

**For information  
on 9 December 2002**

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

**Licence Renewal Exercise for  
Hong Kong Commercial Broadcasting Company Limited and  
Metro Broadcast Corporation Limited**

**Purpose**

This paper informs Members of the public views on the sound broadcasting services provided by Hong Kong Commercial Broadcasting Company Limited (“CRHK”) and Metro Broadcast Corporation Limited (“Metro”) in connection with the renewal of their sound broadcasting licences (Licences).

**Background**

2. The Licences of CRHK and Metro will expire on 25 August 2004. Pursuant to section 13E(1) of the Telecommunications Ordinance (“TO”) (Cap. 106), the Broadcasting Authority (“BA”) is required, inter-alia, to submit recommendations to the Chief Executive in Council (“CE in C”) in relation to the renewal of CRHK's and Metro's Licences and the terms and conditions to be imposed not less than 15 months before the date for renewal (i.e. by **25 May 2003**), or such shorter period as the CE in C may permit. 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. The BA commissioned a Broadcasting Services Survey in the first quarter of 2002 to tap public views on broadcasting services and existing regulatory requirements governing broadcasting services. The Administration presented the survey findings relating to television services at the Panel meeting on 13 May 2002 in connection with the renewal of the domestic free television programme service licences of ATV and TVB. The survey findings relating to the sound broadcasting services will be presented to the Panel at the meeting on 9 December 2002. A summary of the findings is attached at **Annex A**.

**Annex A**

4. In addition, the BA conducted a public hearing on 5 November 2002 to collect public views on the services provided by CRHK and Metro. The major issues raised at the public hearing are summarized in paragraphs 6 - 16 below.

**Public Hearing**

5. The BA widely publicized the public hearing by Announcements in the Public Interest on television and radio at prime time from 15 October 2002 to 4 November 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 and/or provide written submissions on the services of CRHK and Metro and on the present regulatory requirements (at **Annex B**). 350 people attended the public hearing and 38 expressed their opinions. The major issues raised that are relevant to CRHK and Metro's services are summarized in the following paragraphs.

**Annex B**

A. *Programme Diversity*

6. There were calls for more diversity of programmes including programmes on classical music, programmes teaching English and Putonghua, programmes nourishing the creativity of the youth, education and history programmes, and programmes providing legal advice. Two speakers suggested that the two stations should provide more programmes for senior citizens.

7. Some speakers suggested that CRHK should produce more drama programmes and some particularly suggested CRHK producing more drama programmes based on current issues or stories adapted from acclaimed literary works.

8. On news and current affairs programmes, a speaker suggested that the two stations should allocate more resources to this type of programme. Another speaker commented that the stations should provide more news as well as information on relevant policies of the Mainland that affect small and medium-sized enterprises to enable interested listeners to have a better grasp of the business environment in the Mainland.

9. A speaker commented that the current positive programme requirements on CRHK and Metro should be reduced as the provision of positive programming should be the obligation of the public service broadcaster.

#### *B. Phone-in Programmes*

10. Many speakers commented on phone-in programmes. Several speakers remarked that phone-in programmes were effective channels for members of the public to air their views and for the Government to gauge public opinion. One speaker suggested that the two stations should increase the number of phone-in programmes.

11. Views were divided on the performance of the programme hosts of these programmes. One speaker complained that the hosts only put through callers who shared their views but did not give sufficient opportunity for those having opposing views to present their feedback. It was doubted if the hosts had conflict of interest and spoke for certain commercial institutions. The programme hosts should declare their interest when they spoke on a subject in which they had an interest. Other speakers, however, considered that the programme hosts' comments were reasonable and shared by many listeners. They commented that their performance was on the whole satisfactory and did not find any additional regulatory measures relating to the impartiality of programme hosts necessary.

*C. Editorial Freedom*

12. A number of speakers spoke on editorial freedom. A few commented that editorial freedom was an important cornerstone to safeguard impartiality of the stations in their broadcast. One speaker said that the editorial freedom of the stations' news team should not be subject to any influence from the stations' shareholders. Another speaker suggested that the prime consideration in renewing the sound broadcasters' licences should be the stations' capability to uphold the principle of free flow of information and freedom of speech in Hong Kong. There should be a mechanism to prevent self-censorship.

*D. Language Requirement*

13. Two speakers commented on the language requirement of the English channels. One speaker was satisfied with Metro's current arrangement for foreign language programmes on the English channels. The other suggested that the Government should allow the stations to provide programmes in languages other than English on the English channels to maintain Hong Kong's status as an international city.

14. There were also calls for the provision of a Putonghua AM channel by CRHK.

*E. Other Matters*

15. A number of other issues were also raised at the public hearing, namely, the quality of AM channel reception, the frequent mispronunciation by programme hosts, the professionalism of programme hosts, the frequent use of crude language by programme hosts, the general quality of programmes and programme scripts, programme scheduling, the possibility of making available radio reception in Mass Transit Railway stations and trains, and the timetable for digital audio broadcasting.

### **Next Step**

16. 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 25 May 2003.

### **Advice Sought**

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

**2 December 2002**

**Information Technology and Broadcasting Branch  
Commerce, Industry and Technology Bureau**

## **Sound Broadcasting Services**

### ***Radio Listening Habits***

On average, listeners spent 1.18 hours a day listening to radio. The majority (56%) of them listened to radio for entertainment purposes, followed by 50% for information in news/weather/finance/traffic reports, and 45% for music.

2. Types of programmes most listened to were magazine/talk show (25%), music programme (21%), current affairs (16%), and news (13%).

### ***Programme Quality and Diversity***

3. The majority (60%) of listeners considered that the quality of radio programmes was average, with 36% considering their quality to be quite high and 1% very high. Only 3% considered their quality to be low or very low, and the most often cited reasons were the content being not meaningful (33%), crude language used by the programme hosts (24%) and not enough educational and informational programmes (14%).

4. The majority of listeners considered the quantities of the following five types of programmes adequate -

- (a) news and weather reports (93%);
- (b) news bulletins (90%);
- (c) current affairs programmes (84%);
- (d) programmes for young persons (71%); and
- (e) arts and culture programmes (59%).

Less than half (40%) of the listeners considered programmes for senior citizens adequate.

### ***Programme Standards***

5. Only 14% of listeners had found offensive materials on radio, mostly being bad language (60%), bad example to children (21%) and sex (13%).

### ***Advertising Standards***

6. The majority (79%) of listeners considered the quantity of advertising on radio just right.

### ***Language Requirements***

7. The vast majority (84%) of listeners supported the present requirement for CRHK and Metro to broadcast two channels in Cantonese and one in English. 76% of the listeners considered that CRHK and Metro should be required to provide a specified amount of broadcasts in English.

8. 50% of the listeners interviewed would like to have more Putonghua programmes on radio. Of these, 44% would like to listen to such programmes on the Cantonese channels, 40% considered that such programmes should be provided on both English and Cantonese channels, and 14% suggested that such programmes should be provided on the English channels.

**Major Regulatory Requirements on  
Sound Broadcasting Service**

**ADVERTISING STANDARDS**

**Advertising Time Allowance**

1. Advertising material shall be restricted to 12% of the total broadcast time in each period of 24 hours beginning at 6 o'clock in the morning.
2. The licensee shall broadcast in each service such announcements in the public interest as the BA may determine for periods not exceeding in total 1 minute in each clock hour. BA publicity materials may be broadcast twice daily between 6:00 p.m. and 11:00 p.m. for not more than 1 minute in each service subject to a maximum limit of 5 minutes each week.

**Restrictions on Advertising Materials**

3. Advertisements must be clearly distinguishable as such and recognizably separate from the programmes.
4. No advertisements may contain any false, misleading and deceptive descriptions, claims or illustrations. All factual claims and best-selling claims should be capable of substantiation.
5. Advertisements for alcoholic beverages should not be broadcast between 4:00 p.m. and 8:30 p.m. and in proximity to children's programmes or programmes targeting young persons under the age of 18.
6. Advertisements for the following products or services are not acceptable:
  - (a) tobacco products;
  - (b) fortune tellers and the like;
  - (c) undertaker or others associated with death or burial (except advertisements for columbaria);
  - (d) unlicensed employment services, registries or bureaux;



- (e) 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 performance or activities involving sexual behaviour are presented;
- (f) escort and dating services targeting young persons under 18;
- (g) organizations/companies/persons seeking to advertise for giving betting tips;
- (h) pay per call information services which offer adult material of a sexual nature; and
- (i) betting (including betting pools).

## **PROGRAMME STANDARDS**

### **Programming Requirements**

#### *News*

1. The licensees shall broadcast on each service on each day:
  - (a) a minimum of two comprehensive news programmes of not less than 10 minutes each between 12:00 noon and 12:00 midnight; and
  - (b) half-hourly news and weather reports between 6:00 a.m. and 12:00 midnight and hourly news and weather reports for the remaining hours of broadcasting unless to do so would cause unreasonable interruption of its broadcast programmes.

#### *Current Affairs Programme*

2. The licensees shall broadcast a minimum of two 15-minute current affairs programmes each week in each service between 8:00 a.m. and 12:00 midnight.

#### *Programmes for young persons and senior citizens*

3. CRHK shall broadcast on either of the Chinese language services a minimum of one half-hour programme each week between 8:00 a.m. and 12:00 midnight which is intended and suitable for the education and proper development of young people in Hong Kong; and a minimum of one half-hour programme each week between 8:00 a.m.

and 12:00 midnight which is intended and suitable for the particular requirements of senior citizens in Hong Kong.

4. Metro shall broadcast in one of its three services a minimum of one half-hour programme each week between the hours of 8:00 a.m. and 12:00 midnight which is intended and suitable for the education and proper development of young people; in one of its other services a minimum of one half-hour programme each week between 8:00 a.m. and 12:00 midnight which is intended and suitable for the particular requirements of senior citizens; and in the remainder of its services a minimum of one half-hour programme each week between 8:00 a.m. and 12:00 midnight which is intended and suitable for either young people or senior citizens.

#### ***Arts and Culture Programmes***

5. CRHK shall broadcast on each of the Chinese language services a minimum of 30 minutes of programme each week between 8:00 a.m. and 12:00 midnight which is intended and suitable for promoting the development and appreciation of the literary, performing and visual arts and other topics or activities of cultural value.
6. Metro shall broadcast in each of any two of its services, one of which to be broadcast in Cantonese, a minimum of 30 minutes of arts and culture programme each week between 8:00 a.m. and 12:00 midnight.

#### ***Designated Language***

7. CRHK shall broadcast one service in which at least 80% of the broadcast time in any one day shall be conducted in English and two services in which at least 80% of the broadcast time shall be conducted in a Chinese dialect.
8. Metro shall broadcast two services in the FM frequencies and one service in the AM frequency. In any one of services, at least 80% of the broadcast time in any one day shall be conducted in English. In either one of the other services, at least 80% of the broadcast time shall be conducted in a Chinese dialect.

### ***Human Relationship***

9. 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***

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

### ***Language***

11. The use of 'undesirable' expressions, which have been absorbed into daily language, must be defensible in terms of context and used with discretion. Offensive and vulgar expressions are prohibited. Triad expressions should be avoided.

### ***Violence***

12. Violence, physical or psychological, should only be projected in responsibly handled contexts and not used to excess or in an exploitative manner, and used without undue emphasis and only as required by plot development or character delineation.

### ***Sex***

13. The depictions of material related to sex should be handled with sensitivity.

### ***Responsibility toward Children and Young People***

14. The licensee should not schedule programmes targeting adult listeners at times when it normally broadcasts programmes targeting children or young persons.

### ***Warning***

15. 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 and Accuracy***

16. The licensees must ensure that due impartiality is preserved in 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). Impartiality could be achieved over time through a series of programmes that are considered as a whole.
17. News should be presented with accuracy and due impartiality. Correction of factual error should be made as soon as practicable after the original error.

### ***Fairness***

18. The licensees should avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion.

### ***Personal View Programmes***

19. "Personal view programmes" are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. For personal view programmes on matters of public policy or controversial issues of public importance in Hong Kong, the following rules should be observed:
  - (a) the nature of the programme must be identified clearly at the start of the programme;
  - (b) facts must be respected and the opinion expressed in the programme should not rest upon false evidence;
  - (c) a suitable opportunity for response to the programme should be provided; and

(d) a sufficiently broad range of views need to be expressed.

***Indirect Advertising***

20. 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.