

**RADIO CODE OF PRACTICE
ON PROGRAMME STANDARDS**

BROADCASTING AUTHORITY

31 AUGUST 2005

Preamble

1. This Code of Practice is issued by the Broadcasting Authority (BA) pursuant to section 19 of the Broadcasting Authority Ordinance (Cap.391). All materials included in a sound broadcasting service licensed under the Telecommunication Ordinance (Cap.106) must comply with this Code. The BA has the power to impose sanctions on licensees who do not comply with the Code.

2. The BA, as the regulator, does not pre-censor any programmes. The editorial responsibility lies with the licensees themselves. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any programmes delivered on their licensed services will comply with the Code. Judgement will always be called for by the licensees. When forming a view about the acceptability of any programme material, the BA will give consideration to the context in which the material appears and the nature, scheduling, target audience and merits of the programme.

3. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.

4. The detailed rules set out below have to be applied in spirit as well as in letter and should be read in conjunction with relevant legislation and licence conditions currently in force. As a matter of principle, the BA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the BA will generally refer the case to the proper enforcement agency for action.

General Principles

5. The licensee is required to provide sound broadcasting services of high quality both in terms of transmission and matters transmitted, i.e. the dissemination of information, education and entertainment; and to maintain a proper balance in subject matter whilst adhering to a high standard of programme quality.

6. Licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast.

7. In the presentation of radio programmes, the basic principles of ordinary good taste and common sense must always be observed. A licensee should not include in its programmes

- (a) any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the listeners taking into consideration the circumstances of the broadcast of the programme. Such matter includes, but is not limited to, language and material which depict or describe, in downright offensive terms, sexual or excretory organs or activities;

- (b) any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual orientation, religion, age, social status, or physical or mental disability; or
- (c) anything which is in contravention of the law.

Human Relationships

8. 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.

Criminal Activities

9. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified. Glamorization of the lifestyles of criminals should be avoided. The presentation of criminal techniques, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation should also be avoided. Depictions containing detailed instructions for, or illustrations of, the use of illegal drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules :

- (a) Depictions of triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, should be avoided.
- (b) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language should be avoided.
- (c) Glorification of the power of the triads and membership in a triad society should be avoided.

Drunkenness, Drug Addiction and the Use of Tobacco

10. Drunkenness, addiction to drugs or narcotics and the use of tobacco should not be encouraged or be presented as desirable.

Gambling

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

Religion

12. Attacks on any established religious faiths or beliefs should not be permitted. Any programme which includes a portrayal of religious rites should ensure the accurate presentation of these rites and correct treatment of the religious dignitaries and officers in their various callings.

Superstition

13. The promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to fortune-telling, fung-shui, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, spiritualism and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young people.

Hypnotism

14. Performances of hypnotism should be done with care to avoid any possible adverse impact on the audience. Programmes should prevent hypnosis being induced in susceptible listeners. In particular, the hypnotist should not broadcast his or her verbal routine.

Language

15. Expressions considered vulgar or unacceptable by an average person are to be avoided. Some 'undesirable' expressions, which have been absorbed into daily language, may be employed with discretion, if the use is defensible in terms of context of the programme. Other expressions in bad language that are not so widely accepted may still be considered offensive by some people, and these may be used in moderation only. Expressions that are definitely offensive are prohibited from use on radio.

Violence and Sex

16. Programming should present such subjects as violence and sex without undue emphasis and only as required by plot development or character delineation. Violence, physical or psychological, should only be projected in responsibly handled contexts and not used to excess or in an exploitative manner. Programmes involving violence should present the consequences of it to its victims and perpetrators. The depiction of material reflective of sexual considerations should be handled with sensitivity.

Responsibility toward Children and Young People

17. It is recognised that adult radio listeners have the right to enjoy material which would not be thought suitable for children. The licensee should, however, be aware of circumstances such that large numbers of children and young persons might be expected to be listening. These circumstances prevail at the times when the licensee regularly or purposely targets its programmes at children and young persons by the inclusion of material specifically attractive to children and young persons. The licensee should not

therefore schedule programmes targeting adult listeners at times when it normally broadcasts programmes targeting children or young persons.

18. Children's programmes should impart appreciation of sound social, moral and spiritual concepts. They should contribute to the healthy development of personality, character and intelligence.

19. The standards relating to language, violence and sex should be strictly observed in programmes which might reasonably be expected to hold the attention of children and young people. It must be borne in mind that young people make up a large part of the radio audience.

Warning

20. 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

General

21. The licensees must ensure that due impartiality is preserved as respects 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 which are dealt with separately under paragraph 36 below). Factual programmes are non-fiction programmes which are based on material facts. They can take the form of news, current affairs programmes, personal view programmes, phone-in programmes, documentaries and programmes adopting an investigative style of reporting.

22. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme. Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes should not be slanted by the concealment of facts or by misleading emphasis. Every reasonable effort must be made to ensure that the factual content of programmes is accurate.

23. In achieving due impartiality, the term "due" is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. Due impartiality does not mean that "balance" is required in the sense of equal time or an equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgement will always be called for by the licensees.

24. A programme host should encourage the widest possible airing of views. He/She should also be alert to the danger of unsubstantiated allegations being made by participants in live programmes. Where necessary, the programme host should correct the factual errors to the best of his/her knowledge.

Impartiality Over Time

25. Although it is desirable, it is not always possible for principal opposing viewpoints to be reflected in a single programme. Sometimes a series of programmes may be considered as a whole. At other times, a narrower range of views may be appropriate within individual programmes. This is an issue which calls for editorial judgement based on particular circumstances. In achieving impartiality over time, it is not always necessary to ensure that in a single programme all sides have an opportunity to speak.

News

26. News should offer listeners an intelligent and informed account of issues that enables them to form their own views. Presentation of news should observe the following rules:

- (a) News should be presented with accuracy and due impartiality.
- (b) Sound effects, expressions, and other techniques characteristically associated with news should be reserved for the announcement of news.
- (c) Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be presented in such a manner as to avoid unnecessary alarm.
- (d) Commentary and analysis should be clearly distinguished from news.
- (e) Correction of factual errors should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme.
- (f) No bona fide news programmes comprising local or international news item may be sponsored. For the purpose of this paragraph, 'news programmes' should not include programmes which take the form of news features, news magazines, news comments, current affairs, or business/financial/sports news. No advertising matter should be offered as news or included in the contents of a news programme or newsreel.

Potential Conflict Of Interest of Programme Presenters

27. The licensee shall devise and institutionalise within three months from promulgation of the Code a mechanism whereby its presenters of news programmes and factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong are required to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee must then exercise its editorial judgement and decide whether:

- (a) the relevant programme presenter(s) should refrain from taking part in discussion of issues over which he/she may have conflict of interest; or
- (b) a disclosure announcement of the existence of a relevant commercial agreement should be made at the time of broadcast of the programme material.

The licensee shall receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee shall inform the complainant and the BA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website. Paragraph 27 does not apply to acquired programmes which are not produced by the licensee.

Fairness

General

28. The licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

Reporting of Court Cases

29. Programme items which are based on extracts of court proceedings or other matters of public record must be presented fairly and accurately. In particular the reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would be likely to prejudice a fair trial, and the following should be avoided:

- (a) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
- (b) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;

- (c) any comment relating to the character or conduct of the accused; and
- (d) any comment or report which tends to impair the impartiality of the court.

Dramatised “Reconstructions”

30. Dramatised “reconstructions” in factual programmes which seek to reconstruct actual events should be carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

Interviews

31. Where proposed interviewees are unable or unwilling to accept an invitation to participate in a factual programme, references to the missing participants should be made in a detached and factual manner. Care should be taken to ensure that their views are not misrepresented.

32. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees.

33. Licensees should not misrepresent the views of interviewees by broadcasting a previously recorded interview and presenting it as the interviewees’ current views. Listeners should be informed of the date the interviews were conducted where necessary.

Right of Reply

34. Licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organizations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

35. Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticized should be given an appropriate and timely opportunity to respond.

Personal View Programmes

36. “Personal view programmes” are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance in Hong Kong:

- (a) The nature of a personal view programme must be identified clearly at the start of the programme, for example, by an announcement in the following terms, “This programme only reflects the personal views of the programme host(s) and/or the individual contributor(s).”
- (b) Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.
- (c) A suitable opportunity for response to the programme should be provided.
- (d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

Privacy

General

37. The rights of individuals to privacy should be respected in all programmes. Complaints about programme invasion of privacy can arise from the gathering of material or from the way an individual is treated in the programme itself. In obtaining material for a programme, the licensees must ensure that the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) are observed. The licensees shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.

Scenes of Extreme Suffering and Distress

38. Licensees should be sensitive to the possibility of causing additional anxiety or distress when interviewing or recording people who are already extremely upset or under stress. People in a state of distress should not be put under pressure to provide interviews. Normally funerals may only be covered with the permission of the family.

Interviewing of Children

39. 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.

Reporting of Sexual Offences Against Children

40. Reporting of sexual offences against children should avoid identification of the child.

Undue Prominence

41. 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. Such references must be

limited to what can clearly be justified by the editorial requirements of the programme itself, or of an incidental nature.

Consumer Advice

42. Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial values. The real objective of the material must be bona fide consumer advice, and the presentation must be fair and objective. In addition, the licensee should ensure that the following rules are complied with:

- (a) the licensee or programme producer should not receive consideration for making references to products or services in such programmes;
- (b) such material must be designed to convey truthful and objective consumer information about products or services;
- (c) the disclosure of brand names must be relevant and appropriate to the objective of the programme and the products and services are selected objectively and without regard to the manufacturer or supplier of the product or service;
- (d) such material should be based on research so far as is practicable;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) a wide range of firms or products or services should be included as far as practicable in order not to give unfair advantage or disadvantage to a particular brand or firm. In the case of a serial programme, the licensee may cover a range of products and services within the same series and not necessarily in one single episode;
- (g) while fair and objective assessment on certain products or services is permissible, presenters should avoid being carried away by personal preferences and showering the product or service with excessive praises and unnecessary details and hence giving it undue advantage over other products or services; and
- (h) such material should not include products or services insofar as they are not acceptable for advertising under the advertising code.

Contests

43. No fee is payable either in money or money's worth for participation in any contests. Subject to prior approval from the BA, a licensee may deviate from this requirement in respect of a contest for charitable purposes.

44. Any contest included in a programme or in an advertisement must offer an opportunity for all contestants to win on the basis of skill or knowledge and not purely by chance.

45. All rules and conditions of contests, including commencing and closing dates, should be clearly and fully announced at the beginning of the contest, and thereafter adequately summarized on each occasion. The names of winners should be released as soon as possible after the close of the contest. The conditions of all contests must meet the requirements of the laws of Hong Kong.

46. Where a contest is included in a programme which is recorded in advance of the date on which it is broadcast, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person listening to the programme to send in an entry before that date. In the case of a continuing contest which closes immediately on receipt of a correct answer, the licensee must ensure the immediate notification of the fact to avoid any waste of time and money by listeners in the submission of entries which no longer have any chance of winning.

47. Where a contest is included in a programme, references to prizes must not be made in such a way as to amount to advertising. References to prizes or acknowledgment of the source of prizes are allowed in contests provided that they are not excessive. However, there must be no promotional reference to any product or service.

48. The presentation of tobacco products as prizes or gifts for contests is not permitted. The presentation of alcoholic liquor as prizes or gifts in isolation for contests is not permitted.

Sound Effects

49. Programmes should avoid sound effects calculated to unwarrantably mislead, shock or alarm the listener.

Programme Sponsorship

50. There must be a clear distinction between advertisements and programmes. If any programme, or part of a programme, is sponsored, supplied or suggested by an advertiser, clear announcements to this effect should be made. The licensee should be responsible for the content of sponsored programmes or programme segments. Mention of a sponsor related product in such programmes or programme segments may be permitted provided it does not occur frequently and does not obtrude on programme interest or entertainment.

Elections

51. Licensees shall observe all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission.

Programme Changes

52. Where programmes are not broadcast in accordance with publicly announced or published programme schedules, the licensee should take reasonable steps to inform listeners of such changes. These steps may include making announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended listeners of the programmes might be listening to radio.

53. The standards laid down in this Code should also govern advertising content, wherever applicable.