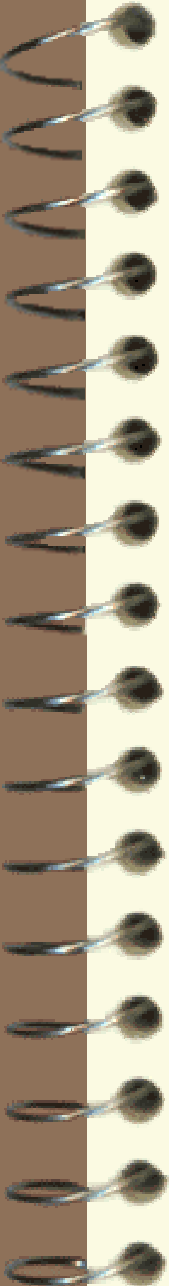
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Proposed Revisions to

**Draft Generic Codes of Practice for
Television and Draft Radio
Codes of Practice**

Broadcasting Authority



Consultation Period (22.9.2000 - 4.11.2000)

57 submissions received upon the close of consultation period

- 18 submissions from organisations
- 39 submissions from individuals

all the submissions are available for perusal on the BA's website

Submissions Received

general comments

- draft codes are user-friendly and provide a clear and well-defined regulatory regime
- support the regulatory approach of linking the level of regulation to the pervasiveness and degree of influence of a TV program service
- support the relaxation of requirements on advertising time and the removal of regulatory restrictions which are outdated

Submissions Received

more controversial areas are

- **impartiality**
- **personal view programs**
- **conflict of interest**

Impartiality

requirement in Draft Codes:

- due impartiality is preserved as respects news programs and any factual programs dealing with matters of public policy or controversial issues of public importance

comments received:

- too restrictive and may undermine freedom of expression
- not always possible to include opposing viewpoints in a program/program series

Impartiality

The requirement in Draft Codes is more flexible than the existing requirement and reduces the scope of subjective interpretation

- existing requirement:
 - every program dealing with controversial issues of public importance must attempt to be impartial in itself

- requirement in Draft Codes:
 - not necessary to achieve impartiality in one single program
 - due impartiality means adequate or appropriate to the subject matter and type of program

Personal View Programs

requirement in Draft Codes:

- nature of personal view programs should be identified at the start of the program and at each half-hour during the broadcast of the program

comments received:

- requirement of an half-hourly announcement is superfluous and unnecessarily intrusive
- seek clarification as to whether phone-in programs/talk shows are personal view programs

Personal View Programs

requirement to identify personal view programs is to assist viewers/listeners to recognise the nature of such programs

the way such programmes are identified is a technical matter

agree that the half-hourly announcement may be annoying to some audience

proposed revisions:

- delete the requirement of a half-hourly announcement provided that the nature of the program is clearly identified at the start of the program**

Personal View Programs

not appropriate to define a personal view program by reference to program format because

- such program can take many different forms
- main crux is the way views are presented, not the format they take

judgement is always called for by the licensees

Conflict of Interest

requirements in Draft Codes:

- licensees to require their news and factual program presenters to declare their commercial interests to them
- licensees to keep a register of such interests
- licensees to decide whether program presenters should refrain from discussion of a topic or disclose their interests on air

Conflict of Interest

comments received

- generally support the spirit behind the proposal, but there is concern about
 - practical difficulties in the enforcement of the provisions
 - possible invasion of privacy and restriction on freedom of expression
 - unfair that licensees should be held responsible for the action of the program presenters
- propose the establishment of a self-regulatory system by the licensees

Conflict of Interest

consider self-regulation an acceptable alternative if licensees are prepared to

- devise and institutionalise a mechanism whereby its presenters of
 - (a) news programs
 - (b) factual programs dealing with matters of public policy or controversial issues of public importance

must disclose the existence of any conflict of interest to licensees

Conflict of Interest

licensees must exercise its editorial judgement and decide whether the relevant program presenter(s) should

- refrain from discussion of a topic, or
- disclose their interests on air

Conflict of Interest

licensees must

- receive and consider complaints from members of the public with respect to the potential conflict of interest of its programs
- inform complainant and BA of the findings of its investigation, and make the findings available for public inspection free of charge (e.g. by posting them on licensee's website)

Conflict of Interest

upon receipt of complaints about conflict of interest in a program from the public, the BA will refer the complaints to the licensee concerned for investigation

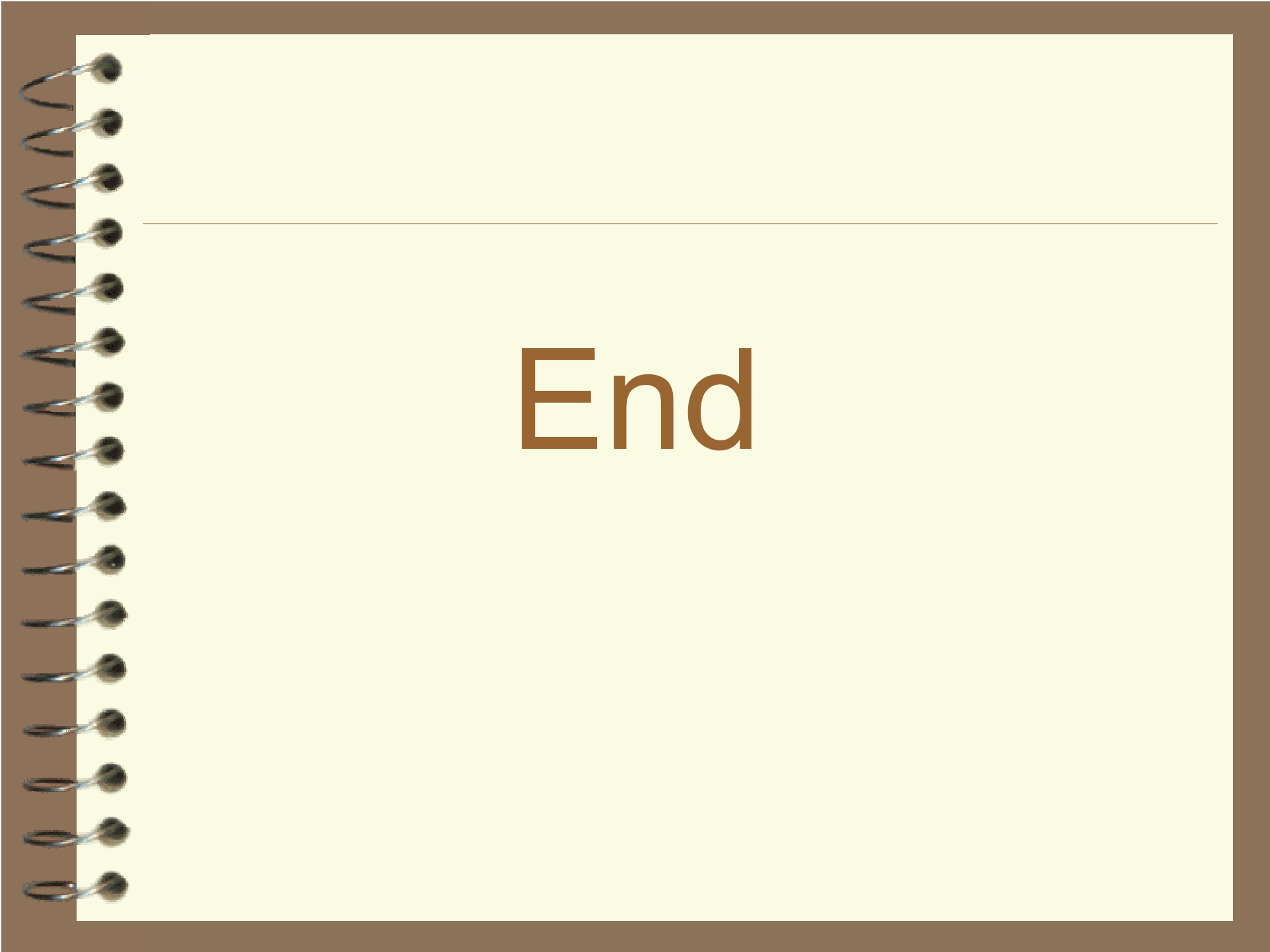
the manner in which the licensee investigates individual complaints will be outside the ambit of the BA, but subject to public scrutiny



BA welcomes comments

further consultation with the licensees starting from 4.1.2001 to 18.1.2001

BA will consider licensees' comments on the revised Draft Codes before finalising them for promulgation

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