

**For information
on 13 May 2002**

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

**Licence Renewal Exercise for
Asia Television Limited and Television Broadcasts Limited**

Purpose

This paper informs Members of the public views on the television services provided by Asia Television Limited (“ATV”) and Television Broadcasts Limited (“TVB”) in connection with the renewal of their licences.

Background

2. The deemed domestic free television programme service licence (Licences) of ATV and TVB will expire on 30 November 2003. Pursuant to section 11(3) of the Broadcasting Ordinance (“BO”) (Cap. 562), the Broadcasting Authority (“BA”) is required, inter-alia, to submit recommendations to the Chief Executive in Council (“CE in C”) in relation to the licence renewal not later than 12 months before the expiry of the validity period, i.e., on or before 30 November 2002. In concluding its recommendations to the CE in C, the BA would take into account the past performance of the two licensees and the public views on their services.

3. In accordance with section 11(4) of the BO, the BA conducted a public hearing on 18 April 2002 to collect public views on the services provided by ATV and TVB. The main issues raised at the public hearing are summarised in paragraphs 5 - 17 below. Apart from the public hearing, the BA has also commissioned a Broadcasting Services Survey to tap public views on broadcasting services and existing regulatory requirements. The survey findings will also be presented to the Panel on 13 May 2002.

Public Hearing

4. The BA widely publicised the public hearing by Announcement of Public Interests on television and radio at prime time from 1 April 2002 to 17 April 2002. Promotional posters and pamphlets were also distributed to District Councils, District Offices and interested organizations. Members of the public were invited to attend the public hearing or provide written submissions on the services of ATV and TVB and the present regulatory requirements (at **Annex**). The public views collected would facilitate the BA's consideration regarding the requirements to be included in the renewed licences of ATV and TVB. Over 350 people attended the public hearing and 45 expressed their opinions. The major issues raised are summarised in the following paragraphs.

A. Language Requirements

5. Many speakers expressed views on the language requirements for free television programme service. There were strong views on the need to retain the two **English channels**. The main reasons included Hong Kong's success as an international city was built on the English proficiency of its citizens; English television programmes were important tools for Hong Kong people to maintain or improve their English standard; the English speaking community, business visitors and tourists relied heavily on English television programmes as an important source of information and entertainment; and the two English channels had helped bring about a more cosmopolitan outlook for Hong Kong.

6. Some speakers considered that higher quality English language programmes should be provided, with a view to improving students' English proficiency. These programmes should be shown outside school hours, e.g. from 6 p.m. to 7 p.m., when most students had returned home from school. Some speakers in this group were strongly against the suggestion of increasing the airtime for non-designated language (i.e. all foreign languages except Cantonese and English) programmes on the existing English channels.

7. There were also calls for more **Putonghua programmes** to be provided by free television service licensees. Supporters advocated that this would help enhance the Putonghua proficiency of Hong Kong people, and was therefore consistent with the Government's biliterate and trilingual education objective. It would also increase Hong Kong people's competitiveness in gaining access to the Mainland market. Moreover, Putonghua programmes were necessary to cater for the needs of the increasing Putonghua-speaking population in Hong Kong. In view of the potential advantages brought about by Putonghua programmes, ATV and TVB should be required to reserve a specified amount of airtime, on either the English or Chinese channel, for the broadcast of Putonghua programmes. Another suggestion was the use of the NICAM system to provide a Putonghua sound track in either the Chinese or English channel.

B. Subtitles

8. Many speakers expressed views on the importance of the provision of subtitles for various objectives, viz. benefiting the hearing-impaired, improving the language standard of the community, and facilitating comprehension of programmes by the general public.

9. There were suggestions that subtitles should be provided for all emergency news and announcements, children's programmes, educational programmes for youths, game shows and civic education programmes in order to cater for the needs of the hearing impaired.

10. Some speakers proposed the provision of **English subtitles**, in place of Chinese subtitles, for programmes on the English channels to help improve viewers' English listening ability and, at the same time, satisfy the needs of the hearing-impaired of the English-speaking community. To cater for the needs of the local population who do not understand English, the NICAM system should be used to provide a Cantonese sound track for English programmes. There were also suggestions that the provision of **Chinese subtitles** should be concise and non-colloquial.

C. Programme Standards

11. Some speakers noted that the two licensees had made improvements in programme quality over the years. However, many speakers expressed concerns about the level of violence, the use of bad language and the lack of positive messages in the programmes produced by the two stations. There were also calls for extending the family viewing hours, which currently run from 4:00 p.m. to 8:30 p.m. daily.

D. Programme Diversity

12. There were calls for more diversity of programmes, including more sports programmes, cultural programmes, programmes to promote environmental protection and healthy lifestyles, informational and current affairs programmes, variety shows, live broadcast of Legislative Council meetings and school competitions, etc. One commonly expressed concern was the concurrent broadcast of programmes of similar nature by the two stations, rendering viewers with little programme choice.

13. On news programmes, there was a suggestion that the two stations should avoid broadcasting their news bulletins concurrently or in proximity to the broadcast hours of each other.

14. On children's programmes, there were concerns that some programmes had not been able to achieve the objective of contributing to the social, emotional, intellectual or physical development of children. Some speakers commented that there were not enough programmes catering for the needs of young persons and senior citizens. There were also suggestions that both the quality of arts and culture programmes should be improved, and the quantity should be increased.

15. Some speakers complained about the excessive broadcast of local and Macau horse-racing. In particular, they objected strongly to the broadcast of Macau horse racing during prime time on ATV-World as this greatly reduced their choice of English programmes.

E. Advertising Standards

16. Concerns were expressed on the unhealthy themes carried by some advertisements. One suggestion was that advertisements about loan services should carry a warning notice, stating the possible legal responsibilities and risks involved. Similar requirement should also be imposed on advertisements about body slimming.

F. Programmes Supplied by the Government

17. There was a suggestion that the airtime reserved for RTHK programmes on ATV and TVB should be increased from 2.5 hours to three hours per week.

Broadcasting Services Survey

18. The BA commissioned the survey in October 2001, with the following objectives –

- (a) to collect public opinions on general issues relating to broadcasting services; and
- (b) to assess whether the current licence conditions and the provisions in the codes of practice are in line with community aspirations and values.

19. The territory-wide fieldwork of the survey was conducted from early February to end-March. A total of 3,977 valid households were visited, and 3,014 households have been successfully interviewed. Government representatives will present the key findings at the LegCo Panel on ITB meeting on 13 May 2002.

Next Step

20. The BA would carefully examine the community views collected at the public hearing and the findings in the Broadcasting Services Survey, with a view to concluding its recommendations on the licence renewal for submission to the CE in C before November 2002.

Advice Sought

21. Members are invited to note the content of this paper.

May 2002

Information Technology and Broadcasting Bureau

**Major Regulatory Requirements on
Domestic Free Television Programme Service**

ADVERTISING STANDARDS

Advertising Time and Break Duration

1. The aggregate advertising time shall not exceed 10 minutes per clock hour between the period from 5:00p.m. to 11:00p.m. each day. At other times, the aggregate advertising time shall not exceed 18% of the total time the service is provided in that period.
2. The total time for broadcasting advertising material, promotional material and announcements in the public interest shall not exceed 13 minutes in a clock hour during 5:00p.m. to 11:00p.m. each day.
3. The licensees shall broadcast such announcements in the public interest as required by the BA provided that such announcements shall not exceed 1 minute in a clock hour on each language service. BA publicity material may be broadcast twice daily during the period 6:00p.m. to 11:00p.m. for not more than 1 minute on each channel to a maximum limit of 5 minutes each week.

Restrictions on Advertising Materials

4. Advertisements broadcast in languages other than the designated language of the service must carry subtitles in the designated language of that service. Not more than 2 such advertisements may be broadcast in any clock hour.
5. Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes.
6. A sponsored programme must be clearly identified as such.
7. News programmes, programmes and announcements broadcast at the direction of the BA, religious service and other devotional programmes must not be sponsored.

8. No advertisements may contain any untruthful or misleading descriptions, claims or illustrations.
9. All factual claims and best-selling claims should be capable of substantiation.
10. Advertisements for the following products or services are not acceptable –
 - (a) tobacco products;
 - (b) firearms and associated equipment;
 - (c) fortune tellers and the like;
 - (d) undertaker or others associated with death or burial (except advertisements for columbaria);
 - (e) unlicensed employment services, registries or bureaux;
 - (f) organizations/companies/persons advertise for giving betting tips;
 - (g) betting (including betting pools);
 - (h) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts/hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performance or activities involving sexual behaviour are presented;
 - (i) escort and dating services targeting young persons under 18; and
 - (j) pay per call information services which offer adult material of a sexual nature.
11. Indirect publicity of the unacceptable product or service is unacceptable.
12. Liquor advertising should not be included between 4:00p.m. and 8:30p.m. Such advertisements should not be shown in proximity to children's programmes or programmes targeted young persons under 18.
13. Advertisements of medical preparations and treatments should not contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.
14. No advertisements for condoms should be shown between 4:00p.m. and 8:30p.m.

PROGRAMME STANDARDS

Programming Requirements

1. The minimum duration of each programme segment between breaks or between an interval and a break should be 10 minutes.
2. The licensees shall broadcast two comprehensive **news bulletins**, each of not less than 15 minutes, between 6:00 p.m. and 12 midnight.
3. The licensees shall broadcast on each channel a minimum of 60 minutes of **documentary programmes** each week between 6:00 p.m. and 12 midnight. Not less than 30 minutes of the programmes are to be wholly of Hong Kong origin.
4. The licensees shall broadcast on each channel a minimum of two 0.5-hour **current affairs programmes** each week between 6:00 p.m. and 12 midnight. Not less than 30 minutes of the programmes are to be wholly of Hong Kong origin.
5. The licensees shall broadcast on each channel two blocks of **children's programmes** (for children up to 15 years old): one of a minimum period of 1.5 hours daily between 4:00 p.m. and 7:00 p.m.; another of a minimum period of 0.5 hour daily between 9:00 a.m. and 7:00 p.m. On the Chinese services, at least 30 minutes of the children programmes between 4:00 p.m. and 7:00 p.m. are to be wholly of Hong Kong origin.
6. The licensees shall broadcast on the Chinese language service a minimum of one 0.5-hour **programme for young persons** per week between 8:00 a.m. and midnight for the education and proper development of young people aged 16 to 24 in Hong Kong.
7. The licensees shall broadcast on the Chinese language service a minimum of one 0.5-hour **programme for senior citizens** per week between 8:00 a.m. and midnight for the particular requirements of senior citizens over the age of 60 in Hong Kong.
8. The licensees shall broadcast on the Chinese language service a minimum of 30 minutes of **arts and culture programmes** per week between 8:00 a.m. and midnight. Not less than 15 minutes of the programmes are to be wholly of Hong Kong origin.

Designated Language

9. On the English channels only, the licensees may broadcast up to 20% of their programme material in other languages (except in Cantonese) outside the hours of 7:00 p.m. to 11:30 p.m.

Family Viewing Hours and Information for Viewers

10. Nothing unsuitable for children shall be broadcast between 4:00 p.m. and 8:30 p.m. Restriction on the provision of material not suitable for children should only be relaxed on a gradual and progressive basis after 8:30 p.m.
11. Programmes which are not generally suitable for viewing by children must be classified into Parental Guidance Recommended (“PG” [家長指引]) or Mature (“M” [成年觀眾]) category.
12. 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.
13. Programmes classified “M” are recommended for viewing by grown-ups only and should only be shown between 11:30 p.m. and 6:00 a.m.
14. Aural and visual advice on the classification of programmes should be given before the start of the programme. Classification symbol signifying the classified category of the programme should also be superimposed on screen.
15. 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.

Accuracy and Impartiality

16. News shall be presented with accuracy and due impartiality. Correction of factual errors should be made as soon as practicable after the original error.
17. The licensees must ensure that due impartiality is preserved in factual programmes including documentary and current affairs programmes that deal with matters of public policy or controversial issues of public importance in Hong Kong.

Fairness

18. Licensees should take care not to distort or misrepresent views of interviewees.

Personal View Programmes

19. “Personal view programmes” are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The nature of a personal view programme must be identified clearly at the start of the programme.
20. Opinions expressed in personal view programmes should not rest upon false evidence.
21. A suitable opportunity for response to the programme should be provided.

Privacy

22. 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.
23. Report of sexual offences against children should avoid identification of the child.

Human Relationships

24. 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.

Gambling

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

Crime

26. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development.
27. Crime should not be portrayed in a favourable light.
28. The presentation of criminal techniques in such a way as to be instructional or invite imitation should be avoided.
29. Scenes containing detailed instructions for, or illustrations of, the use of illegal drugs or harmful devices or weapons are not permitted.
30. Scenes showing triad ceremonies, rituals, hand signs, etc., and triad expressions not generally accepted in daily language should be avoided.
31. Glorification of criminals, the power of triads and membership in a triad society shall be avoided.

Use of Language

32. Bad language should not be used in programmes targeting children and likely to be watched by a large number of children and young viewers. Downright offensive expressions and obscene or profane language are prohibited.

Sex and Nudity

33. The licensees should not include in its programmes 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 is shown. The portrayal of sex and nudity needs to be defensible in context and presented with tact and discretion. Explicit or gratuitous depiction of sexual violence is prohibited.

Violence

34. The depictions of violence, including physical and mental violence, should be relevant and necessary to the development of character, or to the advancement of theme or plot. Violence for its own sake or purely for dramatic attraction is not allowed.

Indirect Advertising

35. 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.
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