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廣播事務管理局
Broadcasting Authority

BY FAX (2121 0420)

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17 June 2006

Mr Paul Woo
Clerk to Panel on Information Technology and Broadcasting
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr Woo,

Panel on Information Technology and Broadcasting

Thank you for your letter dated 13 June 2006 to the Chairman of the Broadcasting Authority (the Authority), who has asked me to reply on his behalf.

The Authority has completed investigation of the public complaints about the programme "So Fab" broadcast by Commercial Radio (CR) on its CR2 channel on 3 June 2006 between 12:00 midnight to 2:00 am. Having carefully considered the programme concerned, the Authority decided that the programme was in breach of paragraphs 6, 7(a) & 7(b), 8, 9, 16, 17 and 19 of the Radio Code of Practice on Programme Standards (copy attached).

As this is the second occasion on which a financial penalty is imposed on CR, the Authority decided to impose a financial penalty of \$140,000 having regard to the proposed remedial measures to be taken by CR, including providing training to their staff to enhance their professionalism and sense of responsibility.

In view of the seriousness of the case and the wide spread public concern, the Authority resolved to invoke for the first time section 25A of the Broadcasting Authority Ordinance (Cap. 391) to direct CR to include an apology in its service relating of the complaints. You may note that the apology was broadcast after the noon news in all three CR's channels on 15 June 2006.

To prevent any future recurrence of similar incidents, the Authority has in addition directed CR to submit, within three months, a progress report on the aforementioned remedial measures taken. The Authority will scrutinize the report carefully to ensure that CR will adopt in future a more proactive and tighter monitoring system for its programmes.

A copy of the Authority's press release on the complaints is also enclosed for your reference.

Yours sincerely,



(P. L. Po)
Secretary

Broadcasting Authority

c.c. SCIT (Attn : Mr Eddie Cheung)

Encl.

Extract from the Radio Code of Practice on Programme Standards

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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. Respect should be maintained for the sanctity of marriage and the importance of the home.

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.

(...)

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.

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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.

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