



廣播事務管理局
Broadcasting Authority

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8 June 2010

Ms Yue Tin-po
Clerk to Legislative Council Panel on
Information Technology and Broadcasting
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Ms Yue,

Panel on Information Technology and Broadcasting

I refer to your letter dated 5 May 2010 to the Broadcasting Authority ("BA"). The BA's replies to the questions raised in your letter are set out in seriatim below.

(A) Current regulatory regime governing sponsorship of radio programmes and/or advertising generally, and those of a political nature in particular

According to section 13C of the Telecommunications Ordinance (Cap. 106), having considered the recommendations made by the BA in respect of an application for a licence to establish and maintain a sound broadcasting service, the Chief Executive in Council may grant a licence to the applicant.

Under section 19 of the Broadcasting Authority Ordinance (Cap. 391), the BA may issue Codes of Practice relating to standards of programmes and advertisements broadcast by a sound broadcasting licensee. Licensees must comply with such Codes of Practices, failing which the BA may impose sanctions on the licensees. The relevant codes that relate to sound broadcasting materials are –

(a) Radio Code of Practice on Advertising Standards; and

(b) Radio Code of Practice on Programme Standards

The Radio Code of Practice on Advertising Standards defines advertisement or advertising material as any material included in a licensed service which is designed to advance the sale of any particular product or service or to promote the interests of any organisation, commercial concern or individual, whether by means of words and/or sound effects (including music) and whether in the form of direct announcements, slogans, descriptions or otherwise, as well as any promotional reference in the course of a programme to any products or services.

Paragraph 28 of the Radio Code of Practice on Advertising Standards stipulates that “no advertisement of a political nature shall be broadcast except with the prior approval of the BA”.

The Radio Code of Practice on Programme Standards sets out the general requirements for programme sponsorship in paragraph 50. The key parts are extracted below –

- (a) there must be clear distinction between advertisement 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;
- (b) the licensee should be responsible for the content of sponsored programmes or programme segments; and
- (c) mention of a sponsor related product in such programmes may be permitted provided it does not occur frequently and does not obtrude on programme interest or entertainment.

(B) whether sound broadcasting licensees are required to seek the BA's approval for sponsorship of radio programmes and advertising; and if so, whether the BA's approval has been sought in respect of the sponsored programme and the announcement in question

There is no provision under the relevant legislation, codes of practice or licence conditions requiring sound broadcasting licensees to seek the BA's approval for sponsorship of radio programmes. For advertising, however,

paragraph 28 of the Radio Code of Practice on Advertising Standards stipulates that “no advertisement of a political nature shall be broadcast except with the prior approval of the BA”.

The BA has not received any application for approval in relation to the broadcast of the sponsored programme and the announcement in question.

(C) whether the sponsored programme and/or the announcement in question amount to political sponsorship or advertising of a political nature and whether the programme or the announcement concerned contravenes any provisions of the relevant legislation, codes of practice and/or licence conditions

As at 2 June, the BA has received 906 and 322 public complaints against the sponsored programme and the announcement respectively, alleging in the main that the programme/announcement might constitute advertisements of a political nature. The BA is dealing with the complaints in accordance with the provisions stipulated in the Broadcasting Authority Ordinance (Cap. 391) and will announce its decisions on the cases in due course.

(D) whether the BA has received any complaints against any sponsored programme and/or announcement of a political nature; if so, the action that has been/is to be taken by the BA

According to records, the BA has not received any public complaint against sponsored programme and/or announcement of a political nature broadcast on radio, except the complaints mentioned in item (C) above.

Yours sincerely,



(P. L. Po)
Secretary
Broadcasting Authority

c.c. Dr Hon Samson TAM Wai-ho, JP (Panel Chairman)

Miss Elizabeth TSE, JP
Permanent Secretary for Commerce and Economic Development
(Communications and Technology)

Mr Vincent LIU, JP
Commissioner for Television and Entertainment Licensing

Miss Kathleen AU
CEO(Adm), Communications and Technology Branch
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