

**DRAFT GENERIC CODES OF PRACTICE FOR
TELEVISION & RADIO: RTHK'S OBSERVATION**

Although RTHK is not legally bound by the Broadcasting Authority's Codes of Practice, we have entered into a Memorandum of Understanding under which we agree to abide by the Codes. It is on this basis that we now give our views on the Draft Generic Codes for Television and Radio.

RTHK as a public broadcaster, respects the spirit of the proposed codes which is to raise the standards of the electronic media. However, we believe the industry should be left to regulate itself as far as possible. Any imposition of stringent conditions will, in our view, stifle creativity, deprive the public of the opportunity to hear analytical comments from professionals, academics and other respected figures. It would curb the free flow of discussion and, most importantly, press freedom and freedom of expression.

We believe that broadcasters should put in place their own self-regulatory mechanism by establishing editorial guidelines for programme-makers to follow. Mandatory rules imposed by regulators could be abused for political or other reasons. No matter how good the intention may be, regulators must not be perceived as to have become media editors.

Impartiality:

In our view, impartiality should be judged not by regulators but by the media's own editors, applying accepted journalistic standards. Their professional judgement should not be influenced by pressures from political, government or commercial interests. Editorial values and judgements alone should prevail in reaching decisions. But impartiality should not require programme-makers to be unquestioning. In serving the public's right to know, we expect programme-makers to be enterprising in perceiving, pursuing and presenting social issues.

Personal View Programmes:

We do not think that programmes can be compartmentalised as either personal view or non-personal view. There may be sound editorial reasons for broadcasters to adopt different approaches to a programme. It should be the prerogative of broadcasters, rather than regulators, to decide on their treatment, based solely on editorial grounds.

We also regard the heading Personal View Programmes as being rather vague and far too general. It would be more appropriate to be more specific and replace it with Personal Platform Programmes.

Personal Platform Programmes:

We believe that only programmes like Hong Kong Letter, Letter to Hong Kong, Viewpoint and Pentaprism fall into this category. If the Presenter is clearly identified by name and professional status (e.g. newspaper columnist or chairman of a political party) at the beginning and end of the programme, that is sufficient appropriate labelling.

Programmes such as Party Line, City Forum, Media Watch, The Week in Politics and Agenda, in which participants express their own professional viewpoints, or those of their organisations, are not Personal View or Personal Platform programmes.

Phone-ins:

These programmes are part of everyday life in Hong Kong. They are recognised as vehicles which allow the public direct access to air their views and to question public figures. People know them for what they are. No matter how strongly sometimes presenters put forth their views, these programmes include guest speakers, interviews and substantial phone-in elements. They are therefore not a simple expression of personal views. It is unnecessary to have to state on air what they are, and it should be left to the broadcasters to decide whether and how best to make a disclaimer.

Potential Conflict of Interest of Programme Presenters:

We accept that audiences must be able to trust the integrity of Programme Presenters and that their outside activities must not influence, or be thought to influence, programmes in which they appear. However, we believe the measures proposed are far too stringent. There is a genuine and justified concern among programme-makers that the proposal in its present form would easily lead to the harassment of those who are critical of the authorities and the establishment.

We have already required non-staff Presenters to declare their outside interests. However, it is impractical to insist that guest presenters, i.e. those who appear on an ad-hoc basis, should first declare their various interests. The diversity of views available to the public would shrink without the valuable contributions of those individuals.

DRAFT RADIO CODE OF PRACTICE ON PROGRAMME STANDARDS-PROPOSED AMENDMENTS :

We propose the following amendments :

- 27(e). **Factual errors should be corrected as soon as practicable.** (This wording would give broadcasters the flexibility to fit in the correction in their programme schedules)
- 27(f). **No bona fide news programmes may be sponsored.....** (Deleting the superfluous'comprising local or international news item').
- 28(a). The nature of a personal view programme (**Note: We prefer to call it Personal Platform Programme**) must be identified **with an appropriate announcement** at the start of the programme. (The replacement of the word 'clearly' with 'with an appropriate announcement' provides broadcasters with flexibility as to how they may introduce their programme without breaching the spirit of this Code. Furthermore, comments here must be read together with remarks in the first page).

- 28(b). Facts must be respected and the opinion expressed, however partial, should not rest upon **obviously** false evidence. (The addition of the word ‘obviously’ provides some safeguard to Presenters who at the time of a broadcast may not be aware that the evidence on which they were basing their comments, although widely quoted, was false).
29. Where fairness or impartiality of any programme material may be called into question, 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/she may have a 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.

(This deletes most of the proposed paragraph, with the exception of the last sentence which too is modified. We believe the industry should be allowed to regulate itself).

35. **Licensees should ensure that the views expressed by the interviewees in recorded interviews have not been overtaken by events.** (This would provide protection to broadcasters in situations where the interviewees may have second thoughts and wish to alter their comments. Furthermore, and especially in the making of a documentary, interviews are conducted over several days and it would be confusing to audiences if dates need to be mentioned).
38.In obtaining material for a programme, the licensees must ensure that the requirements of the Personal Data (Privacy) Ordinance (Cap.486) are observed **as any breaches could result in legal action.** (This is to clarify that broadcasters would not be penalised twice for the same offence).
39.People in a state of distress **should** not be put under pressure to provide interviews (This changes ‘must’ into ‘should’ to provide some leeway to broadcasters in extremely exceptional situations).

52. Licensees shall observe all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission **and the latter shall adjudicate over complaints of alleged breaches.** (The addition again is to avoid double penalties).

29(b). The terms 「觀眾」、「播映」 in the Draft Radio Codes of Practice & (Chinese Version) should be amended as 「聽眾」、「播出」

53. respectively.

Generally, the same observations apply to the Draft Generic Codes of Practice for Television.

