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By Fax

10 December 2012

Ms Yue Tin-po
Clerk to Panel on
Information Technology and Broadcasting
Legislative Council
1 Legislative Council Road
Central, Hong Kong
(Fax: 2840 0269)

Dear Ms Yue,

**Existing regulatory regime on advertisements
of a political nature in electronic media**

We refer to the letter dated 22 November 2012 from the Hon Claudia Mo to the Chairman of the Panel on Information Technology and Broadcasting, expressing her concern on the captioned issue. This letter sets out some relevant information on the issue for Members' reference.

2. At present, the regulatory regime on political advertisement included in television or sound programme service is set out under relevant statutes and Codes of Practice, as summarised below –

- (a) for television programme service, section 12 of Schedule 4 to the Broadcasting Ordinance (“BO”) (Cap. 562) prohibits, among other things, the inclusion of advertisement of a political nature on television. Section 23 of the BO provides, among other things, that a television programme service licensee shall comply with requirements under the BO, but this does not apply in the case of material supplied by the Government.

In the Generic Code of Practice on Television Advertising Standards (“TV Advertising Code”), issued by the Communications Authority (“CA”) under section 3 of the BO, paragraph 1 of chapter 1 provides that all materials included in a television programme service licensed under the BO must comply with the TV Advertising Code. Paragraph 2(b) of chapter 2 of the TV Advertising Code stipulates that advertisement or advertising material broadcast on TV does not include Government’s announcements in the public interest (“API”);

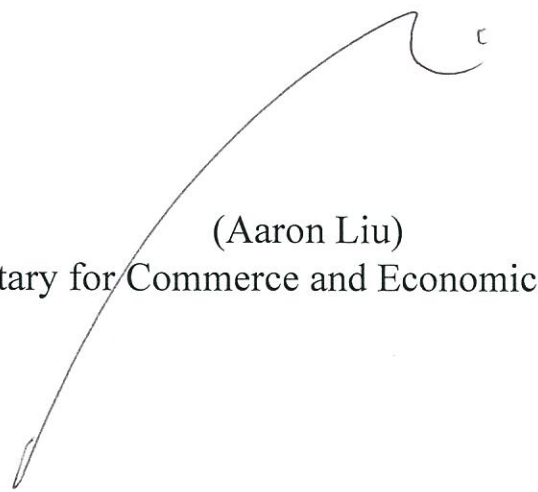
- (b) for sound broadcasting service, paragraph 1 of the Radio Code of Practice on Advertising Standards (“Radio Advertising Code”), issued by the CA under section 19 of the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391), provides that all materials included in a sound broadcasting service licensed under the Telecommunications Ordinance (Cap. 106) must comply with the Radio Advertising Code. Paragraph 28 of the Radio Advertising Code stipulates that no advertisement of a political nature shall be broadcast except with the prior approval of the CA. It is stated in paragraph 5(b) of the same Code that advertisement or advertising material broadcast on radio does not include API.
- (c) the definitions of “advertisement” under the relevant

statutes and Codes of Practice do not include APIs, nor are the restrictions on political advertisement under the relevant statutes and Codes of Practice applicable to APIs.

3. APIs on Government policies and matters of public concern, which are provided and scheduled for broadcasting by the Information Services Department, are broadcast in the TV and radio mainly to publicise and enhance public understanding of Government policies. They serve a public purpose and are entirely different from political advertisements. It would not be appropriate to compare APIs with political advertisements.

4. Grateful if you would help convey the information to Members of the Panel. Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Aaron Liu', written in a cursive style. The signature starts with a long, sweeping underline that curves upwards and ends with a small flourish.

(Aaron Liu)
for Secretary for Commerce and Economic Development

c.c.

Office of the Communications Authority (Attn: Miss Katy Fong)
Secretary for Home Affairs (Attn: Mr Kesson Lee)