

Miss Polly Yeung
Clerk to LegCo Panel
on Information Technology and Broadcasting
Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Central
Hong Kong

24 October 2000

Dear Miss Yeung,

Consultation on the Draft Generic Codes of Practice for Television

We refer to the above-captioned consultation document published in September this year.

In general, we are supportive of the principles behind the proposed provisions in the draft Generic Codes of Practices for Television. The reshaping and restructuring of the contents have made the codes easier to read, to the point and comprehensive.

Our specific comments on the draft codes of particular concern to us are set out below:

Programme Standards

Chapter 2 Scheduling

We fully support the Family Viewing Policy stipulation requiring that nothing unsuitable for children shall be broadcast between the hours of 4:00pm - 8:30pm.

However, according to the wording of paragraph 6 and 7, there is implication of a tightening of standards on the scheduling and broadcast of material outside the Family Viewing Hours.

Since the Broadcasting Authority had not indicated that there was need to tighten existing requirements, paragraph 6 and 7 should therefore be revised to reflect this intention.

We suggest that paragraph 6 be slightly modified as "The licensee must not show material unsuitable for children or young viewers at times when programmes 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, such as during school holidays". This is more comparable and closer to the existing requirement.

As paragraph 7 requires that all programmes classified as "PG" should not be shown at times outside 4:00pm - 8:30pm when there is a large audience of children and young viewers watching television, it is in effect a tightening of standards, an extension of the restriction of the Family Viewing Policy. This is not in line with the intention and purpose of introducing the generic codes.

The first sentence of Paragraph 7, "No programmes classified as "PG" should be shown at times when there is a large audience of children and young viewers watching television" should, therefore, be deleted.

Chapter 8 Information for Viewers

The present system classifying programmes into "PG" and "M" is proven satisfactory and welcomed by the viewer.

The proposed amendment, paragraph 8, requiring insertion of an additional aural and visual statement at the start of the programme describing the principal elements which have contributed to the classification and indicating their intensity and/or frequency appears to be more appropriately applied to broadcasting services which are required to comply with less restrictive standards, such as sex, violence or language.

As standards set for domestic free television are already very restrictive by comparison, it may not be necessary to insist terrestrial licensees to strictly comply with the additional requirement. The present classification system is considered to be a sufficient safeguard for the younger viewers.

Hence, we propose that the first sentence of the paragraph be modified as "In addition to the programme classification advice, an aural and visual factual statement should be appropriately given at the start of the programme describing the principal elements which have contributed to the classification". The rest of the sentence "and indicating their intensity and/or frequency (e.g. "strong violence", "frequent coarse language", etc.)" should therefore be omitted.

Nevertheless, it is relevant to note that our station already has a similar system to double safeguard the interests of the viewer. In addition to the classification announcement, a warning caption is placed, where necessary, at the commencement of the programme alerting viewers to the element(s) which may disturb, alarm or shock. For instance, documentary programmes with explicit operation scenes are as a rule, accompanied by an appropriate warning message in addition to the programme classification. Viewers may still recall, a special announcement was made at the start of each of the editions of the celebrated BBC documentary series "The Human Body" alerting viewers to the explicit nudity shots in the programme opening.

Chapter 9 Impartiality and Fairness

We agree that it is the responsibility of the broadcaster to strive for impartiality and fairness in the production of programmes and are supportive of the amendments in principle. However, taking into account practical considerations, we would like to suggest some changes to the following proposed provisions :

- (a) paragraph 9(a) – The requirement set out in the second sentence of this sub-paragraph requiring a personal view programme be identified as such every half hour should be deleted. A clear identification at the start of the programme should suffice;
- (b) paragraph 10 – It would seem more appropriate to convert the requirement for licensee to ask programme presenters to disclose conflict of interest and to keep such a register into operational guidelines instead of being stipulated as codes.
- (c) paragraph 16 – The first sentence should be deleted. Interviewees may have changed their views overnight and with such a provision, the licensees will not be able to show the interview which may be of value and interest to viewers. To ensure there is no distortion of the known views of the interviewees, we suggest that the last sentence of this paragraph be combined into paragraph 15 instead.

Chapter 10 Privacy

We support the principles laid down in this chapter on the protection of individuals' privacy. They are also useful guidelines for the production of programmes involving the handling of personal data.

Nonetheless, we reckon that it may perhaps be more appropriate to simply require the licensees to observe and abide by the relevant legislation in force. Hence, this chapter could also be converted and incorporated into guidelines.

Chapter 12 Other Programme Matters

Contests

We understand that it might not be the right moment to ask for a review or hopefully an amendment to the existing requirement governing contests, referring to paragraph 1. Nevertheless, we would like to recommend that the 'no fee payable' restriction be lifted such that licensees may and when necessary, without prior approval of the BA, deviate from this rule in respect of contests for charitable purposes. Exemption from the same rule should also be extended to non-charitable contests but should strictly be subject to BA's prior approval.

As references to prizes are already sufficiently regulated by paragraph 11, 13(b) under Programme Sponsorship, Chapter 9 of the Advertising Standards and paragraph 3 "Undue Prominence" under Indirect Advertising, Chapter 11 of the Programme Standards, we find the requirement stipulated in paragraph 5 of this chapter somewhat unnecessary.

We would suggest that the first sentence of the paragraph be modified as "References to prizes must not be made in such a way as to amount to advertising". The word "impression" in the proposed text is too vague and can easily be erroneously interpreted. Our suggestion is closer to and in line with the old codes.

Advertising Standards

Chapter 6 Specific Categories of Advertisement

We welcome the removal of the frequency restriction and relaxation on the time restriction for the advertising of female sanitary products and condoms, respectively.

Chapter 9 Programme Sponsorship

We would like to draw attention to paragraph 10 stipulating that "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".

As there had been no precedent cases involved breach of this provision and no one seemed to be sure how it might be applied, we would suggest that the entire paragraph be removed from the code.

Thank you for your kind attention.

Yours sincerely,

Stephen Chan