

For Information

Legislative Council Panel on Information Technology and Broadcasting

Revisions to the Accuracy Requirement in the Generic Code of Practice on Television Programme Standards and Radio Code of Practice on Programme Standards

Purpose

This paper informs Members of the established procedures adopted by the Broadcasting Authority (BA) in reviewing and revising its television and radio codes of practices issued under the Broadcasting Ordinance (BO)(Cap. 562) and the Broadcasting Authority Ordinance (BAO)(Cap. 391), and how the revised provisions concerning accuracy requirements for certain types of factual programmes will apply to television programme service and sound broadcasting licensees.

Background

2. The BA is the statutory independent regulator of the broadcasting sector established under the BAO. One of the statutory functions of the BA is to secure proper standards of television and sound broadcasting. Pursuant to section 3(1) of the BO and section 19(1) of the BAO, the BA may issue or review the codes of practice for the purpose of providing practical guidance for television programme service and sound broadcasting licensees.

3. Under the BAO, the BA may appoint advisory committees to advise on any matter or aspect concerning its functions. The Codes of Practice Committee (BACPC) established under the BA is responsible for keeping the television and radio broadcasting standards under regular review and making recommendations to the BA on amendments to the codes of practice when necessary. The BACPC comprises BA members as well as co-opted members drawn from various sectors of the community to reflect societal value and expectation. As at October 2006, the BACPC has four BA members and five co-opted members.

4. In considering whether or not the codes of practices should be amended, the BACPC will always consult the licensees and the public¹ prior to meetings, except when the proposed amendments are purely technical in nature. The BACPC meetings are open to the public. A press notice announcing the date of its meeting is issued before each meeting.

Accuracy Requirement in the Relevant Codes

5. At present, the requirement for accuracy of factual contents under the Generic Code of Practice on Television Programme Standards (Television Programme Code) and the Radio Code of Practice on Programme Standards (Radio Programme Code) is only applicable to the following types of factual programmes² - news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting. From time to time, however, there are complaints from the public on inaccurate factual details in other types of factual programmes, in particular concerning financial programmes, children's educational programmes, medical and health programmes and contests.

6. In view of this, the BACPC has reviewed the matter and suggest amending the Television and Radio Programme Codes accordingly. Its recommendations to amend the accuracy requirement in the Television and Radio Programme Codes were approved by the BA. The proposed amendments will extend the requirement for licensees **to make reasonable efforts to ensure accuracy of factual contents** in news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting to four additional programme types, viz, financial programmes, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests. The proposed amendments approved by the BA are at **Annex**.

¹ The BA and its committees undertake public consultation through the Television and Radio Consultative Scheme. There are currently about 540 members of the public on the Television and Radio Consultative Scheme. They are recruited from the 18 geographical districts with membership profile matching the profile of the Hong Kong population compiled by the Census and Statistics Department.

² "Factual programmes" are defined under the existing Television and Radio Programme Codes as non-fiction programmes which are based on material facts.

7. The BA had taken into consideration the public's feedback from focus group meetings conducted with members of the Television and Radio Consultative Scheme and licensees' views before it decided to accept the BACPC's recommendations and amend the relevant provisions of the Television and Radio Programme Codes. The purpose of the amendments is to strike a balance between meeting the rising public's expectation of factual accuracy in television and radio programmes and minimizing the regulatory burdens on the broadcasters in ensuring compliance.

8. As regards the application of the "accuracy" requirement, the provision is not new to the television and sound broadcasting licensees. Beside its current application in relation to news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting, the licensees are also required under the Generic Code of Practice on Television Advertising Standards and Radio Code of Practice on Advertising Standards to ensure that all advertisements are honest and factual claims are capable of substantiation. In dealing with complaints concerning accurate presentations in these categories of programmes and advertising claims, the licensees have to exercise reasonable diligence in ascertaining the accuracy of the claim and are responsible for providing evidence to the BA to support this.

9. In dealing with complaints about accuracy of factual contents in the programmes relating to the four additional types of factual programmes, the BA will adopt the same approach. The BA does not have any preconceived standards for "accuracy" and is prepared to consider any relevant supporting documents or evidence provided by the licensees. For this reason, the revised "accuracy" requirement will not prevent the free flow of information or promote the predominance of any particular school of thought in any field.

Television and Entertainment Licensing Authority
October 2006

**Proposed Amendments to
Generic Code of Practice on Television Programme Standards**

Chapter 9 Accuracy, Impartiality and Fairness

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. News programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality. Impartiality does not require editorial staff to be unquestioning; nor is it necessary for all sides of an issue be devoted the same amount of time. But it requires reporting to be dispassionate and give viewers an even-handed account of events.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Accuracy

1A. The licensees shall make reasonable efforts to ensure that the factual contents of news, current affairs programmes, financial programmes, personal view programmes, documentaries, programmes adopting an investigative style of reporting, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests are accurate.

Impartiality

General

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2. For domestic free and domestic pay programme services, 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 17 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, documentaries and programmes adopting an investigative style of reporting.

3. 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.~~

Proposed Amendments to the Radio Code of Practice on Programme Standards

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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.

Accuracy

20A. The licensees shall make reasonable efforts to ensure that the factual contents of news, current affairs programmes, financial programmes, personal view programmes, documentaries, programmes adopting an investigative style of reporting, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests are accurate.

Impartiality

General

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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.~~