’ per se is not regarded as an ‘event’.

14. Notwithstanding paragraph 12, the BA may vary the above duration in the interest of better viewing and presentation.

Promotional Programmes

15. For *domestic free television programme services*, programmes which have the effect of promoting any of the station’s programmes, artistes or activities should be listed and given a regular time slot and should not be repeated within the same day on which it is shown.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

Contests

16. When contest is organised in connection with its television programmes or formed part of its television programmes, the licensee should observe the laws and programme standards of the relevant authorities of the intended recipient countries and places.

Programme Sponsorship

17. The licensee must also comply with paragraph 8 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

18. The licensee must comply with the rules set out in paragraphs 1 to 11 above.

Services Intended for Hotel Guests and Other Special Interest Groups

19. The licensee must comply with paragraphs 1 to 9 above.

Annex

DEFINITIONS OF PROGRAMME TYPES

For the purpose of the domestic free television programme service licence, the various programme types the licensee is required to broadcast are defined as follows:

Arts and Culture Programmes

‘Art and culture programmes’ means programmes which promote the development or appreciation of –

- (a) the literary, performing or visual arts; or
- (b) other topics or activities of cultural value.

Children’s Programmes

‘Children’s programmes’ means programmes which –

- (a) are designed specifically for children of different age groups up to the age of 15;
- (b) fulfill the special needs of children;
- (c) can be easily understood or appreciated by children; and
- (d) contribute to the social, emotional, or intellectual, or physical development of children.

Current Affairs Programmes

‘Current affairs programmes’ means programmes focusing on social, economic or political issues of immediate relevance to the community, including interviews and commentaries dealing in depth with new items.

Documentary Programmes

‘Documentary programmes’ means television or motion-picture presentation of factual, political, social or historical events or circumstances, often consisting of actual news films accompanied by narration but does not include travelogues.

Programmes for Senior Citizens

‘Programmes for senior citizens’ means programmes which aim at catering for the health, special informational or recreational needs of people over 60.

Programmes for Young Persons

‘Programmes for young persons’ means programmes which offer assistance to young people aged 16 to 24 –

- (a) to develop their capabilities, potentials or a proper sense of social values;
- (b) to achieve the highest attainable standards of physical or mental health;
- (c) to access information or guidance on services for youth, including family, health, welfare education, employment, sports or recreation services;
- (d) to promote their knowledge of and respect for different cultures, human rights or the rule of law;
- (e) to promote their love and respect for life, arts, science nature or reason;
- (f) to promote their concern for protection of the environment; or
- (g) to encourage their participation in community affairs.

REVISED

**DRAFT GENERIC CODE OF PRACTICE ON
TELEVISION ADVERTISING STANDARDS**

Contents

1. Preamble	<u>49</u> 47
2. Definition of Advertisement	<u>53</u> 50
3. General Advertising Standards	<u>55</u> 52
4. Factual and Best-selling Claims	<u>58</u> 55
5. Unacceptable Products or Services	<u>60</u> 57
6. Specific Categories of Advertisement	<u>63</u> 60
<i>Alcoholic Beverages</i>	<u>63</u> 60
<i>Tobacco and Tobacco Related Products</i>	<u>65</u> 62
<i>Medical Preparations and Treatments</i>	<u>65</u> 62
<i>Claims Relating to Nutritional and Dietary Effects</i>	<u>68</u> 65
<i>Personal Products</i>	<u>70</u> 67
<i>Educational Courses</i>	<u>70</u> 67
<i>Financial Advertising</i>	<u>70</u> 67
<i>Real Property Advertising</i>	<u>73</u> 70
<i>Film Advertisements</i>	<u>75</u> 72
7. Advertising and Children	<u>76</u> 73
8. Advertising Breaks	<u>80</u> 76
9. Programme Sponsorship	<u>81</u> 77

Chapter 1

Preamble

1. This Code of Practice is issued by the Broadcasting Authority (BA) pursuant to Section 3 of the Broadcasting Ordinance (Cap.562). All material included in a television programme service licensed under the Broadcasting Ordinance (Cap.562) must comply with this Code. The BA has the power to impose sanction on licensees who do not comply with the Code.

2. This Code sets out the advertising standards for the four categories of television programme services licensed under the Broadcasting Ordinance (Cap.562), viz., the domestic free television programme services, domestic pay television programme services, non-domestic television programme services and other licensable television programme services.

3. Due to the difference in the characteristics, pervasiveness and degree of influence of the television programme services, each category of television programme service is subject to a level of control appropriate for its service. As a general principle underlying television advertising regulation, the degree of restriction applied must be related to the likely audience of the television programme service and their expectations.

4. *Domestic free television programme services* are intended or available for reception by the public free of charge in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Since they are the most pervasive of all the four categories of television programme services, it is reasonable for the audience to expect more stringent standards for protection of minors and public morality.

5. *Domestic pay television programme services* are intended or available for reception by the public, on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Given that subscription is voluntary and is by choice, and that the provision of a television programme service locking device is a mandatory requirement, sufficient safeguards are in place so as to allow a more relaxed regulatory regime for its content. Domestic pay television programme services are therefore subject to less stringent control.

6. *Non-domestic television programme services* cover television programme services which do not primarily target Hong Kong. Such services are either (i) intended or available for reception by the public free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; or (ii) neither intended nor available for reception by the public free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong.

Television programme service locking devices are required for subscription services provided in Hong Kong by the licensees. Since these services do not primarily target Hong Kong, they are required to comply with only the minimum standards. Nevertheless, the non-domestic television programme service licensee should take all reasonable steps to ensure the acceptability of the licensed services in, and to comply with the laws and programme and advertising standards stipulated by the relevant authorities of, recipient countries and places.

7. *Other licensable television programme services* are intended or available for reception free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of not more than 5,000 specified premises (unless otherwise permitted by the BA where it is satisfied that the service concerned is only intended or available for reception by a single housing estate), or in hotel rooms. They are television programme services whose reception is limited to a narrower audience. Since these services (except for a service provided to hotel rooms) are required to provide a television programme service locking device, they should not be subject to a degree of control greater than that imposed on the domestic pay television. However as the target audience of these services may range from members of the general public to hotel guests and other special interest groups, the licensee should be sensitive to the expectations of different audiences.

8. Some of the provisions in the Code are common to all categories of television programme services while others apply to a certain category or categories of such services. This will be clearly stated in the headings or the concerned paragraphs or chapters.

9. The BA, as the regulator, does not preview programmes and advertising material or consider specific proposals before production. The editorial responsibility lies with the licensees themselves. Advertisers or potential sponsors seeking guidance on the likely acceptability of particular proposals should approach the relevant licensee.

10. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any advertising included in their licensed services will comply with the Code. Judgement will always be called for by the licensees. When forming a view about the acceptability of any advertising material, the BA will give consideration to the following factors: -

(a) Type of licensees

Restrictions on the content, presentation and placement of advertising are to be adjusted according to the degree of pervasiveness and the nature of a certain category of licensees. See also paragraphs 4 to 7 in this chapter.

(b) Category of advertisement

The licensee should exercise care in the inclusion in its licensed service of specific categories of advertisement having regard to the nature of the

product or service advertised and the treatment of the product or service in the advertisement. Advertisements for products and services which are of particular concern or sensitivity (e.g. alcoholic beverages, medicines, personal products etc.) are subject to more stringent restrictions.

(c) ***Time of the day***

The licensee's responsibility for sensitive scheduling of advertisements may reduce a risk of offence to the minimum. For example, at certain times, parents will want to be confident that their children can watch television unsupervised without the risk of being exposed to unsuitable material. At other times, they can accept more challenging material and can reasonably be expected to take greater control over their children's viewing.

(d) ***Target audience***

The provisions in the Code will differ according to the likely composition of the audience to television advertising. The compliance of an advertisement with the Code will be assessed in terms of its probable impact as a whole upon that particular audience who are likely to be exposed to it. Special concern should be given to the interests of children and young viewers. The restriction on the advertisements [targeting](#) directed to children is much more stringent than those [targeting](#) to adults.

(e) ***Circumstances in which the advertisements were shown***

Account should be taken of the circumstances in which the advertisements were shown such as the nature of a channel or a programme in which the advertisement is included or the extent to which the viewer is able to control its reception.

11. Care should be taken in those aspects of television programme services which entail advertisers' involvement in programming or promotional (rather than advertising) time. The Code makes different provisions governing standards in the sponsoring of programmes for different types of licensees. Standards on indirect advertising are set out separately in the Generic Code of Practice on Television Programme Standards.

12. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.

13. The provisions set out in this Code have to be applied in spirit as well as in letter and should be read in conjunction with relevant legislations and licence conditions currently in force. The legal and regulatory requirements cited in the Code are for reference only. It is the responsibility of the licensees to ascertain the applicable and up-to-date legal and regulatory requirements. [As a matter of principle,](#)

the BA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the BA will generally refer the case to the proper enforcement agency for action.

Chapter 2 Definition of Advertisement

1. Advertisement or advertising material means any material included in a television programme service which is designed to advance the sale of any particular product or service or to promote the interests of any organization, commercial concern or individual; whether by means of words, sound effects (including music) and/or of visual presentation and whether in the form of direct announcements, slogans, descriptions or otherwise, as well as any promotional reference in the course of a programme to any products or services.

2. For the purpose of this Code the term advertisement or advertising material does not include:

- (a) station/channel/programme service identifications;
- (b) announcements in the public interest as the BA may require to be included in the licensee's television programme service;
- (c) material for the promotion of the licensee's station and/or programme services;
- (d) sponsor identifications as required under subparagraphs 3(a) or (b) of Chapter 9 Programme Sponsorship of this Code;
- (e) material connected with charities and public appeals approved by the BA and of which the licensee does not receive payment or other valuable consideration for including in its licensed service;
- (f) references on television to the title of an event sponsored by a person other than the licensee carrying the trade name or brand name of the sponsor and other incidental references to the name of the sponsor in a programme provided that
 - (i) the licensee receives no consideration for such references;
 - (ii) no undue emphasis, whether aural or visual, is given to such references; and
 - (iii) the references do not obtrude on programme interest or entertainment;
- (g) incidental or natural references to products or services in the course of a programme which are justifiable in programme context and do not obtrude on programme interest or entertainment; and

- (h) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes as permitted under Chapter 9 Programme Sponsorship of this Code.

Such definition shall extend to the grammatical variations and cognate expressions of such term and the word advertising shall be interpreted accordingly.

Chapter 3 General Advertising Standards

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Television advertising should be legal, clean, honest and truthful.
2. The content, presentation and placement of all advertising material must comply with the Generic Code of Practice on Television Programme Standards.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Jurisdiction

3. All advertising material must comply with the laws of Hong Kong.

Identification of Advertisements

4. Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes.
5. Any advertisement that adopts a programme style (e.g. documentary, studio interview, cookery demonstration) should be carefully assessed to ensure that there is no risk of confusion with programme material. Where the style makes it not fully apparent that it is an advertisement, the advertisement must be flagged as such in a clearly legible manner at the beginning and at the end (e.g. by superimposed text). [This rule does not apply to a service or part of a service that comprises of home shopping material where the nature of the service or part of the service is, in the opinion of the BA, clearly identified to viewers.](#)

6. For *domestic pay television programme services and other licensable television programme services*, advertisements built into satellite feed services which are produced primarily for reception outside Hong Kong and included in a licensee's television programme service but which do not contribute to the advertising revenue of the licensee may deviate from the standards set out in paragraphs 4 and 5 of this chapter when compliance is not feasible without interrupting the licensee's television programme services.

Good Taste

7. Advertising matter should be presented with courtesy and good taste.

Disturbing material such as overly persistent repetition, and words and phrases implying emergency should be avoided. Every effort should be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears.

Disparagement

8. Advertising matter should contain no claims that have the effect of disparaging competitors, competing products or services or other industries, professions, or institutions.

Truthful Presentation

9. No advertisements may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised or about its suitability for the purpose recommended. The licensee should have his responsibility under this paragraph discharged if he did not know and had no reason to suspect that the claims made were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading. (*For more detailed rules relating to claims, please see Chapter 4 Factual and Best-selling Claims*).

Imitation

10. Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee should not be permitted.

Appeal to Fear

11. Advertisements should not unduly play on fear.

Repetition of Advertisements

12. For *domestic free television programme services*, the same or substantially the same advertisement should not be shown contiguously. The BA may determine whether an advertisement is substantially the same as another advertisement.

Acceptability of Advertising Matters

13. A licensee shall refuse the facilities of his station where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all legal requirements that applies to the advertiser.

14. A licensee shall refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible section of the community. (*See also*

Chapter 5 Unacceptable Products or Services).

Categories of Programme Carrying No Advertising

154. Advertisements must not be inserted in the course of: |
- (a) a religious service or other devotional programme; or
 - (b) school programmes within the Educational Television (ETV) time slot supplied by the Government as the BA may require to be included in the domestic free television programme service under the Broadcasting Ordinance (Cap. 562).

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

165. The licensee should observe the laws and programme and advertising | standards of the relevant authorities of the intended recipient countries and places.

Chapter 4 Factual and Best-selling Claims

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Claims to be Substantiated

1. All factual claims and best-selling claims should be capable of substantiation. Statements should not be used in respect of any products that they are “the best”, “the most successful”, “safest”, “quickest”, or containing any similar use of superlative adjectives unless the truthfulness of such statements is adequately substantiated.
2. Where a factual claim is substantiated by research or testing based on the advertiser’s own assessment or work done at his request, the source and date of the assessment or research should be indicated in the advertisement.
3. Best-selling claims are further subject to the following rules:-
 - (a) such claims should be substantiated by:
 - (i) independently audited sales figures; or
 - (ii) probability sample surveys which are recognised or endorsed by an industry body or accepted under the industry-wide standards of the relevant trade of the advertisers or are scientifically conducted to ensure that the findings are statistically significant, reliable and valid; and
 - (b) best-selling claims should not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement of the category of brand leadership, country, and the time period it covers e.g. “In 1992, Brand X is the No.1 selling _____ (product category) in Hong Kong”.
4. Superlatives like “most popular”, “most preferred”, “most favoured”, etc., when used in a manner which clearly suggests a number one sales position, should be subject to the same standards governing best-selling claims.

Misleadingness

5. No advertisement may misleadingly claim or imply that the product or service advertised, or any ingredient of it, has some special features or compositions which are incapable of being established.

6. References to the results of research surveys or tests relating to the product or service to be advertised should be presented carefully, so as not to mislead viewers. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics of limited validity must not be presented in such a way as to make it appear that they are universally true.

7. Information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

8. Visual and verbal presentations of advertisements indicating price, price comparisons or reductions or any pricing element must be accurate and must not be misleading by undue emphasis or distortion.

Superimposed Text

9. When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

10. Special attention should be paid to the typeface, letter spacing, line spacing, background or other element of presentation including without limitation the interaction with the background which may render the text blurred or otherwise indistinct.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

11. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 5 Unacceptable Products or Services

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Unacceptable Products or Services

1. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable for inclusion in a licensed service:

- (a) firearms and associated equipment;
- (b) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui, etc;
- (c) undertaker or others associated with death or burial: except advertisements for columbaria, which are acceptable provided that the following conditions are compiled with:
 - (i) presentation of such advertisements should be dignified and restrained, and the licensee should exercise due sensitivity in scheduling and presenting such advertisements; and
 - (ii) all explicit references to death and technical aspects of associated services and morbid details must be avoided.
- (d) unlicensed employment services, registries or bureaux;
- (e) organisations/companies/persons, seeking to advertise for the purpose of giving betting tips;
- (f) betting (including pools): this does not preclude advertisements for lotteries which are authorized by or under the Betting Duty Ordinance (Cap. 108), and for horse racing publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing provided that the advertisement does not encourage betting or contain any references to betting tips. No advertisements for these items should be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries should:

- (i) not be shown between 4:00p.m. and 8:30p.m. each day on **domestic free television programme services** or at times when television programmes, in the opinion of the BA, ~~target are designed for and/or directed to~~ young persons under the age of 18;
 - (ii) ~~only target be directed only to~~ the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
 - (iii) not feature any personality who has particular appeal to children or adolescents;
 - (iv) not state or imply praise for those who participate in the advertised activity or denigrate those who abstain;
 - (v) not mislead or exaggerate one's likelihood of winning;
 - (vi) not be instructional in nature or unduly exhort the public to bet;
 - (vii) not feature excessive or reckless betting; and
 - (viii) not present lotteries as an alternative to work or a way out of financial difficulties.
- (g) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;
- (h) escort services in general and dating services targeting ~~at~~ young persons under the age of 18; or
- (i) pay per call information services which offer adult material of a sexual nature. The restriction is not applicable to licensed services restricted for adult viewing.

The above list is not exhaustive. Advertisements for other products or services may be prohibited or restricted under the law or under other parts of this Code (e.g. see Chapter 6 Specific Categories of Advertisement).

Indirect Publicity of the Unacceptable Product or Service

2. An advertisement for an acceptable product or service may be unacceptable if, in the opinion of the BA, a significant effect of the advertisement would publicise indirectly the unacceptable product or service.

3. Where an advertisement for a particular product or service is not allowed in

particular hours of the day or on a particular channel(s) or a licensed service or during a programme targeting ~~appealing to children and young viewers or when large numbers of them might be expected to be watching~~, an advertisement which has a significant effect of publicising such a product or service should likewise be prohibited in those circumstances.

4. In determining whether the significant effect of an advertisement would publicise indirectly an unacceptable product or service for the purpose of paragraphs 2 & 3 above, the BA shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the BA, some relevant factors which may be taken into consideration should include the following:

- (a) whether the advertisement contains any visual or aural reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
- (b) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
- (c) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and
- (d) the target audience, the arrangement of the delivery and the placement of the advertisement.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 6 Specific Categories of Advertisement

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

1. The licensee should exercise care in the inclusion in its licensed service of certain categories of advertisement having regard to the nature of the product or service advertised, the treatment of the product or service in the advertisement and the likely composition of the viewing audience for the time of day at which they are shown. The following paragraphs set out restrictions on advertisements for products or services which are of particular concern or sensitivity.

Alcoholic Beverages

2. The advertising of liquor or alcoholic liquor (as defined in the Dutiable Commodities Ordinance (Cap. 109)) requires special consideration and is subject to the following conditions:

- (a) such advertising should only target ~~be directed only to~~ the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- (b) such advertisements should not be shown in proximity to children's programmes; or programmes which, in the opinion of the BA, target ~~are designed for and directed to~~ young persons under the age of 18;
- (c) for *domestic free television programme services*, the licensee should not include in its licensed service between the hours of 4:00p.m. and 8:30p.m. each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product;
- (d) advertisements which attempt to present drinking as a desirable new experience or which portray drinking as indispensable to popularity and success should not be permitted;
- (e) the presentation of alcoholic liquor as prizes or gifts in isolation for television contest should not be permitted;
- (f) the use of alcoholic beverages or products should not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of

personal, business, social, sporting, sexual or other success;

- (g) alcoholic products should not be advertised as similar to or equated with non-alcoholic products, e.g., soft drinks, fruit drinks, etc., which have particular appeal to children or young persons who are under the age of 18;
- (h) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (i) selection of artistes in alcoholic beverage advertisements should be handled with care and the advertisements should avoid featuring any artiste, personality or celebrity who appears regularly in any children television programmes or who has a particular appeal to children or young persons under the age of 18;
- (j) use of alcoholic beverages or products should not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g., the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (k) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (l) advertising should not promote the misuse or abuse of alcoholic beverages;
- (m) advertising should not suggest that drinking is a prerequisite to relaxation. Alcohol should not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance, they must not give any impression that performance can be improved by drink;
- (n) advertising by retail liquor outlets for alcohol products should adhere to the advertising standards on alcoholic drinks; and
- (o) advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.

3. Generally speaking, drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. In particular, drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, whether or not presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. The advertisements must also comply with subparagraphs (a), (b), (d), (e), (f), (g), (h), (i), (j), (l), (m) and (o) of paragraph 2 above.

Tobacco and Tobacco Related Products

4. The licensee must comply with all relevant provisions relating to tobacco advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
5. The presentation of tobacco products as prizes or gifts for television contests should not be permitted.
6. Advertisements for certain tobacco related products such as cigarette holders, tobacco filters and other smoking accessories should be subject to the following rules:
 - (a) such advertising should only target ~~be directed only to~~ adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements; and
 - (b) such advertisements should not be shown in proximity to children's programmes; or in programmes which, in the opinion of the BA, target ~~are designed for and directed to~~ young persons under the age of 18.

Medical Preparations and Treatments

General

7. The licensee should ensure that all medical advertisements conform with the laws of Hong Kong, including without limitation the Undesirable Medical Advertisements Ordinance (Cap. 231).

Medical Preparation

8. The term 'medical preparation' means any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy. It includes:
 - (a) mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use;
 - (b) drops or paints, such as eye, ear or nose drops, throat paint, etc.;
 - (c) ointments, creams, pastes or powders for therapeutic use externally.;
 - (d) liniments or any product to be rubbed on;
 - (e) injections; and
 - (f) foods which claim to assist 'regularity' or other health problems.

Restricted Medical Preparations

9. Advertisements for medical preparations which are included in :
- (a) Part I of the Poisons List in the Pharmacy and Poisons Ordinance (Cap.138); or
 - (b) Schedule 1 of the Antibiotics Regulations, Antibiotics Ordinance (Cap.137),

are not acceptable.

Unacceptable Products or Services

10. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable:

- (a) smoking cures;
- (b) clinics for the treatment of hair and scalp;
- (c) pregnancy testing services;
- (d) clinical laboratory testing services;
- (e) relief or cure of alcoholism and drug addiction;
- (f) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (g) procurement of miscarriage or abortion.

Impressions of Professional Advice and Support

11. Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself should be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmacists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or

recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and

- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

Appeals to Fear or Exploitation of Credulity

12. No spoken or pictorial representation should be used which dramatises distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No spoken or pictorial representation of vivisection should be allowed. No advertisement should contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

Conditions Requiring Medical Attention

13. Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

Encouragement of Excess

14. No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

Exaggeration

15. No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. Statements should not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.

General Statements

16. Advertisements should not contain:

- (a) general statements which mislead viewers by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or

- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

Depiction of Patients

17. Advertisements should not show a patient receiving treatment or under the influence of a drug or hypnotism. The appearance of a patient implying or testifying to the cure of any condition is also not acceptable.

Description of Bodily Functions

18. Graphic or repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

Derogatory Reference to Physical or Mental Affliction

19. No derogatory reference whether spoken or visual should be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

Sales Promotions

20. No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

Claims Relating to Nutritional and Dietary Effects

21. Claims relating to the nutritional and dietary effects of products or services should be handled with care. Advertisements for products and services containing such claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. The licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;

- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 11 of this chapter which governs professional advice and support;
- (f) the licensee must ensure that the advertisements which make claims relating to nutritional and dietary effects comply with all relevant legislation including without limitation the Public Health and Municipal Services Ordinance (Cap. 132); and
- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
 - (i) such advertisements must not be addressed to persons under the age of 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
 - (ii) the licensee must obtain sound evidence showing that such products or services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
 - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were or appeared to be obese lose weight and become slimmer after using the product or service advertised;
 - (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials must neither be nor appear to be underweight; and
 - (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter² as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

Personal Products

General

22. Products of personal nature, such as female sanitary products, condoms, deodorants for the genital area, incontinence products, etc., should be presented with care and sensitivity. Depiction of such products must be in good taste and not overly graphic. Advertising of female sanitary products and condoms should be restrained and discreet.

Female Sanitary Products

23. The product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers. Close-up shots on the crotch area are unacceptable.

Condoms

24. Advertisements for condoms should be factual only and should not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune-Deficiency Syndrome (AIDS).

25. For *domestic free television programme services*, except with the special permission of the BA, no advertisement for condoms should be shown between 4:00p.m. and 8:30p.m..

Educational Courses

26. The licensee must comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules.

Financial Advertising

Legal Responsibility

27. It is the responsibility of the licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) the Protection of Investors Ordinance (Cap. 335);
- (b) the Securities Ordinance (Cap. 333);
- (c) the Companies Ordinance (Cap. 32);

- (d) the Banking Ordinance (Cap. 155);
- (e) the Insurance Companies Ordinance (Cap. 41);
- (f) the Commodities Trading Ordinance (Cap. 250);
- (g) the Securities and Futures Commission Ordinance (Cap. 24);
- (h) the Leverage Foreign Exchange Trading Ordinance (Cap. 451);
- (i) the Mandatory Provident Fund Schemes Ordinance (Cap. 485);
- (j) the Codes of the Securities and Futures Commission (SFC), including without limitation :
 - (i) the Code on Unit Trusts and Mutual Funds;
 - (ii) the Code on Investment-linked Assurance Schemes;
 - (iii) the Code on Pooled Retirement Funds;
 - (iv) the Code on Immigration-linked Investment Schemes;
 - (v) the SFC Code on Mandatory Provident Fund Products;
 - (vi) the Code of Conduct for Persons Registered with the Securities and Futures Commission; and
 - (vii) any other prevailing rules and guidelines on other types of investment arrangement regulated by the SFC such as paper gold schemes and commercial paper; and
- (k) the Exchange Rules of the Stock Exchange of Hong Kong and Rules of the Hong Kong Futures Exchange Limited.

(The list is for reference only and it is the responsibility of the users of this Code to ascertain the applicable and up-to-date legal and regulatory requirements.)

Leverage Foreign Exchange Trading

28. A leverage foreign exchange trader must comply with section 18(1) of the Leverage Foreign Exchange Trading (Books, Contract Notes and Conduct of Business) Rules.

Deposit and Savings Facilities

29. Advertisements for deposit and savings facilities should comply with the following provisions:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized under the Banking Ordinance (Cap.155) :
- (i) the advertisement should not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;
 - (ii) the advertisement should not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless it also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
 - (iii) no reference should be made to the amount of the nominal or authorized capital of the institution; and
 - (iv) no reference should be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together; or
- (b) for invitations to make a deposit outside Hong Kong, the advertisement should comply with the requirements specified in the Fifth Schedule to the Banking Ordinance (Cap.155).

Lending and Credit

30. Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance (Cap.155) may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

Review or Advice about the Stock Market or Investment Prospects

31. Subject to paragraph 32 of this chapter or unless otherwise permitted (whether expressly or impliedly) under applicable law, no advertisement should contain any review of or advice about the stock market or investment prospects or make any reference to specific securities or investment products.

Investment Products

32. Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes, pooled retirement funds, Mandatory Provident Fund products and immigration-linked investment schemes, are not acceptable unless these advertisements are authorized by the SFC pursuant to s.4(2)(g) of the Protection of Investors Ordinance (Cap. 335).

Investment Advisers

33. Advertisements for investment advisers should comply with the relevant provisions of the Protection of Investors Ordinance (Cap. 335) (including but not limited to the requirement for the adviser to be licensed by the SFC) and, where appropriate, the Rules of the Stock Exchange of Hong Kong.

Financial Publications

34. Subject to paragraph 32 of this chapter or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on specific securities or investment products; advertisements for subscription services for such publications must be in general terms and make no reference to specific securities or investment products.

Estimates of the Proceeds of Insurance Policies

35. No numerical examples of the proceeds of insurance policies including but not limited to estimates of future bonus or dividend declarations on participating life insurance policies or of the growth in capital values or the investment returns that determine the benefits under retirement scheme management categories or linked policies should be quoted in any advertisement.

Real Property Advertising

36. No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong should be accepted:

- (a) in respect of a completed building, unless the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
- (b) in respect of an uncompleted building:
 - (i) unless the prior consent of the Director of Lands or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given; or
 - (ii) unless the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C(3) of the Solicitors Practice Rules in regard to the sale and purchase of the affected real property in the relevant Land Registry where consent as mentioned in (b)(i) above is not required for the sale of units in

such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation).

37. No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong should be accepted unless the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognized in the country where the real property or land is situated confirming that :
 - (i) all the requirements imposed by the local government relating to the development and sale of the real property or land to be advertised have been properly complied with by the developer or vendor;
 - (ii) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the real property or land to non-residents; and
 - (iii) housing loan is available to prospective purchasers from a licensed financial institution, either locally or elsewhere, and
- (b) a letter from a firm of solicitors who are qualified to practise in Hong Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (a) above is registered in the country where the real property or land is situated for the provision of legal advice within that jurisdiction.

38. No advertisement should be accepted if it invites members of the public to take part in any arrangements with respect to real property, whether as an investment or otherwise, the purpose of which is to enable them (whether by becoming owners of the real property or part of the real property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management, or disposal of such real property.

39. The licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to real property advertisements have been adequately substantiated by the advertisers. In particular,

- (a) no claims may expressly or by implication misrepresent the location, size and value of the real property and the available transport facilities;
- (b) the lowest selling price of a real property should be stated as such and should not give an impression that it is the average price;
- (c) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to

overseas purchasers, if there is a significant difference in the prices;
and

- (d) advertisements must not offer any furniture, home appliances or any other goods as “free gifts” unless such items are supplied at no cost or no extra cost to the recipient. The licensee needs to obtain a statement to this effect from the advertiser.

The licensee should have his responsibility under this paragraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer or advertiser were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

Film Advertisements

40. Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, should display the appropriate symbol applicable to the film under that ordinance. In addition, advertisements for films classified under categories other than Category I should carry legible visual and/or aural advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be. (*For placement restrictions on film advertisements, please see paragraph 3 of Chapter 7 Advertising and Children*).

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

41. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 7 Advertising and Children

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

General

1. Particular care should be taken over advertising ~~that is likely to be seen by large numbers of children and advertisements in which children are to be employed.~~
 - (a) which is broadcast within or in close proximity to programmes targeting children;
 - (b) which is broadcast in a channel targeting children, or
 - (c) in which children are to be employed.

The Viewing Child

2. No product or service may be advertised and no method of advertising may be used, in association with a programme targeting children, or in the case of domestic free television programme services, which large numbers of children are likely to watch, which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children. ~~No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to see, which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.~~

In particular:

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee should have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in

loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.

- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement dealing with the activities of a club is allowed without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.
- (e) While it is recognised that children are not the direct purchaser of many products over which they are naturally allowed to exercise preference, care should be taken that they are not encouraged to make themselves a nuisance to other people in the interests of any particular product or service. In an advertisement offering a free gift, a premium or a competition for children, the main emphasis of the advertisement must be on the product with which the offer is associated.
- (f) If there is to be a reference to a competition for children in an advertisement, the values of prizes and the chances of winning one must not be exaggerated.
- (g) The true size of the product advertised and any free gift for children should be made easy to judge. –Where necessary, they can be shown in relation to some common objects against which their actual scales can be easily judged.

Restrictions on Transmission Time

3. Advertisements for products or services, films and any material which are considered as not suitable for children may not be shown within or in close proximity to programmes targeting children and in the case of domestic free television programme services, at times when a large number of children are expected to be watching. ~~designed for and/or directed to children or at times when a large number of children are expected to be watching.~~

4. Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be shown within or in close proximity to programmes targeting children and in the case of domestic free television programme services, at times when a large number of children are expected to be watching. ~~designed for and/or directed to children or at times when a large number of children are expected to be watching.~~

The Child in Advertisements

5. The appearance of children in advertisements is subject to the following conditions:

(a) Contributions to safety

Any situations in which children are to be seen in television advertisements should be carefully considered from the point of view of safety.

In particular:

- (i) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety; should not be seen playing in the road unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes should be seen to use zebra crossings in crossing the road, and should be otherwise seen in general as pedestrians, cyclists or passengers, to behave in accordance with the Road Users Code as published by Transport Department from time to time.
- (ii) Children should not be seen leaning dangerously out of windows or over bridges, climbing cliffs or playing in or near water unaccompanied by adults, or playing irresponsibly on escalators.
- (iii) Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.
- (iv) Medicines, disinfectants, antiseptics and caustic substances must not be shown within reach of children without close parental supervision, nor should children be shown using these products in any way.
- (v) Children must not be shown using fire, matches or any gas, paraffin, petrol, mechanical or mains-powered appliance which could lead to their suffering burns, electrical shock or other injury.
- (vi) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. When children are shown engaging in activities potentially dangerous to them, such activities should be seen being carried out under parental supervision.

Except that in advertisements designed specifically and only to promote safety, it may be acceptable to show children, for that purpose,

in dangerous situations.

(b) Good manners and behaviour

Children seen in advertisements should be presented in such a manner as to set a good example of behaviour and manners.

(c) Alcoholic liquor and tobacco related products

Children and adolescents should not be permitted to participate in the presentation of advertisements for alcoholic liquor or tobacco related products.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

6. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries or places.

Chapter 8 Advertising Breaks

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

1. Unless otherwise permitted by the BA, advertising or non-programme material may be placed only at the beginning or end of a programme or in a natural break occurring therein. For the purpose of this Code, “non-programme material” excludes advertising material but includes materials for the promotion of the licensee’s station and programme services and such announcements as the BA may require to be included in the licensee's television programme services pursuant to the Broadcasting Ordinance (Cap.562) or the relevant licence. [This rule does not apply to a service or part of a service that comprises of home shopping material where the nature of the service or part of a service is, in the opinion of the BA, clearly identified to viewers.](#)

2. For *domestic pay television programme services and other licensable television programme services*, advertisements built into programmes of satellite feed services which are produced primarily for reception outside Hong Kong but which do not contribute to any advertising revenue of the licensee may deviate from [the standards set out in paragraph 1](#) ~~these standards~~ where compliance is not feasible without interrupting the licensee's television programme services.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

3. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 9 Programme Sponsorship

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. A programme is sponsored if it is broadcast in return for payment or other valuable consideration (which includes the programme itself) to a licensee. A programme includes a part thereof or a programme segment.
2. A core principle of this Code is the preservation of programme integrity by not allowing programme agendas to be distorted for commercial purposes. Where a programme is sponsored, the licensee should remain responsible for its content.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Sponsor Identifications

3. A sponsored programme must be clearly identified as such by :
 - (a) a front or an end credit or both which can be visual and/or aural; and/or
 - (b) in case of sole sponsorship only, incorporating the sponsor's name into a programme title; and/or
 - (c) a front or an end advertisement or both which should count towards the advertising time allowance.

Sponsor Credits

4. A distinction between advertising and front or end sponsor credits should be maintained in order to ensure that credits are not used as a means of extending allowable advertising minutage. Credits must be presented by way of an acknowledgment, not advertisement.
5. Credits may include the sponsor's name and/or his house/trade/brand/product/service name and/or trademark/logo and should not contain any promotional reference including without limitation any advertising slogan or copyline or show any product or service.
6. A front or end credit must not exceed 10 seconds in length where one sponsor is involved; and 30 seconds where there is more than one.

7. Front sponsor credits must precede and not be integrated within any part of the programme.

Sponsor's Name in Programme Titles

8. In the case of sole sponsorship only, the licensee may incorporate the sponsor's name or his house/trade/brand/product/service name into a programme title subject to the following rules:

- (a) any qualifying words relating to its attributes, or advertising slogan of the sponsor should not be used; and
- (b) the superimposition of such programme titles as programme identifiers during programme segments should be restricted to once in every segment and should be of not more than 5 seconds duration.

Commercial References in Sponsored Programmes

9. There must be no reference to the sponsor's name or his house/trade/brand/product/service name, trademark or advertising slogan in any sponsored programme unless it is used incidentally. Such references should not obtrude on programme interest or entertainment.

10. In addition to the rules in paragraph 9 above and subject to paragraph 11 below, no sponsored programme may contain within it any promotional reference to any other product or service.

11. Factual aural/visual references to the sponsor's provision of the prize/prizes not otherwise constituting advertisements are allowed in contests provided that they are not used excessively.

12. Subject to the above provisions, the inclusion of, or reference to, any product or service or any recognisable brand names or commercial interest should not be acceptable in a programme unless it is of an incidental nature and no undue prominence is given to the product or service, etc. concerned.

Promotional Materials for Sponsored Programmes ("Promos")

13. Promos are subject to the following rules :

- (a) No reference to sponsors may be allowed except where the sponsor's name or his house/trade/brand/product/service name is an integral part of the station's official programme title and the rules in paragraph 8 above where applicable are complied with. A promo may be followed by advertisements announcing the sponsors with the advertisements being counted towards the advertising time allowances.
- (b) Announcements for any television contests may include factual

references to prizes or means of obtaining entry forms but such references should not contain advertisement for any product/service or commercial interest.

Prohibited and Restricted Sponsors

14. The licensee should not accept any sponsorship in respect of products/services/establishments in so far as they are not acceptable for advertising under the Code. However, acknowledgment to such establishments may be included in the rolling end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

Unsponsorable Programmes

15. News programmes and programmes, announcements or other material included at the direction of the BA from time to time must not be sponsored.

16. Religious service or other devotional programmes must not be sponsored.

Acquired Programmes

17. Films made for the cinema and acquired programmes covering sporting and other events taking place outside Hong Kong may deviate from the standards in this chapter only when this is unavoidable.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

18. Surreptitious sponsorship is not allowed. All sponsorship must be clearly identified at the beginning and/or end of the programme. Paragraphs 9 to 12 and 14 to 17 of this chapter also apply to the licensees.

19. Programmes of satellite feed services provided by the licensee may deviate from the standards set out in paragraph 18 above only when this is unavoidable.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

20. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Annex D

REVISED

**DRAFT RADIO CODE OF PRACTICE
ON PROGRAMME STANDARDS**

Preamble

1. This Code of Practice is issued by the Broadcasting Authority (BA) pursuant to Section 19 of the Broadcasting Authority Ordinance (Cap.391). All materials included in a sound broadcasting service licensed under the Telecommunication Ordinance (Cap.106) must comply with this Code. The BA has the power to impose sanctions on licensees who do not comply with the Code.

2. The BA, as the regulator, does not pre-censor any programmes. The editorial responsibility lies with the licensees themselves. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any programmes delivered on their licensed services will comply with the Code. Judgement will always be called for by the licensees. When forming a view about the acceptability of any programme material, the BA will give consideration to the context in which the material appears and the nature, scheduling, target audience and merits of the programme.

3. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.

4. The detailed rules set out below have to be applied in spirit as well as in letter and should be read in conjunction with relevant legislations and licence conditions currently in force. As a matter of principle, the BA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the BA will generally refer the case to the proper enforcement agency for action.

General Principles

5. The licensee is required to provide sound broadcasting services of high quality both in terms of transmission and matters transmitted, i.e. the dissemination of information, education and entertainment; and to maintain a proper balance in subject matter whilst adhering to a high standard of programme quality.

6. Licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast.

7. In the presentation of radio programmes, the basic principles of ordinary good taste and common sense must always be observed. A licensee should not include in its programmes

- (a) any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the listeners taking into consideration the circumstances of the broadcast of the programme. Such matter includes, but is not limited to, language and material which depict or

describe, in downright offensive terms, sexual or excretory organs or activities;

- (b) any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual orientation, religion, age, social status, or physical or mental disability; or
- (c) anything which is in contravention of the law.

Human Relationships

8. The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations should be treated with sensitivity and not in an exploitative or irresponsible manner. Respect should be maintained for the sanctity of marriage and the importance of the home.

Criminal Activities

9. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified. Glamorization of the lifestyles of criminals should be avoided. The presentation of criminal techniques, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation should also be avoided. Depictions containing detailed instructions for, or illustrations of, the use of illegal drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules :

- (a) Depictions of triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, should be avoided.
- (b) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language should be avoided.
- (c) Glorification of the power of the triads and membership in a triad society should be avoided.

Drunkenness, Drug Addiction and the Use of Tobacco

10. Drunkenness, addiction to drugs or narcotics and the use of tobacco should not be encouraged or be presented as desirable.

Gambling

11. No programme should be presented in a manner which encourages or offers instructions in gambling.

Religion

12. Attacks on any established religious faiths or beliefs should not be permitted. Any programme which includes a portrayal of religious rites should ensure the accurate presentation of these rites and correct dignified treatment of the religious dignitaries and officers in their various callings.

Superstition

13. The promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to fortune-telling, feng-shui, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, spiritualism and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young people.

Hypnotism

14. Performances of hypnotism should be done with care to avoid any possible adverse impact on the audience. Programmes should prevent hypnosis being induced in susceptible listeners. In particular, the hypnotist should not broadcast his or her verbal routine.

Language

15. Expressions considered vulgar or unacceptable by an average person are to be avoided. Some 'undesirable' expressions, which have been absorbed into daily language, may be employed with discretion, if the use is defensible in terms of context of the programme. Other expressions in bad language that are not so widely accepted may still be considered offensive by some people, and these may be used in moderation only. Expressions that are definitely offensive are prohibited from use on radio.

Violence and Sex

16. Programming should present such subjects as violence and sex without undue emphasis and only as required by plot development or character delineation. Violence, physical or psychological, should only be projected in responsibly handled contexts and not used to excess or in an exploitative manner. Programmes involving violence should present the consequences of it to its victims and perpetrators. The depiction of material reflective of sexual considerations should be handled with sensitivity.

Responsibility toward Children and Young People

17. It is recognised that adult radio listeners have the right to enjoy material which would not be thought suitable for children. The licensee should, however, be aware of circumstances such that large numbers of children and young persons might be expected to be listening. These circumstances prevail at the times when the licensee regularly or purposely [targets](#) directs its programmes at children and young persons by

the inclusion of material specifically attractive to children and young persons. The licensee should not therefore schedule programmes targeting ~~directed at~~ adult listeners at times when it normally broadcasts programmes targeting ~~directed at~~ children or young persons.

18. Children's programmes should impart appreciation of sound social, moral and spiritual concepts. They should contribute to the healthy development of personality, character and intelligence.

19. The standards relating to language, violence and sex should be strictly observed in programmes which might reasonably be expected to hold the attention of children and young people. It must be borne in mind that young people make up a large part of the radio audience.

Warning

20. Any programme containing material which is likely to offend or disturb some people should carry a warning to that effect at the beginning of the programme.

Impartiality

General

21. The licensees must ensure that due impartiality is preserved as respects news programmes and any factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes which are dealt with separately under paragraph 36 below). Factual programmes are non-fiction programmes which are based on material facts. They can take the form of news, current affairs programmes, personal view programmes, phone-in programmes, documentaries and programmes adopting an investigative style of reporting.

22. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme. Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes should not be slanted by the concealment of facts or by misleading emphasis. Every reasonable effort must be made to ensure that the factual content of programmes is accurate.

23. In achieving due impartiality, the term "due" is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. Due impartiality does not mean that "balance" is required in the sense of equal time or an equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgement will always be called for by the licensees. ~~The requirement will also vary with the type of programme; news and personal views programmes, for example, are different in kind and bound by separate sets of rules.~~

24. A programme host should encourage the widest possible airing of views. He/She should also be alert to the danger of unsubstantiated allegations being made by participants in live programmes. Where necessary, the programme host should correct the factual errors to the best of his/her knowledge.

Impartiality Over Time

25. Although it is desirable, it is not always possible for principal opposing viewpoints to be reflected in a single programme. Sometimes a series of programmes may be considered as a whole. At other times, a narrower range of views may be appropriate within individual programmes. This is an issue which calls for editorial judgement based on particular circumstances. In achieving impartiality over time, it is not always necessary to ensure that in a single programme all sides have an opportunity to speak.

~~26. The ways in which impartiality may be achieved in relation to news programmes and personal view programmes are dealt with below.~~

News

267. News should offer listeners an intelligent and informed account of issues that enables them to form their own views. Presentation of news should observe the following rules:

- (a) News should be presented with accuracy and due impartiality.
- (b) Sound effects, expressions, and other techniques characteristically associated with news should be reserved for the announcement of news.
- (c) Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be presented in such a manner as to avoid unnecessary alarm.
- (d) Commentary and analysis should be clearly distinguished from news.
- (e) Correction of factual errors should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme.
- (f) No bona fide news programmes comprising local or international news item may be sponsored. For the purpose of this paragraph, 'news programmes' should not include programmes which take the form of news features, news magazines, news comments, current affairs, or business/financial/sports news. No advertising matter should be

offered as news or included in the contents of a news programme or newsreel.

Personal View Programmes

28. ~~"Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance:~~

- ~~(b) The nature of a personal view programme must be identified clearly at the start of the programme. Where a personal view programme is over half an hour in duration, such identification must be made at least once during each half hour or part thereof of the transmission of the programme.~~
- ~~(b) Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.~~
- ~~(b) A suitable opportunity for response to the programme should be provided.~~
- ~~(d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes, taking into account the frequency of the programmes within the series, the length of individual programmes and the nature of the subject matter.~~

Potential Conflict Of Interest of Programme Presenters

279. The licensee shall devise and institutionalise within three months from promulgation of the Code a mechanism whereby its presenters of news and factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong are required to disclose that existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee must then exercise its editorial judgement and decide whether: ~~require its programme presenters to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, which imposes obligations on the presenters and pursuant to which the presenters receive directly or indirectly any benefit or valuable consideration in addition to payment from the licensee. The licensee must keep a register of such commercial agreements for the period during which the relevant presenters are engaged by the licensee to present a programme or programmes and 90 days thereafter. The licensee must make the register available for inspection upon request by the BA. Where such agreements may call into question the fairness or impartiality of any programme material, the licensee must exercise its editorial judgement and ensure that either –~~

- (a) the relevant programme presenter(s) will refrain from taking part in discussion of issues over which he may have conflict of interest; or
- (b) a disclosure announcement that a relevant commercial agreement exists will be made at the time of broadcast of the programme material.

The licensee shall receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee shall inform the complainant and the BA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website.

Fairness

General

2830. The licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

Reporting of Court Cases

2931. Programme items which are based on extracts of court proceedings or other matters of public record must be presented fairly and accurately. In particular the reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would likely prejudice a fair trial, and the following should be avoided:

- (a) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
- (b) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
- (c) any comment relating to the character or conduct of the accused; and
- (d) any comment or report which tends to impair the impartiality of the court.

Dramatised "Reconstructions"

302. Dramatised "reconstructions" in factual programmes which seek to reconstruct actual events should be carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

Interviews

313. Where proposed interviewees are unable or unwilling to accept an invitation to participate in a factual programme, references to the missing participants should be made in a detached and factual manner. Care should be taken to ensure that their views are not misrepresented.

324. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees.

335. Licensees should not misrepresent the views of interviewees by broadcasting a previously recorded interview and presenting it as the interviewees' current views. ~~ensure that the views expressed by the interviewees in recorded interviews are still valid when they are broadcast.~~ Listeners should be informed of the date the interviews were conducted where necessary.

Right of Reply

346. Licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organizations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

357. Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticized should be given an appropriate and timely opportunity to respond.

Personal View Programmes

36. "Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance in Hong Kong:

- (a) The nature of a personal view programme must be identified clearly at the start of the programme, for example, by an announcement in the following form, "The following programme only reflects the personal views of the programme host and/or the individual contributor."
- (b) Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.

(c) A suitable opportunity for response to the programme should be provided.

(d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

Privacy

General

378. The rights of individuals to privacy should be respected in all programmes. Complaints about programme invasion of privacy can arise from the gathering of material or from the way an individual is treated in the programme itself. In obtaining material for a programme, the licensees must ensure that the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) are observed. The licensees shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.

Scenes of Extreme Suffering and Distress

389. Licensees should be sensitive to the possibility of causing additional anxiety or distress when interviewing or recording people who are already extremely upset or under stress. People in a state of distress should ~~must~~ not be put under pressure to provide interviews. Normally funerals may only be covered with the permission of the family.

Interviewing of Children

3940. Children should not be questioned to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgement.

Reporting of Sexual Offences Against Children

401. Reporting of sexual offences against children should avoid identification of the child.

Undue Prominence

412. No undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. Such references must be limited to what can clearly be justified by the editorial requirements of the programme itself, or of an incidental nature.

Consumer Advice

423. Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial values. The real objective of the material must be bona fide consumer advice, and the presentation must be fair and objective. In addition, the licensee should ensure that the following rules are complied with:

- (a) the licensee or programme producer should not receive consideration for making references to products or services in such programmes;
- (b) such material must be designed to convey truthful and objective consumer information about products or services;
- (c) the disclosure of brand names must be relevant and appropriate to the objective of the programme and the products and services are selected objectively and without regard to the manufacturer or supplier of the product or service;
- (d) such material should be based on research so far as is practicable;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) as widely a range of firms or products or services as practicable should be included in order not to give unfair advantage or disadvantage to a particular brand or firm. In the case of a serial programme, the licensee may cover a range of products and services within the same series and not necessarily in one single episode;
- (g) while fair and objective assessment on certain products or services is permissible, presenters should avoid being carried away by personal preferences and showering the product or service with excessive praises and unnecessary details and hence giving it undue advantage over other products or services; and
- (h) such material should not include products or services insofar as they are not acceptable for advertising under the advertising code.

Contests

434. No fee is payable either in money or money's worth for participation in any contests. Subject to prior approval from the BA, a licensee may deviate from this requirement in respect of a contest for charitable purposes.

445. Any contest included in a programme or in an advertisement must offer an opportunity for all contestants to win on the basis of skill or knowledge and not purely by chance.

456. All rules and conditions of contests, including commencing and closing dates, should be clearly and fully announced at the beginning of the contest, and thereafter

adequately summarized on each occasion. The names of winners should be released as soon as possible after the close of the contest. The conditions of all contests must meet the requirements of the laws of Hong Kong.

467. Where a contest is included in a programme which is recorded in advance of the date on which it is broadcast, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person listening to the programme to send in an entry before that date. In the case of a continuing contest which closes immediately on receipt of a correct answer, the licensee must ensure the immediate notification of the fact to avoid useless expenditure of time and money by listeners in the submission of entries which no longer have any chance of winning.

478. ~~Where a contest is included in a programme, R~~references to prizes must not be made in such a way as to ~~amount to give an impression of~~ advertising. References to prizes or acknowledgment of the source of prizes are allowed in contests provided that they are not used excessively. However, there must be no promotional reference to any product or service.

489. The presentation of tobacco products as prizes or gifts for contests is not permitted. The presentation of alcoholic liquor as prizes or gifts in isolation for contests is not permitted.

Sound Effects

4950. Programmes should avoid sound effects calculated to unwarrantably mislead, shock or alarm the listener.

Programme Sponsorship

504. There must be a clear distinction between advertisements and programmes. If any programme, or part of a programme, is sponsored, supplied or suggested by an advertiser, clear announcements to this effect should be made. The licensee should be responsible for the content of sponsored programmes or programme segments. Mention of a sponsor related product in such programmes or programme segments may be permitted provided it does not occur frequently and does not obtrude on programme interest or entertainment.

Elections

512. Licensees shall observe all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission.

Programme Changes

523. Where programmes are not broadcast in accordance with publicly announced or published programme schedules, the licensee should take reasonable steps to inform listeners of such changes. These steps may include making announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended listeners of the programmes might be listening to radio.

534. The standards laid down in this Code should also govern advertising content, |
wherever applicable.

REVISED

**DRAFT RADIO CODE OF PRACTICE
ON ADVERTISING STANDARDS**

Preamble

1. This Code of Practice is issued by the Broadcasting Authority (BA) pursuant to Section 19 of the Broadcasting Authority Ordinance (Cap.391). All materials included in a sound broadcasting service licensed under the Telecommunication Ordinance (Cap.106) must comply with this Code. The BA has the power to impose sanctions on licensees who do not comply with the Code.
2. The BA, as the regulator, does not pre-censor any advertising material. The editorial responsibility lies with the licensees themselves. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any advertising delivered on their licensed service will comply with the Code. Judgement will always be called for by the licensee. When forming a view about the acceptability of any advertising material, the BA will give consideration to the category, scheduling and target audience of the advertisement and the circumstances in which the advertisement was broadcast.
3. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.
4. The detailed rules set out below have to be applied in spirit as well as in letter and should be read in conjunction with relevant programme standards, licence conditions and legislations currently in force. The legal and regulatory requirements cited in the Code are for reference only. It is the responsibility of the licensees to ascertain the applicable and up-to-date legal and regulatory requirements. As a matter of principle, the BA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the BA will generally refer the case to the proper enforcement agency for action.

Definition of Advertisement

5. The following definition applies in this code of practice unless the contrary intention appears:
 - (a) advertisement or advertising material means any material included in a licensed service which is designed to advance the sale of any particular product or service or to promote the interests of any organisation, commercial concern or individual, whether by means of words and/or sound effects (including music) and whether in the form of direct announcements, slogans, descriptions or otherwise, as well as any promotional reference in the course of a programme to any products or services;
 - (b) for the purpose of this code of practice the term advertisement or advertising material does not include:

- (i) station/channel identifications;
- (ii) announcements in the public interest;
- (iii) material for the promotion of the licensee's station and programme services;
- (iv) material connected with charities and public appeals approved by the BA and for which the licensee does not receive payment or other valuable consideration for their transmission;
- (v) references on radio to the title of an event sponsored by a person other than the licensee carrying the trade name or brand name of the sponsor and other incidental references to the trade name or brand name of the sponsor in a programme provided that
 - (1) the licensee receives no consideration for such references;
 - (2) no undue emphasis is given to such references; and
 - (3) the references do not obtrude on programme interest or entertainment; and
- (vi) incidental or natural references to goods or services in the course of a programme which are justifiable in programme context and do not obtrude on programme interest or entertainment.

Such definition shall extend to the grammatical variations and cognate expressions of such term and the word advertising shall be interpreted accordingly.

General Principles

6. The general principle which will govern all broadcast advertising is that it should be legal, decent, honest and truthful.
7. Advertisements must be clearly distinguishable as such and be recognizably separate from the programmes.
8. Advertisements must comply in every respect with the laws of Hong Kong.
9. It is the responsibility of the licensee to ensure that the following practices are observed in the preparation and broadcasting of all advertising matter:
 - (a) care and good judgment should be exercised in respect of advertisements to be broadcast during times when large numbers of children or adolescents may be likely to be listening;

- (b) advertising material should be presented with courtesy and good taste and disturbing material such as overly persistent repetition, and words or phrases implying emergency or playing on ~~fear~~ superstition should be avoided;
- (c) great care should be exercised by the licensee to prevent the presentation of false, misleading or deceptive advertising. No matter should be included which in any way departs from truth as to the composition, character or action of a product or its suitability for the purposes for which it is recommended; and
- (d) advertising matter should contain no claims intended to disparage competitors, competing products or other industries, professions or institutions. Statements should not be used in respect of any products that they are 'the best', 'the most successful', 'safest', 'quickest', or containing any similar use of unsupported superlative adjectives involving comparison with other products, or departures from strict truth. Advertisers must be prepared to produce evidence to substantiate any descriptions, claims or illustrations (including 'best-selling' claims).

Acceptability of Advertising Matter

10. The licensee shall observe the following standards for the acceptability of advertising matter and the sponsorship of programmes:

- (a) the licensee shall refuse the facilities of his station where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all applicable legal requirements; and
- (b) the licensee shall refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible segment of the community.

Unacceptable Products or Services

11. Advertisements for products or services coming within the recognized character of, or specially concerned with, the following are not acceptable:

- (a) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui etc.;

- (b) undertaker or others associated with death or burial: except advertisements for columbaria, which are acceptable provided that the following conditions are complied with:
 - (i) presentation of such advertisements should be dignified and restrained, and the licensee should exercise due sensitivity in scheduling and presenting such advertisements; and
 - (ii) all explicit references to death and technical aspects of associated services and morbid details must be avoided;
- (c) unlicensed employment services, registries or bureaux;
- (d) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;
- (e) escort services in general and dating services targeting ~~at~~ young people under the age of 18;
- (f) pay per call information services which offer adult material of a sexual nature;
- (g) organisations/companies/persons, seeking to advertise for the purpose of giving betting tips; or
- (h) betting (including pools): this does not preclude advertisements for lotteries which are authorized by or under the Betting Duty Ordinance (Cap. 108) and for horse racing publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing provided that the advertisement does not encourage betting or contain any reference to betting tips. No advertisements for these items should be aired within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries should:
 - (i) not be broadcast between 4:00p.m. and 8:30p.m. each day or at other times when radio programmes, in the opinion of the BA, target ~~are designed for and/or directed to~~ young persons under the age of 18;
 - (ii) only target ~~be directed only to~~ the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
 - (iii) not feature any personality who has particular appeal to children or adolescents;

- (iv) not state or imply praise for those who participate in the advertised activity or denigrate those who abstain;
- (v) not mislead or exaggerate one's likelihood of winning;
- (vi) not be instructional in nature or unduly exhort the public to bet;
- (vii) not feature excessive or reckless betting; and
- (viii) not present lotteries as an alternative to work or a way out of financial difficulties.

Indirect Publicity of the Unacceptable Product or Service

12. The licensee should not broadcast an advertisement for an acceptable product or service if, in the opinion of the BA, a significant effect of the advertisement would publicize indirectly a product or service which is unacceptable to be advertised on radio. Where an advertisement for a particular product or service is not allowed in particular hours of the day, an advertisement which has a significant effect of publicizing such a product or service should likewise be prohibited in those hours. In determining whether the significant effect of an advertisement would publicize indirectly an unacceptable product or service for the purpose of this provision, the BA shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the BA, some relevant factors which may be taken into consideration should include the following:

- (a) whether the advertisement contains any reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
- (b) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
- (c) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and
- (d) the target audience, the arrangement of the broadcast and the placement of the advertisement;

Specific Categories of Advertisement

13. The licensee should exercise care in the inclusion in its service of certain categories of advertisement having regard to the nature of the product or service advertised, the treatment of the product or service in the advertisement and the likely composition of the listeners for the time of day at which they are broadcast. The following paragraphs set out restrictions on advertisements for products or services which are of particular concern or sensitivity.

Tobacco and Tobacco Related Products

14. The licensee must comply with all relevant provisions relating to tobacco advertisements under the Smoking (Public Health) Ordinance (Cap. 371).

15. The presentation of tobacco products as prizes or gifts for radio contests will not be permitted.

16. Advertisements for certain tobacco related products such as cigarette holders, tobacco filters and other smoking accessories should be subject to the following rules:

- (a) such advertising should only target ~~be directed only to~~ adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements; and
- (b) such advertisements should not be broadcast in proximity to children's programmes; or at other times when radio programmes, in the opinion of the BA, target ~~are designed for and directed to~~ young persons under the age of 18.

Alcoholic Beverages

17. The advertising of liquor or alcoholic liquor (as defined in the Dutiable Commodities Ordinance (Cap.109)) also requires special consideration and is subject to the following conditions:

- (a) such advertising should only target ~~be directed only to~~ the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- (b) such matters should not be advertised in proximity to children's programmes; or programmes which, in the opinion of the BA, target ~~are designed for or directed to~~ young persons under the age of 18;
- (c) advertisements may not imply that drinking is a desirable new experience or that it is closely associated with social success or popularity or that refusal is a sign of weakness;
- (d) the presentation of alcoholic liquor as prizes in isolation for radio contests will not be permitted;

- (e) the licensee should not between the hours of 4:00p.m. and 8:30p.m. broadcast any advertisement for alcoholic beverages or invite, offer or accept sponsorship or commercial promotion for such beverages in respect of any programme, material or item broadcast between those hours;
- (f) the use of alcoholic beverages or products should not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;
- (g) alcoholic products should not be advertised as similar to or equated with non-alcoholic products, e.g., soft drinks, fruit drinks, etc., which have particular appeal to children or young persons under the age of 18;
- (h) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (i) such advertisements must not feature any personality whose example children or young persons are likely to follow or who has a particular appeal to children or young persons under the age of 18;
- (j) use of alcoholic beverages or products should not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g., the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (k) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (l) advertising should not promote the misuse or abuse of alcoholic beverages;
- (m) advertising should not suggest that drinking is a prerequisite to relaxation. Alcohol should not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink;
- (n) advertising by retail liquor outlets for alcohol products should adhere to the advertising standards on alcoholic drinks; and
- (o) advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.

18. Generally speaking, drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. In particular, drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, whether or not presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. The advertisements must also comply with subparagraphs (a), (b), (c), (d), (f), (g), (h), (i), (j), (l), (m), and (o) of paragraph 17 above.

Educational Courses

19. The licensee must comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules.

Personal Products

20. Products of a personal nature, such as female sanitary products, condoms, deodorants for the genital area, incontinence products, etc., should be presented with care and sensitivity.

Financial Advertising

21. The licensee should comply with the supplementary standards on financial advertising as set out in Appendix I.

Real Property Advertising

22. No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong should be accepted:

- (a) in respect of a completed building, unless the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
- (b) in respect of an uncompleted building:
 - (i) unless the prior consent of the Director of Lands or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given; or
 - (ii) unless the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C (3) of the Solicitors Practice Rules in regard to the sale and purchase of the affected real property in the relevant Land

Registry where consent as mentioned in (b)(i) above is not required for the sale of units in such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation).

23. No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong should be accepted unless the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognized in the country where the real property or land is situated confirming that :
 - (i) all the requirements imposed by the local government relating to the development and sale of the real property or land to be advertised have been properly complied with by the developer or vendor;
 - (ii) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the real property or land to non-residents; and
 - (iii) housing loan is available to prospective purchasers from a licensed financial institution, either locally or elsewhere, and
- (b) a letter from a firm of solicitors who are qualified to practise in Hong Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (a) above is registered in the country where the real property or land is situated for the provision of legal advice within that jurisdiction.

24. No advertisement should be accepted if it invites members of the public to take part in any arrangements with respect to real property, whether as an investment or otherwise, the purpose of which is to enable them (whether by becoming owners of the real property or part of the real property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such real property.

25. The licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to real property advertisements have been adequately substantiated by the advertisers. In particular,

- (a) no claim may expressly or by implication misrepresent the location, size and value of the real property and the available transport facilities;
- (b) the lowest selling price of a real property should be stated as such and should not give an impression that it is the average price;

- (c) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to overseas purchasers, if there is a significant difference in the prices; and
- (d) advertisements must not offer any furniture, home appliances or any other goods as "free gifts" unless such items are supplied at no cost or no extra cost to the recipient. The licensee needs to obtain a statement to this effect from the advertiser.

The licensee should have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer or advertiser were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

Medical Preparations & Treatments

26. The advertising of medical preparations and treatments is subject to the detailed rules given in Appendix II.

Claims Relating to Nutritional and Dietary Effects

27. Claims relating to the nutritional and dietary effects of products or services should be handled with care. Advertisements for products and services containing such claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. The licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;
- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 5 of Appendix II governing professional advice and support;

- (f) the licensee must ensure that the advertisements which make claims relating to nutritional and dietary effects comply with all relevant legislation including without limitation the Public Health and Municipal Services Ordinance (Cap.132); and
- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
 - (i) such advertisements must not be addressed to persons under 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
 - (ii) the licensee must obtain sound evidence showing that such services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
 - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were obese lose weight and become slimmer after using the product or service advertised;
 - (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials should not be underweight; and
 - (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter² as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

Political Advertising

28. No advertisement of a political nature shall be broadcast except with the prior approval of the BA.

29. Advertisements which contain statements or suggestions which may be considered offensive to religious views, racial traits or to particular sections of the community should be avoided.

Film Advertisements

30. Advertisements relating to the promotion of films other than Category I intended for public exhibition in Hong Kong should contain audio references to the category of the film as classified under the Film Censorship Ordinance (Cap. 392). In addition, advertisements for films classified under categories other than Category I should carry advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be.

Imitation

31. Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee should not be permitted.

Appeal to Fear

32. Advertisements should not unduly play on fear.

Advertising Time Allowance

332. The total amount of advertising time must not exceed the limit set by the conditions of the Licence.

Advertising & Children

343. Particular care should be taken over advertising that is likely to be heard by large numbers of children and advertisements in which children (or child-like voices) are to be employed. More detailed guidance is given in Appendix III.

Appendix I

SUPPLEMENTARY STANDARDS ON FINANCIAL ADVERTISING

Legal Responsibility

1. It is the responsibility of the licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) the Protection of Investors Ordinance (Cap. 335);
- (b) the Securities Ordinance (Cap. 333);
- (c) the Companies Ordinance (Cap. 32);
- (d) the Banking Ordinance (Cap. 155);
- (e) the Insurance Companies Ordinance (Cap. 41);
- (f) the Commodities Trading Ordinance (Cap. 250);
- (g) the Securities and Futures Commission Ordinance (Cap. 24);
- (h) the Leverage Foreign Exchange Trading Ordinance (Cap. 451);
- (i) the Mandatory Provident Fund Schemes Ordinance (Cap. 485);
- (j) the Codes of the Securities and Futures Commission (SFC), including without limitation :
 - (i) the Code on Unit Trusts and Mutual Funds;
 - (ii) the Code on Investment-linked Assurance Schemes;
 - (iii) the Code on Pooled Retirement Funds;
 - (iv) the Code on Immigration-linked Investment Schemes;
 - (v) the SFC Code on Mandatory Provident Fund Products;
 - (vi) the Code of Conduct for Persons Registered with the Securities and Futures Commission; and
 - (vii) any other prevailing rules and guidelines on other types of investment arrangement regulated by the SFC such as paper gold schemes and commercial paper; and

- (k) the Exchange Rules of the Stock Exchange of Hong Kong and Rules of the Hong Kong Futures Exchange Limited.

(The list is for reference only and it is the responsibility of the users of this Code to ascertain the applicable and up-to-date legal and regulatory requirements.)

Leverage Foreign Exchange Trading

2. A leverage foreign exchange trader must comply with section 18(1) of the Leverage Foreign Exchange Trading (Books, Contract Notes and Conduct of Business) Rules.

Deposit and Savings Facilities

3. Advertisements for deposit and savings facilities should comply with the following provisions:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized under the Banking Ordinance (Cap.155):
 - (i) the advertisement should not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;
 - (ii) the advertisement should not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless it also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
 - (iii) no reference should be made to the amount of the nominal or authorized capital of the institution; and
 - (iv) no reference should be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together; or
- (b) for invitations to make a deposit outside Hong Kong, the advertisement should comply with the requirements specified in the Fifth Schedule to the Banking Ordinance (Cap.155).

Lending and Credit

4. Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the

Banking Ordinance (Cap.155) may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

Review or Advice about the Stock Market or Investment Prospects

5. Subject to paragraph 6 of this appendix or unless otherwise permitted (whether expressly or impliedly) under applicable law, no advertisement should contain any review of or advice about the stock market or investment prospects or make any reference to specific securities or investment products.

Investment Products

6. Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes, pooled retirement funds, Mandatory Provident Fund products and immigration-linked investment schemes, are not acceptable unless these advertisements are authorized by the SFC pursuant to s.4(2)(g) of the Protection of Investors Ordinance (Cap. 335).

Investment Advisers

7. Advertisements for investment advisers should comply with the relevant provisions of the Protection of Investors Ordinance (Cap. 335) (including but not limited to the requirement for the adviser to be licensed by the SFC) and, where appropriate, the Rules of the Stock Exchange of Hong Kong.

Financial Publications

8. Subject to paragraph 6 of this appendix or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on specific securities or investment products; advertisements for subscription services for such publications must be in general terms and make no reference to specific securities or investment products.

Estimates of the Proceeds of Insurance Policies

9. No numerical examples of the proceeds of insurance policies including but not limited to estimates of future bonus or dividend declarations on participating life insurance policies or of the growth in capital values or the investment returns that determine the benefits under retirement scheme management categories or linked policies should be quoted in any advertisement.

Appendix II

SUPPLEMENTARY STANDARDS ON MEDICAL PREPARATIONS AND TREATMENTS

General

1. The licensee should ensure that all medical advertisements conform with the laws of Hong Kong, including without limitation the Undesirable Medical Advertisements Ordinance (Cap. 231).

Medical Preparation

2. The term 'medical preparation' means any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy. It includes:

- (a) mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use;
- (b) drops or paints, such as eye, ear or nose drops, throat paint, etc.;
- (c) ointments, creams, pastes or powders for therapeutic use externally.;
- (d) liniments or any product to be rubbed on;
- (e) injections; and
- (f) foods which claim to assist 'regularity' or other health problems.

Restricted Medical Preparations

3. Advertisements for medical preparations which are included in :

- (a) Part I of the Poisons List in the Pharmacy and Poisons Ordinance (Cap.138); or
- (b) Schedule 1 of the Antibiotics Regulations, Antibiotics Ordinance (Cap.137),

are not acceptable.

Unacceptable Products or Services

4. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable:

- (a) smoking cures;

- (b) clinics for the treatment of hair and scalp;
- (c) pregnancy testing services;
- (d) clinical laboratory testing services;
- (e) relief or cure of alcoholism and drug addiction;
- (f) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (g) procurement of miscarriage or abortion.

Impressions of Professional Advice and Support

5. Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself should be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmacists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and
- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

Appeals to Fear or Exploitation of Credulity

6. No representation should be used which dramatizes distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No representation of vivisection should be allowed. No advertisement should contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

Conditions Requiring Medical Attention

7. Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

Encouragement of Excess

8. No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

Exaggeration

9. No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. Statements should not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.

General Statements

10. Advertisements should not contain:

- (a) general statements which mislead listeners by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or
- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

Depiction of Patients

11. Advertisements should not depict a patient receiving treatment or under the influence of a drug or hypnotism. The depiction of a patient implying or testifying to the cure of any condition is also not acceptable.

Description of Bodily Functions

12. Repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

Derogatory Reference to Physical or Mental Affliction

13. No derogatory reference should be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

Sales Promotions

14. No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

Appendix III

ADVERTISING AND CHILDREN

The Child Audience

1. No product or service may be advertised and no method of advertising may be used, in association with a programme ~~targeting~~intended for children or which large numbers of children are likely to hear which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular :

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee should have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) Advertisements must not directly urge children to purchase or to ask their parents or others to make purchases.
- (c) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (d) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (e) No advertisement dealing with the activities of a club is allowed without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.
- (f) If there is to be a reference to a competition for children in an advertisement, the value of prizes and the chances of winning one must not be exaggerated.

- (g) Advertisements for toys, games and other products of interest to children must not mislead, taking into account the child's immaturity of judgment and experience.

Restrictions on Transmission Time

2. Advertisements for products or services, films and any material which are considered as not suitable for children may not be broadcast within or in close proximity to programmes targeting ~~designed for and/or directed to~~ children or at times when a large number of children are expected to be listening.

3. Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be broadcast within or in close proximity to programmes targeting ~~designed for and/or directed to~~ children or at times when a large number of children are expected to be listening.

The Child in Advertisements

4. The participation of children in advertisements is subject to the following conditions:

- (a) Children in advertisements should be reasonably well-mannered and well-behaved.
- (b) Children will not be permitted to participate in the presentation of advertisements for alcoholic liquor or tobacco related products.