

**The Legislative Council**  
**Bills Committee on Broadcasting Bill**

**Generic Codes of Practice for Television**

**Purpose**

This paper sets out the existing Codes of Practice for television and highlights the salient features of the proposed Generic Codes of Practice which are under preparation by the Broadcasting Authority (BA).

**Background**

2. The existing Codes of Practice for television programme and advertising standards in respect of commercial television, subscription television, programme service and satellite television service not primarily targeting Hong Kong are at the Annex. There is a need to rationalise the existing codes of practice with a view to issuing a set of Generic Codes of Practice on programme and advertising standards (Generic Codes) to reflect the characteristics of different categories of television programme service under the Broadcasting Bill (the Bill). This will reduce the need to issue different sets of codes for each type of service as is presently the case. It will also simplify the administration of the Codes and render the Codes more user-friendly.

**Regulatory Approach of the Generic Codes**

*Domestic Free and Domestic Pay services*

3. As a general principle, the degree of regulation applied will be related to the likely audience of the service and their expectations and the degree of viewer control over the service received. Domestic Free services, which target the Hong Kong audience and arrive unsolicited at home, will as at present continue to be subject to stricter regulation. In the case of Domestic Pay services, a subscriber makes a conscious decision to subscribe to the service in the first place, and with the mandatory requirement on the provision of parental locking system under the Broadcasting Bill, the subscriber personally exercises control over the type and nature of the programming which he views. The responsibility

in respect of protection of minors in these cases should therefore primarily rest with the parents. Given the nature of this service, the regulatory authority can exercise a lesser degree of programme regulation. Nevertheless, they should still abide by the following basic principles:

- (a) nothing unsuitable for children should be shown in programmes or channels specifically designed for children;
- (b) adult material may only be included in programmes or channels designated for adult viewing; and
- (c) obscene material will not be permitted.

#### *Non-domestic services*

4. Non-domestic services do not primarily target Hong Kong and hence should be required to observe mainly the standards and regulation of their intended recipient countries or places. The advertising standards for Non-domestic services should impose only the minimum restrictions, which is in line with the existing practice.

#### *Other Licensable services*

5. As the target audience of Other Licensable services ranges from hotel guests to residents in a housing estate, the degree of regulation to be applied to this category of services should be in accordance with the target audience and their expectations. Other Licensable services intended for general members of the public in Hong Kong should be subject to the same programme standards as those applying to the Domestic Pay services. On the other hand, Other Licensable services targeting hotel guests or other niche markets can be subject to more relaxed programme standards. At present, hotel television is only required to observe the provisions of the Control of Obscene and Indecent Articles Ordinance (Cap.390). The standards proposed for these services would be roughly comparable to the existing standards.

6. Under the existing hotel television service licence, all advertising matter transmitted shall comply with the Code of Practice on Advertising Standards issued under the Television Ordinance (Cap.52), i.e., the subscription television advertising standards. In line with this practice, Other Licensable

services should be required to comply with the advertising standards for Domestic Pay services in future.

### **Generic Code of Practice on Television Programme Standards**

7. We do not expect that there would be any major changes to the existing programming standards as detailed in the Annex. In the case of domestic free television, the existing code of practice for commercial television would largely be applicable. For example, the standards on language, sex and violence would be in line with the approach adopted in the existing code. Family viewing policy would continue to apply to Domestic Free services. Other requirements such as provisions on protection for children, indirect advertising and contests would essentially be the same as the existing standards. In respect of domestic pay television, the existing codes of practice for subscription television and programme service would be combined for application to this particular category of licence. Likewise, the existing code of practice for satellite television service not primarily targeting Hong Kong would apply to non-domestic television programme service.

### **Generic Code of Practice on Television Advertising Standards**

8. Most of the existing advertising standards would be retained, except the following areas:

#### *Advertising time restrictions*

9. Under the Broadcasting Bill, the time restrictions on advertising will be relaxed as follows:

- (a) during the times outside 5:00 p.m. to 11:00 p.m., Domestic Free services should be allowed to freely package their advertisements subject to the aggregate advertising time not exceeding 18% of the total broadcasting time during this period;
- (b) the existing categories of ‘classified advertisements’ and ‘advertising magazines’ should be abolished and any such broadcasts should count towards the advertising time limits; and

- (c) the other categories of licensees, i.e. Domestic Pay, Non-Domestic and Other Licensable services licensees should be exempted from advertising time restrictions.

10. In the light of the above, all provisions relating to classified advertisements, advertising magazines and home shopping channels would be deleted from the Advertising Code. The 3.5 minutes and 5 minutes limit on the duration of a break within a programme and an interval between programmes would also be deleted. To ensure that viewing interest is adequately protected, a new provision would be introduced to require that an advertisement which is presented in the format of a programme should be clearly identified as an advertisement. This is an important provision particularly in circumstances when the commercial nature of the advertisement is not apparent so that viewers will not be confused as to whether they are watching paid messages or a programme proper.

### **Next Step**

11. The Draft Generic Codes are currently under preparation by the BA. As soon as they are ready, the BA shall, pursuant to Clause 3(8) of the Broadcasting Bill, conduct consultation with the industry before approving and promulgating the Codes.

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Bureau 23 May 2000**

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**COMMERCIAL TELEVISION CODE OF PRACTICE  
ON PROGRAMME STANDARDS**

**AS AT 31 AUGUST 1999**

## **Preamble**

1           Wherever television has been established it has exerted a very powerful influence on the community, adults and children alike. In Hong Kong as a medium for entertainment, information and education, it reaches into the homes of a great number of people of all ages. Responsibility for selecting programmes to be seen must to some extent lie with the viewers. However, it is reasonable for the audience to assume that the programmes offered will meet standards which have been determined having regard both to the nature of the medium and the obligation to use it in the best interests of the Hong Kong community. It is therefore the responsibility of television stations to ensure that programmes which fail to reach these standards are not broadcast.

2           Much of what follows is necessarily of a general nature and may indeed be regarded as almost self-evident applications of the programme-producers' desire to avoid those errors of taste which can cause offence to sections of the public or be harmful to the young viewers who make up a large part of the television audience. A clear statement of programme standards should be helpful to producers and minimise difficulties of interpretations and misunderstandings between a licensee and the Authority. Licensees are expected to comply with these standards. Regulations may eliminate abuses, but only the goodwill and intent of those who actually operate the stations and plan the programmes can ensure that television will be used constructively for the welfare of the community. This responsibility should be discharged with constant vigilance and effort to avoid the possibilities of abuse of the medium. It is not sufficient to treat these Standards as a formal set of rules to be complied with to the letter. They must be regarded as a practical guide and be applied in the spirit which this paper endeavours to indicate.

## **General Programme Standards**

3           (Deleted)

4           In the presentation of television programmes, certain basic requirements must always be observed. These are:

(a) No programme may contain any matter which is:

- (i) indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers 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;
- (ii) (Deleted)
- (iii) (Deleted)
- (iv) 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 preference, religion, age, social status, or physical or mental disability; and
- (v) contrary to law.

- (b) To preserve decency and decorum in production so as to avoid embarrassment or offence to viewers at home, the presentation of all performers must be within the bounds of propriety. Special care must be taken as regards costuming, movements of dancers and artistes, and selection of camera angles.
- (c) Programmes which contain matters that are not generally suitable for viewing by children must be classified and the classification clearly advertised in accordance with paragraph 13A.
- (d) 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 or accidental nature.

5 The following application of standards refers to programmes in which great care is needed in production:

### **Criminal Activities**

- (a) Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime shall not be portrayed in a favourable light and criminal activities shall not be presented as acceptable behaviour, nor shall criminals be glorified. Glamorization of the lifestyles of criminals shall be avoided. The presentation of techniques of crime, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation shall also be avoided. Scenes containing detailed instructions for, or illustrations of, the use of dangerous drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules:
  - (i) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, shall be avoided.
  - (ii) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language shall be avoided.
  - (iii) Glorification of the power of the triads and membership in a triad society shall be avoided.

(aa) (Deleted)

### **Misrepresentation**

- (b) There should not be any simulation of news programmes which may alarm or mislead viewers either in programmes or in programme promotional material.

## **Religious Issues**

- (c) Whereas the serious presentation of religious issues is to be encouraged, attacks on any established religious faiths or beliefs shall not be permitted.

## **Religious Rites**

- (d) Any programme which includes a portrayal of religious rites shall ensure the accurate presentation of such rites and the correct treatment of religious dignitaries and officers in their various callings.

## **Tobacco and Intoxicating Liquor**

- (e) The use of intoxicating liquor, tobacco or cigarette shall be avoided except when it is necessary for the development of the plot or characterisation. In addition particular care is needed with programmes likely to be seen by children and young people. Programmes made specially for children shall not contain any intoxicating liquor, tobacco or cigarette unless an educational point is being made, or unless in very exceptional cases, the dramatic context makes it absolutely necessary.

## **Drunkenness and Drug Addiction**

- (f) The portrayal of, and reference to, drunkenness and addiction to drugs or narcotics shall be limited to the needs of the plot and characterisation, and not presented as desirable.
- (g) (Deleted)

## **Human Relationships**

- (h) The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations shall be treated with sensitivity and not in an exploitative or irresponsible manner. Respect shall be maintained for the sanctity of marriage and the importance of the home. Divorce shall not be treated casually or as a convenient solution to marital problems.

## **Animals**

- (i) The use of animals, consistent with plot and character delineation, shall be in conformity with accepted standards of humane treatment.

## **Gambling**

- (j) The use of gambling devices or scenes relevant to the development of the plot or as an appropriate background is acceptable. It should be presented with discretion, moderation and in a manner which does not encourage or offer instructions in gambling.

## **Language**

6 Many viewers are offended by bad language on television. Scriptwriters and producers often resort to bad language to reflect certain types of characters in a programme. There is no absolute ban on such language, but its use must be defensible in terms of the context. Writers must take care to avoid the gratuitous use of language that is likely to offend. Bad language should not be used in programmes specially designed for children or likely to be watched by a large number of young viewers.

Some hitherto unacceptable expressions have been absorbed into our daily language. There is no objection to their use on television, but producers should ensure that such expressions are employed with discretion. Expressions not so widely accepted, which may be considered offensive by some people, should not be used within the Family Viewing Hours. (See 'Family Viewing Policy', paragraph 11) At other times they should be presented with discretion and in moderation. Downright offensive expressions are prohibited on television.

## **Sex and Nudity**

7 The portrayal of sex and nudity on television should be carried out with tact and discretion. It must respect the traditional norms of morality and lie within the bounds of acceptability. To require dramas to renounce all aspects of sex is unrealistic, but any portrayal of sex and nudity should avoid shocking or offending the viewing public. It needs to be defensible in terms of the context.

## **Violence**

8 The depiction of violence on television should be handled with extreme care by the licensee. 'Violence' includes physical violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means, and mental violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression. While each scene should be evaluated on its own merits with due consideration for its creative integrity, target audience, time of broadcast and context of programme, the licensee should observe the following rules:

- (a) All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. No violence for its own sake or purely for dramatic attraction is allowed. If the nature or quantity of violence goes beyond its dramatic function or contextual justification, it should be cut.
- (b) Gratuitous or excessive depictions of violence are not acceptable.
- (c) No violent act of easy imitation by children should be broadcast in programmes which are likely to be watched by children viewers.
- (d) Violence should not be depicted as glamorous, nor as an acceptable solution to human conflict.
- (e) Scenes showing excessive gore, pain or physical suffering are not acceptable.

- (f) Callousness or indifference to suffering experienced by victims of violence should be avoided.
- (g) Extreme caution must be exercised in any themes, plots or scenes which mix sex and violence, including rape and other sexual assaults.
- (h) The licensee should ensure that care is taken in the depiction of violence against women, particularly in an abusive (sexual or otherwise) context.
- (i) Incitement to violence against specific groups identified by race, national or ethnic origin, colour, religion, gender, sexual orientation, age, mental or physical disabilities should not be permitted.
- (j) The licensee should ensure that the selection of music videos, which can sometimes intertwine themes of sex and violence, is suitable for the time period in which they are broadcast.
- (k) The licensee should also observe strictly the supplementary standards on programme scheduling and classification under this code.

### **Protection of Children**

**8A** The licensee should be vigilant on the likely effects of all material broadcast on television on children. In particular, the licensee should ensure that the following rules are strictly adhered to at times when there is a large audience of children or young viewers. In applying the following rules, the Broadcasting Authority will have regard to the spirit and letter of the supplementary standards on programme scheduling and take into account whether the licensee has made reasonable and conscious efforts to comply with all the relevant rules.

- (a) Scenes likely to frighten children should be avoided.
- (b) Scenes likely to unnerve and unsettle children should be avoided.
- (c) Scenes likely to cause pain to children should be avoided.
- (d) Scenes in which pleasure is taken in the infliction of pain or humiliation upon others should be avoided.
- (e) Scenes in which the infliction or acceptance of pain or humiliation is associated with sexual pleasure should be eliminated.
- (f) Scenes which children might copy with injury to themselves or others should be avoided. The techniques of hanging, experiments with fire, tying or locking up, submerging in water or covering one's head with plastic bags should be handled with discretion and care. There should in particular be no detailed demonstration of the means or method of suicide. These considerations apply most acutely in the case of programmes appealing to children and popular drama serials.

- (g) Scenes in which easily acquired and dangerous weapons are used should be avoided, and must be excluded entirely at times when large numbers of children may be expected to be watching. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children. Children should not see them in frequent use.
- (h) Scenes in which less usual methods of inflicting pain and injury are employed should be avoided. These include rabbit punches, suffocation, sabotage of vehicles and booby traps.
- (i) Smoking or drinking of alcoholic beverages by minors shall not be presented in a favourable light.
- (j) References to the consumption of illegal drugs should only be made where absolutely justified by the story line or context.
- (k) Care must be taken in the treatment of themes dealing with gambling, prostitution, hideous crime, or social or domestic conflict.
- (l) In case of doubt, deletions should be made.

### **Hypnotism**

**8B** Demonstrations of hypnotism should be done with care to avoid any possible adverse impact on the audience or viewers. Hypnotists should not be shown performing straight to camera.

### **Superstition**

**8C** The promotion of belief in harmful superstition and supernatural beliefs shall 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.

### **Children's Programmes**

**9** (Deleted)

**9A** Children's programmes shall be presented with particular care and comply with certain special conditions:

- (a) The rules relating to violence in programmes shall be strictly observed. (See 'Violence' paragraph 8.)
- (b) Disrespect for law and order, adult authority, good morals and clean living should be strictly avoided.

- (c) No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised.
- (d) Children's programmes shall be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge by reading, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.
- (e) There should be a balanced mix of programmes to cater for the needs of children of different age groups, and a balanced mix of different types of programmes, such as drama, comedy, sports, current affairs and cartoons, on each language service. Whilst it may not always be possible to ensure that a balanced mix is attained on a daily basis, the children's programmes over a period of time, say one week, should in the aggregate offer a balanced mix of different types of programmes for different age groups of children.
- (f) The Broadcasting Authority has specified in accordance with Clause 19(4) of the First Schedule to the Licence to Broadcast that a children's programme should not be broadcast more than twice within any period of 24 months, subject to the proviso that the Broadcasting Authority may specify a different frequency of repeats in respect of any specific children's programme. For the purpose of the above, repeating the same children's programme during a different session/time slot once on the following day or the following weekend for the benefit of children attending bi-sessional schools shall not be regarded as a repeat. In any event a repeat programme should be so identified in advance either on air or in the published programme schedule.

10 These provisions should not prevent the presentation of normal sports programmes, documentaries, or news bulletins. However, in the cases of sports programmes and documentaries, wherever the content or scenes are unsuitable for children, warning notices should be given before the transmission.

### **Family Viewing Policy**

11 It is the Broadcasting Authority's aim that materials unsuitable for children should not be broadcast at times when there is a large audience of young viewers. Accordingly, the family viewing hours are determined as the period between the hours of 4:00p.m. and 8:30p.m. on any day, during which time nothing which is unsuitable for children shall be broadcast. The Family Viewing Policy is based on the assumption that there is a progressive decline in the proportion of children in the audience throughout the evening and hence the restriction on the broadcast of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30p.m. 8:30p.m. is regarded as the point before which the licensee should ensure that nothing unsuitable for children is shown but this does not mean the restriction disappears in total immediately after 8:30p.m. Material less suitable for children may only be introduced progressively. Violence is not the only reason for a programme to be considered unsuitable for family viewing. Other factors include bad language, innuendo, sex and nudity, scenes of extreme distress, the deliberate use of horror for its own sake, morbid sound effects intended to anticipate or simulate death or injury, the use of the supernatural or superstition so as to arouse anxiety or fear, torture, cruelty to children or animals, any matter likely to lead to hysteria, nightmares or other undesirable emotional disturbances in children and the use of incorrect pronunciation and crude slang.

**12** The licensee shall further comply with the supplementary standards on scheduling as set out in Appendix I.

**13** Before any material that is likely to disturb some viewers is shown, it should be preceded by a short factual statement in the form of a warning.

### **Programme Classification**

**13A** For programmes which are not generally suitable for viewing by children, the licensee must classify them, in accordance with the programme classification guidelines set out in Appendix II, into Parental Guidance Recommended (“PG” [家長指引]) and Mature (“M” [成年觀眾]) categories. Aural and visual advisories on the classification of programmes should be shown before such a classified programme is broadcast. In addition, a symbol as approved by the Broadcasting Authority signifying the classified category of the programme should be superimposed on the screen in the top left or right corner for four seconds immediately, or as soon as practicable, after every break if there are such break(s) within the programme. The licensee shall make reasonable efforts to carry the appropriate symbols in the promotional material for its classified programmes and to include advisories or the approved symbols on the classification of programmes in the licensee’s official programme guide and the programme schedules it sends to the print media for publication.

**13B** The licensee should adhere to the Supplementary Standards on Scheduling as set out in Appendix I and no programmes classified as “PG” or “M” should be broadcast within family viewing hours. At other times, the licensee should comply strictly with the standards in Appendix I in the scheduling of such programmes. Programmes classified as “M” should only be broadcast between 11:30 p.m. and 6:00 a.m.

**13C** Programme promotions for “PG” or “M” programmes should not contain anything unsuitable for children when they appear in the family viewing hours and at other times they should observe strictly the standards on scheduling as set out in Appendix I.

### **Films Used in Television**

**14** Films are sometimes cut by the stations before they are shown on television, either to fit into tight time slots or to avoid a breach of the Family Viewing Policy. The Authority agrees that, if done with care and by properly trained film editors, cuts may be acceptable, as long as they do not alter the relevant parts of the story. If, due to its theme and treatment, a film is clearly unsuitable for transmission before 8:30p.m., cuts may not be made in order to make it acceptable for earlier showing.

**14A** (Deleted)

### **News and Newsreel Programmes**

**15** Subject to the requirements of the Regulations, a news or newsreel service shall observe the following principles:

- (a) News shall be presented accurately and impartially.
- (b) Each news session shall be well-balanced and reasonably comprehensive.

- (c) Commentary and analysis shall be clearly distinguished from news.
- (d) Good taste should guide the selection and presentation of news. Morbid, sensational, or alarming details not essential to factual reporting shall be avoided. News shall be televised in such a manner as to avoid unnecessary alarm.
- (e) Pictorial representation of news shall be carefully selected to ensure fairness and shall not be misleading or sensational.
- (f) No advertising matter shall be offered as news or included in the contents of a news programme or newsreel.
- (g) 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. In some circumstances it may be appropriate for a statement to appear in print.

### **Presence of Television Cameras at Demonstrations and Scenes of Public Disturbances**

**16** News editors and producers will be conscious of the need to be on guard against attempts to exploit television. The aim of any public meeting or demonstration is to attract public attention, but there is the possibility that the presence of television cameras could provoke incidents that would not otherwise have occurred. Disruption of meetings or public enquiries and incidents of disorder or violence may be encouraged, however unwittingly, by the arrival of television news teams. If coverage is recorded, it is possible to eliminate 'manufactured' incidents or to reveal them for what they are. Where coverage is live, the difficulties are obviously greater but every effort must be made to place what is seen and heard in context, so that viewers can properly evaluate the significance of activities that have arisen from the hope of television coverage.

### **Current Affairs and Documentary Programmes**

**17** Every current affairs or documentary programme dealing with controversial issues of public importance must attempt to be impartial in itself. This does not mean that a crude form of 'balance' is required in the sense of equal time or an equal number of lines in the script being devoted to each view, but rather that a programme should avoid giving biased treatment to any one point of view. Impartiality requires, for example, that the programme should not be slanted by the concealment of facts or by misleading emphasis.

### **Factual Programmes**

**17A** The licensee must exercise due care and reasonable efforts to ensure that non-fiction programmes which are based on material facts shall present factual material with accuracy and fairness. Such programmes include news, current affairs programmes, documentaries and programmes adopting an investigative style of reporting. In particular, in the preparation and presentation of such programmes, the licensee must ensure that:

- (a) the reporting of factual material is clearly distinguishable from commentary and analysis, which include opinions on the possible causes and consequences of events, and an elaboration of the circumstances surrounding those events;

- (b) reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (c) reasonable efforts are made or reasonable opportunities are given to present significant viewpoints from different angles if the programme deals with a controversial subject;
- (d) viewpoints are not misrepresented, and material is not presented in a misleading manner, or by withholding relevant available facts;
- (e) 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; and
- (f) sequences which are based on extracts of court proceedings or other matters of public record must be fair and accurate. The reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would likely prejudice a fair trial and in particular, the following should be avoided:
  - (i) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
  - (ii) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
  - (iii) any comment relating to the character or conduct of the accused; and
  - (iv) any comment or report which tends to impair the impartiality of the court.

## **Consumer Advice**

**17B** Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial and production 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 shall 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;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) as widely a range of firms or products or services as practicable should be included 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; and
- (g) such material shall not include products or services insofar as they are not acceptable for advertising under the advertising code.

### **References to Commercial Names in Sports Programmes**

**17C** References to commercial names in sports programmes are acceptable and not considered as giving undue prominence to those commercial names provided that the following conditions are satisfied:

- (a) the references are:
  - (i) for acknowledgment of the actual technical service providers of timing or other specialised data directly relating to the sports event being covered; or
  - (ii) justified by the editorial needs of the programme itself; or
  - (iii) built into a live sports programme acquired by a licensee;
- (b) the licensee does not receive payment or other valuable consideration for broadcasting the references;
- (c) the presentation, in the opinion of the Broadcasting Authority, does not obtrude on viewing pleasure or entertainment; and
- (d) the references are not related to a product or service not acceptable for advertising under the codes of practice, licence conditions or laws of Hong Kong.

### **Contests**

**18** 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.

**19** All rules and conditions of contests, including commencing and closing dates, shall be clearly and fully announced at the beginning of the contest, and thereafter adequately summarized on each occasion. The names of winners shall 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.

## **Programme Sponsorship**

**20** The licensee shall comply with the supplementary standards on programme sponsorship as set out in Appendix IV to the Code of Practice on Advertising Standards.

**21** Where a contest is included in a programme which is recorded in advance of the date of transmission, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person viewing 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 useless expenditure of time and money by viewers in the submission of entries which no longer have any chance of winning.

**22** All programmes shall be designed to attract audience on their merits. Any programme planned to draw audience solely in the hope of individual gain or reward is undesirable.

## **Starting Times and Under-runs**

**23** When a programme under-runs, the programme that follows should not be allowed to start earlier than the advertised starting time and the gap should be occupied by suitable fill-in material.

## **Programme Changes**

**23A** Where programmes are not broadcast in accordance with publicly announced or published programme schedules, the licensee shall take reasonable steps to inform viewers of such changes. These steps may include making on-screen announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended audience of the programmes might be watching television.

## **Promotional Programmes**

**24** ‘Promotional programme’ means a programme which has the effect of promoting any of the station’s programmes, artistes or activities. A promotional programme should be listed, given a regular time slot and should not be repeated within the same day on which it is broadcast.

## **Definitions of Programme Types**

**25** For the purposes of paragraphs 17, 18, 19, 20 and 20A of the First Schedule to the Licence to Broadcast, the various programme types the licensee is required to broadcast are defined as follows:

### ***Arts and Culture Programmes***

‘Arts and culture programmes’ means programmes which promote the development or appreciation of -

- (a) the literary, performing or visual arts; or
- (b) other topics or activities of cultural value.

### ***Children's Programmes***

'Children's programmes' means programmes which -

- (a) are designed specifically for children of different age groups up to the age of 15;
- (b) fulfill the special needs of children;
- (c) can be easily understood or appreciated by children; and
- (d) contribute to the social, emotional, or intellectual, or physical development of children.

### ***Current Affairs Programmes***

'Current affairs programmes' means programmes focusing on social, economic or political issues of immediate relevance to the community, including interviews and commentaries dealing in depth with news items.

### ***Documentary Programmes***

'Documentary programmes' means television or motion-picture presentation of factual, political, social or historical events or circumstances, often consisting of actual news films accompanied by narration but does not include travelogues.

### ***Programmes for Senior Citizens***

'Programmes for senior citizens' means programmes which aim at catering for the health, special informational or recreational needs of people over 60.

### ***Programmes for Young Persons***

'Programmes for young persons' means programmes which offer assistance to young people aged 16 to 24 -

- (a) to develop their capabilities, potentials or a proper sense of social values;
- (b) to achieve the highest attainable standards of physical or mental health;
- (c) to access information or guidance on services for youth, including family, health, welfare education, employment, sports or recreation services;
- (d) to promote their knowledge of and respect for different cultures, human rights or the rule of law;
- (e) to promote their love and respect for life, arts, science nature or reason;
- (f) to promote their concern for protection of the environment; or
- (g) to encourage their participation in community affairs.

**Appendix I**

**SUPPLEMENTARY STANDARDS ON SCHEDULING**

The following standards are supplementary to the provisions in the main code which shall be strictly adhered to at all times whether or not they are repeated below. The licensee should ensure that all those concerned in the planning, production and scheduling of television programmes exercise their discretion responsibly to avoid the possibilities of abuse of the medium. These guidelines set out mainly the standards for programmes to be scheduled after 4:00 p.m. At other times, the licensee must not show material unsuitable for children or young persons at times when programmes directed at children or young persons are normally broadcast or under circumstances such that large numbers of children and young persons might be expected to be watching television, particularly during school holidays. As a matter of principle, programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or taking the audience by surprise, except for very good and sufficient reason. Discretion should also be employed in repeats of evening transmissions which are scheduled during the day and likely to be watched by a large audience of young viewers. Programme trailers/promotions and advertisements must also comply with these standards.

	<b>Family Viewing</b>	<b>Selective Viewing</b>	<b>Late Night Viewing</b>	<b>Not Suitable For Television</b>
<b>Programme Nature and Permitted Broadcast Time</b>	Programmes suitable for family viewing are programmes which although not necessarily directed to children, do not contain any matter which is unsuitable for children to watch and they may be broadcast during the family viewing hours. These programmes may be broadcast at any time and are particularly suitable for the family viewing hours between 4:00 p.m. and 8:30 p.m.	Selective viewing programmes are programmes which may contain adult themes or concepts but are nevertheless suitable for children to watch subject to the guidance of an adult. These programmes may be broadcast after 8:30 p.m. and at any time other than from 4:00 p.m. to 8:30 p.m. In accordance with the family viewing policy laid down in paragraph 11 of the main code, the restriction on the broadcast of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30 p.m.	Late night viewing programmes are programmes which, either because of the matter they contain, or the way it is treated, are suitable for viewing only by adults. These programmes may only be broadcast between the hours 11:30 p.m. and 6:00 a.m.	Programmes not suitable for television are programmes or any part thereof which do not comply with the law or any provisions under the Television Regulations issued under section 32A(1) (a) of the Television Ordinance, the Licence to Broadcast or this code of practice or any direction or order issued or made by the Broadcasting Authority under the Television Ordinance. These programmes shall not be broadcast at any time on television.

	<b>Family Viewing</b>	<b>Selective Viewing</b>	<b>Late Night Viewing</b>	<b>Not Suitable For Television</b>
<b>Violence (Physical &amp; psychological )</b>	Physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children.	Depictions must be appropriate to the storyline or programme context. Overly realistic, bloody, sadistic or horrific depictions are not acceptable. Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, should not be included. Feature films and telemovies of a violent nature should only be scheduled after 9:30 p.m.	May be realistically depicted if justifiable in context. Depictions, however, should not be unduly bloody, sadistic or horrific. Violence should not be presented as desirable in its own right.	
<b>Sex &amp; Nudity</b>	No explicit reference to intimate sexual behaviour. Portrayal of the subject must be extremely discreet and absolutely necessary to the storyline or programme context.	The restriction on the broadcast of material unsuitable for children should only be relaxed in a gradual and progressive basis where justified by the storyline or programme context.	Portrayal of sex and nudity must not exceed the limit laid down in paragraph 7 of the main code.	
<b>Language</b>	Expressions not so widely accepted, which may be considered offensive by some people, should not be used.	Expressions likely to be considered offensive should be presented with discretion and in moderation. Their use must be defensible in terms of context and authenticity.	Crude expressions with sexual connotations, more explicit adult jokes and other offensive language may only be used infrequently after 11:30 p.m. where they are defensible in terms of context.	

	<b>Family Viewing</b>	<b>Selective Viewing</b>	<b>Late Night Viewing</b>	<b>Not Suitable For Television</b>
<b>Other matters</b>	Care must be exercised in depicting the use of drugs, legal or illegal. Horror may not be presented in such a way as to cause unnecessary distress to children. Care must be exercised in the treatment of themes, language, gesture and ceremony relating to triads and all material not suitable for children should be avoided.	The standards for family viewing may be relaxed where appropriate in accordance with the family viewing policy.	The standards in general may further be relaxed but in no circumstances should they go beyond what are permitted under the main code.	

## **SUPPLEMENTARY STANDARDS ON PROGRAMME CLASSIFICATION**

1 The following guidelines are intended to help the licensee classify its programmes into Parental Guidance (“PG” [家長指引]) and Mature (“M” [成年觀眾]) categories as required under paragraph 13A of the main code. These guidelines are, by nature, not exhaustive, and the licensee should exercise due care, sensitivity and common sense in the actual process of classification, giving particular consideration to the merit of the production, the context, relevancy, and purpose of a sequence and its treatment as well as the scheduled broadcast time and the likely composition of the audience. Above all, the licensee should ensure that the provisions in the main code and Appendix I, even if they are not repeated in the following standards, are strictly adhered to at all times.

### **The Parental Guidance Recommended (“PG” [家長指引]) Classification**

2 Programmes classified “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian. The “PG” classification is by definition less stringent than the “M” classification, therefore what are considered not acceptable for “M” programmes in paragraph 3 below will automatically be unacceptable for “PG” programmes.

(a) ***Violence***

Any portrayal of violence, whether physical, verbal or psychological, must not be too frequent or impactful and must be essential to the story line or programme context. No overly realistic, bloody or horrific depiction of violence are permitted. Gratuitous exploitation of sadistic or other perverted practices should not be allowed. Depiction of violence against women, particularly in an abusive (sexual or otherwise) context warrants special attention and care. Exceptional care must also be taken where children are victims of or threatened by acts of violence. Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, are also not permitted.

(b) ***Behaviour Easily Imitated by Children***

The portrayal of dangerous behaviour easily imitated by children, including the use of offensive weapons or articles readily accessible should be avoided.

(c) ***Hanging Scenes***

Scenes depicting hanging or preparations for hanging of easy imitation should be discreet without dwelling on details.

(d) ***Suicide***

The depiction of suicide or attempted suicide must be inexplicit and discreet, and must not be presented as the means of achieving a desired result or as an appropriate response to stress, depression or other problems.

(e) ***Scenes of Extreme Suffering and Distress***

Depiction of the effects of natural disaster, accident or human violence should not include gruesome details.

- (f) ***Exorcism, Psychic or Occultic Practice and depiction of the supernatural***  
Exorcisms, Psychic or occultic practice and depiction of the supernatural should not be included in factual programming unless they are the subject of a legitimate investigation. Particular care should be taken not to induce fear and disturbances in children even when they are accompanied by adults in watching the programme. Fictional depiction of such phenomena should not be overly realistic so as to unsettle young minds. In certain cases, appropriate and clear warnings should be provided immediately before the programme is shown.
- (g) ***Language***  
The use of language likely to cause offence in an average viewer, including bad language, must be defensible in terms of context and authenticity and in any case, excessive use should be avoided.
- (h) ***Sex and Nudity***  
The portrayal of sexual behaviour, and of nudity, should be defensible in context and presented with tact and discretion. Nature films, programmes with a serious educational purpose, or where representation is non-graphic with appropriate depiction of such matter may be allowed if the overall effect is not likely to offend their targeted audience. Mild forms of sexual innuendo and ambiguous (or suggestive) gesture and behaviour may be allowed in certain contexts (for example light entertainment and comedy) if they are considered not likely to offend contemporary standards.
- (i) ***Sexual Violence***  
Sexual violence should only be suggested and only permitted where it is absolutely relevant to the story line or programme context. The licensee should also ensure that such scenes only appear sparingly over a reasonable period of time and their overall impact not likely to produce a feeling of revulsion in young viewers, even when they are accompanied by adults in watching the sequences. Rape should be portrayed as an act of violence subject to the stringent rules on violence in the main code, not a sexual act.
- (j) ***Bad Taste and Indecency***  
Material should not appeal to prurient interest and the depiction or description of sexual or excretory organs or activities should be in a mild and inoffensive manner, subject to the condition that they only appear infrequently and when they do, justifiable in the context of the programme.
- (k) ***Triad Expressions and Ceremonies***  
Only triad expressions already absorbed, or in the process of being absorbed, into common language may be used, sparingly, where they can be justified by context and authenticity. Stylised ceremonies reasonably far removed from reality may be depicted where the story line or programme context absolutely demand them. Too detailed depiction/description or frequent revisits on such subjects are nonetheless prohibited.

(l) ***Drugs and Alcohol***

All portrayals of alcohol consumption and/or use of legal or illegal drugs should be restricted to situations necessary to plot and/or character delineation. The use of illegal drugs and/or the abuse of legal drugs or alcohol shall not be depicted as desirable, beneficial or as an effective problem-solver. Drug and alcohol use should not be glamorized, and the adverse consequences of substance abuse (e.g. the dangers of driving while intoxicated) should be noted where it is practical for the licensee to do so.

(m) ***Performance of Dangerous Acts***

Performance of dangerous acts easily imitated by children should not be presented. Other dangerous acts not as easily imitated by young viewers where imitation is still considered probable should be accompanied by clear visual and aural warnings.

### **The Mature (“M” [成年觀眾]) Classification**

**3** Programmes classified “M” are recommended for viewing by grown-up members of the family only.

(a) ***Violence***

No sustained, relished or excessively detailed acts of violence should be presented. Violence occurring in a sexual context is to be assessed more stringently. Depiction with a high degree of realism or impact must be brief and contextually justified and not unduly bloody, horrific or sadistic. Violence may not be presented as desirable in its own right.

(b) ***Language***

Excessive and grossly offensive language should not be used. Language which is likely to offend should not be overly frequent or impactful and must always be defensible in the programme context. Explicit adult jokes and expressions with explicit sexual connotations should not be downright offensive and must be appropriate to the programme context.

(c) ***Sex and Nudity***

Overly explicit and exploitative sexual acts should not be presented. Non-consenting sexual relations should not be depicted as desirable. The licensee should guard against material solely intended to satisfy prurient interests. Intimate sexual behaviour may only be implied or simulated and must not be grossly offensive taking into consideration the composition of the viewers at the time of broadcast.

(d) ***Sexual Violence***

There should not be gratuitous, excessive or explicit depiction of sexual violence. Realistic depiction of sexual violence must be essential to the story line or programme context.

(e) ***Triad Expressions and Ceremonies***

Genuine triad expressions not readily recognisable in the common language should not be used. Overly realistic depiction of triad ceremonies should be avoided.

(f) ***Drugs***

There should not be any detailed instruction in the use of illegal drugs. Illegal drugs must not be depicted favourably.

**SUBSCRIPTION TELEVISION CODE OF PRACTICE  
ON PROGRAMME STANDARDS**

**AS AT 31 AUGUST 1999**

## **Preamble**

**1** Wherever television has been established it has exerted a very powerful influence on the community, adults and children alike. As a medium for entertainment, information and education, it reaches into the homes of a great number of people of all ages.

**2** Responsibility for selecting television programmes to be seen must to some extent lie with the viewers. This is especially the case for a multi-channel subscription television service whereby viewers have to pay a subscription fee in order to receive the programmes. Unlike commercial television which is freely received in nearly every home, the viewers of subscription television have to make a conscious decision to subscribe to the service and they can also cancel their subscription at their own discretion. A subscription television system has the capacity to provide a multi-channel service which enables the licensee to design its channels for targeting at different audience groups and this allows viewers to have a greater degree of choice in the programmes they select to watch. Moreover, the service is also capable of providing facilities to secure against unauthorized use.

**3** All these special features of subscription television distinguish it from commercial television and there are justifications that it may not be necessary to impose the same degree of regulation as commercial television on subscription television. However, it is yet reasonable for the audience to assume that the programmes offered by the subscription television licensee will meet standards which have been determined having regard both to the nature of the service and the obligation to use it in the best interests of the community. It is therefore the responsibility of the subscription television licensee to ensure that programmes which fail to reach these standards are not shown.

**4** Much of what follows is necessarily of a general nature and may indeed be regarded as almost self-evident applications of the programme-producers' desire to avoid those errors of taste which can cause offence to sections of the public or be harmful to the young viewers who make up a large proportion of the subscription television audience. A clear statement of programme standards should be helpful to producers and minimise difficulties of interpretations and misunderstandings between the licensee and the Broadcasting Authority. The licensee is expected to comply with these standards. Regulations may eliminate abuses, but only the goodwill and intent of those who actually operate the service and plan the programmes can ensure that subscription television will be used constructively for the welfare of the community. This responsibility should be discharged with constant vigilance and effort to avoid the possibilities of abuse of the service. It is not sufficient to treat these standards as a formal set of rules to be complied with to the letter. They must be regarded as a practical guide and be applied in the spirit.

**5** The standards set out as follows in Part A of this code, subject to Part B of this code, apply to programmes on all the channels operated by the licensee. However, in some cases, there may be specific provisions for particular channels and the Broadcasting Authority also reserves the right to waive the application to specific channels of particular provisions in the code.

### **Part A**

#### **General Programme Standards**

**6** (Deleted)

**7** In the presentation of subscription television programmes, certain basic requirements must always be observed. These are:

- (a) No programme may contain any matter which is:
  - (i) indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers 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;
  - (ii) (Deleted)
  - (iii) (Deleted)
  - (iv) 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 preference, religion, age, social status, or physical or mental disability; or
  - (v) contrary to law.
- (b) To preserve decency and decorum in production so as to avoid embarrassment or offence to viewers at home, the presentation of all performers must be within the bounds of propriety. Special care must be taken as regards costuming, movements of dancers and artistes, and selection of camera angles.
- (c) Programmes which contain matters that are not generally suitable for viewing by children must be clearly advertised as such in both the programme guide and on screen immediately prior to the showing of the programme. (This does not apply to any adult channel referred to in Part B of this code). Nothing which is unsuitable for children shall be shown on channels specially designed for children.
- (d) 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 or accidental nature.

**8** The following application of standards refers to programmes in which great care is needed in production:

### **Criminal Activities**

- (a) Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime shall not be portrayed in a favourable light and criminal activities shall not be presented as acceptable

behaviour, nor shall criminals be glorified. Glamorization of the lifestyle of criminals shall be avoided. The presentation of techniques of crime, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation shall also be avoided. Scenes containing detailed instructions for, or illustrations of, the use of dangerous drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules :

- (i) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, shall be avoided.
- (ii) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language shall be avoided.
- (iii) Glorification of the power of triads and membership in a triad society shall be avoided.

(aa) (Deleted)

#### **Misrepresentation**

- (b) There should not be any simulation of news programmes which may alarm or mislead viewers either in programmes or in programme promotional material.

#### **Religious Issues**

- (c) Whereas the serious presentation of religious issues is to be encouraged, attacks on any established religious faiths or beliefs shall not be permitted.

#### **Religious Rites**

- (d) Any programme which includes a portrayal of religious rites shall ensure the accurate presentation of such rites and the correct treatment of religious dignitaries and officers in their various callings.

#### **Intoxicating Liquor, Tobacco or Cigarette**

- (e) The use of intoxicating liquor, tobacco or cigarettes shall be avoided except when it is necessary for the development of the plot or characterisation. In addition, particular care is needed with programmes likely to be seen by children and young people. Intoxicating liquor, tobacco or cigarette shall not be used in children's programmes unless an educational point is being made, or unless, in very exceptional cases, the dramatic context makes it absolutely necessary.

## **Drunkenness and Drug Addiction**

- (f) The portrayal of, and reference to, drunkenness and addiction to drugs or narcotics shall be limited to the needs of the plot and characterisation, and not presented as desired.

## **Human Relationships**

- (g) The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations shall be treated with sensitivity and not in an exploitative or irresponsible manner. Respect shall be maintained for the sanctity of marriage and the importance of the home. Divorce shall not be treated casually or as a convenient solution to marital problems.

## **Animals**

- (h) The use of animals shall be in conformity with accepted standards of humane treatment.

## **Gambling**

- (i) The use of gambling devices or scenes relevant to the development of the plot or as an appropriate background is acceptable. It should be presented with discretion, moderation and in a manner which does not encourage or offer instructions in gambling.

## **Language**

**9** Many viewers are offended by bad language on television. Scriptwriters and producers often resort to bad language to reflect certain types of characters in a programme. There is no absolute ban on such language, but its use must be defensible in terms of the context. Writers must take care to avoid the gratuitous use of language that is likely to offend. Some hitherto unacceptable expressions have been absorbed into our daily language. There is no objection to their use on television, but producers should ensure that such expressions are employed with discretion. Expressions not so widely accepted, which may be considered offensive by some people, should be presented with discretion and in moderation. Bad language should not be used in programmes or channels specially designed for children or youth or likely to be watched by a large number of children or young viewers. Downright offensive expressions are prohibited.

## **Sex and Nudity**

**10** The portrayal of sex and nudity on television should be carried out with tact and discretion. It must respect the traditional norms of morality and lie within the bounds of acceptability. To require dramas to renounce all aspects of sex is unrealistic, but any portrayal of sex and nudity should avoid shocking or offending the viewing public. It needs to be defensible in terms of the context.

## **Violence**

**11** The depiction of violence on television should be handled with extreme care by the licensee. 'Violence' includes physical violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means, and mental violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression. While each scene should be evaluated on its own merits with due consideration for its creative integrity, target audience and context of programme, the licensee should observe the following rules:

- (a) All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. No violence for its own sake or purely for dramatic attraction is allowed. If the nature or quantity of violence goes beyond its dramatic function or contextual justification, it should be cut.
- (b) Gratuitous or excessive depictions of violence are not acceptable.
- (c) No violent act of easy imitation by children should be broadcast in programmes which are likely to be watched by children viewers.
- (d) Violence should not be depicted as glamorous, nor as an acceptable solution to human conflict.
- (e) Scenes showing excessive gore, pain or physical suffering are not acceptable.
- (f) Callousness or indifference to suffering experienced by victims of violence should be avoided.
- (g) Extreme caution must be exercised in any themes, plots or scenes which mix sex and violence, including rape and other sexual assaults.
- (h) The licensee should ensure that care is taken in the depiction of violence against women, particularly in an abusive (sexual or otherwise) context.
- (i) Incitement to violence against specific groups identified by race, national or ethnic origin, colour, religion, gender, sexual orientation, age, mental or physical disabilities should not be permitted.
- (j) The licensee should ensure that the selection of music videos, which can sometimes intertwine themes of sex and violence, is suitable for the target audience.

## **Protection of Children**

**11A** The licensee should be vigilant on the likely effects of all material broadcast on television on children. In particular, the licensee should ensure that the following rules are strictly adhered to in programmes targeting at children.

- (a) Scenes likely to frighten children should be avoided.

- (b) Scenes likely to unnerve and unsettle children should be avoided.
- (c) Scenes likely to cause pain to children should be avoided.
- (d) Scenes in which pleasure is taken in the infliction of pain or humiliation upon others should be avoided.
- (e) Scenes in which the infliction or acceptance of pain or humiliation is associated with sexual pleasure should be eliminated.
- (f) Scenes which children might copy with injury to themselves or others should be avoided. The techniques of hanging, experiments with fire, tying or locking up, submerging in water or covering one's head with plastic bags should be handled with discretion and care. There should in particular be no detailed demonstration of the means or method of suicide. These considerations apply most acutely in the case of programmes appealing to children and popular drama serials.
- (g) Scenes in which easily acquired and dangerous weapons are used should be avoided, and must be excluded entirely at times when large numbers of children may be expected to be watching. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children. Children should not see them in frequent use.
- (h) Scenes in which less usual methods of inflicting pain and injury are employed should be avoided. These include rabbit punches, suffocation, sabotage of vehicles and booby traps.
- (i) Smoking or drinking of alcoholic beverages by minors shall not be presented in a favourable light.
- (j) References to the consumption of illegal drugs should only be made where absolutely justified by the story line or context.
- (k) Care must be taken in the treatment of themes dealing with gambling, prostitution, hideous crime, or social or domestic conflict.
- (l) In case of doubt, deletions should be made.

## **Hypnotism**

**12** Demonstrations of hypnotism should be done with care to avoid any possible adverse impact on the audience or viewers. Hypnotists should not be shown performing straight to camera.

## **Superstition**

**13** The promotion of belief in harmful superstition and supernatural beliefs shall 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.

## **Children's Programmes**

**14** The following provisions should apply to children's programmes.

- (a) 'Children's programmes' means programmes which:
  - (i) are designed to entertain, educate or inform children;
  - (ii) contribute to the social, emotional, intellectual or physical development of children; or
  - (iii) fulfil some special need of children.
- (b) Children's programmes shall be presented with particular care and comply with certain special conditions:
  - (i) The rules relating to violence in programmes shall be strictly observed. (See paragraphs 11 and 11A regarding violence and protection of children.)
  - (ii) Disrespect for law and order, adult authority, good morals and clean living should be strictly avoided.
  - (iii) No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised.
  - (iv) Children's programmes shall be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge by reading, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.

## **Film Editing**

**15** Films are sometimes cut by the licensee before they are shown on subscription television and if done with care and by properly trained film editors, cuts are acceptable as long as they do not alter the relevant parts of the story.

## **News and Newsreel Programmes**

**16** News or newsreel programmes shall observe the following principles:

- (a) News shall be presented accurately and impartially.
- (b) Each news session shall be well-balanced and reasonably comprehensive.
- (c) Commentary and analysis shall be clearly distinguished from news.
- (d) Good taste should guide the selection and presentation of news. Morbid, sensational, or alarming details not essential to factual reporting shall be avoided. News shall be televised in such a manner as to avoid unnecessary alarm.
- (e) Pictorial representation of news shall be carefully selected to ensure fairness and shall not be misleading or sensational.
- (f) No advertising matter shall be offered as news or included in the contents of a news programme or newsreel.
- (g) 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. In some circumstances it may be appropriate for a statement to appear in print.

## **Presence of Television Cameras at Demonstrations and Scenes of Public Disturbances**

**17** News editors and producers will be conscious of the need to be on guard against attempts to exploit television. The aim of any public meeting or demonstration is to attract public attention, but there is the possibility that the presence of television cameras could provoke incidents that would not otherwise have occurred. Disruption of meetings or public enquiries and incidents of disorder or violence may be encouraged, however unwittingly, by the arrival of television news teams. If coverage is recorded, it is possible to eliminate 'manufactured' incidents or to reveal them for what they are. Where coverage is live, the difficulties are obviously greater but every effort must be made to place what is seen and heard in context, so that viewers can properly evaluate the significance of activities that have arisen from the hope of television coverage.

## **Current Affairs and Documentary Programmes**

**18** Every current affairs or documentary programme dealing with controversial issues of public importance must attempt to be impartial in itself. This does not mean that a crude form of 'balance' is required in the sense of equal time or an equal number of lines in the script being devoted to each view, but rather that a programme should avoid giving biased treatment to any one point of view. Impartiality requires, for example, that the programme should not be slanted by the concealment of facts or by misleading emphasis.

## **Factual Programmes**

**18A** The licensee must exercise due care and reasonable efforts to ensure that nonfiction programmes which are based on material facts shall present factual material with accuracy and fairness. Such programmes include news, current affairs programmes, documentaries and programmes adopting an investigative style of reporting. In particular, in the preparation and presentation of such programmes, the licensee must ensure that:

- (a) the reporting of factual material is clearly distinguishable from commentary and analysis, which include opinions on the possible causes and consequences of events, and an elaboration of the circumstances surrounding those events;
- (b) reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (c) reasonable efforts are made or reasonable opportunities are given to present significant viewpoints from different angles if the programme deals with a controversial subject;
- (d) viewpoints are not misrepresented, and material is not presented in a misleading manner, or by withholding relevant available facts;
- (e) 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; and
- (f) sequences which are based on extracts of court proceedings or other matters of public record must be fair and accurate. The reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would likely prejudice a fair trial and in particular, the following should be avoided:
  - (i) any pre-judgment of the issues in the case, in particular of the guilt or innocence of the accused;
  - (ii) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
  - (iii) any comment relating to the character or conduct of the accused; and
  - (iv) any comment or report which tends to impair the impartiality of the court.

## **Consumer Advice**

**18B** Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial and production 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 shall 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;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) as widely a range of firms or products or services as practicable should be included 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; and
- (g) such material shall not include products or services insofar as they are not acceptable for advertising under the advertising code.

## **References to Commercial Names in Sports Programmes**

**18C** References to commercial names in sports programmes are acceptable and not considered as giving undue prominence to those commercial names provided that the following conditions are satisfied:

- (a) the references are:
  - (i) for acknowledgment of the actual technical service providers of timing or other specialised data directly relating to the sports event being covered; or
  - (ii) justified by the editorial needs of the programme itself; or
  - (iii) built into a live sports programme acquired by a licensee; or

- (iv) built into a satellite feed sports programme transmitted by a licensee;
- (b) the licensee does not receive payment or other valuable consideration for broadcasting the references;
- (c) the presentation, in the opinion of the Broadcasting Authority, does not obtrude on viewing pleasure or entertainment; and
- (d) the references are not related to a product or service not acceptable for advertising under the codes of practice, licence conditions or laws of Hong Kong.

## **Contests**

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

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

**21** Where a contest is included in a programme which is recorded in advance of the date of transmission, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person viewing 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 useless expenditure of time and money by viewers in the submission of entries which no longer have any chance of winning.

**22** All programmes shall be designed to attract audience on their merits. Any programme planned to draw audience solely in the hope of individual gain or reward is not acceptable.

**23** References to prizes must not be made in such a way as to give an impression of advertising. Aural or visual references to prizes or acknowledgement of the source of prizes is allowed provided that they are not used excessively. However, there must not be any promotional references such as advertising slogans or copylines. The presentation of tobacco products as prizes or gifts for contest is not permitted. While food and beverage hamper containing alcoholic liquor can be used as prizes or gifts, the presentation of alcoholic liquor as prizes or gifts in isolation is not permitted.

## **References to products or services in programmes**

**24** The inclusion of, or reference to, a product or service or any recognisable brand names or commercial interest shall not be acceptable in a programme unless it is of an

incidental nature and no undue prominence is given to the product or service etc. in question. The acknowledgement at the end rolling credits of the programme about the use of a product or a service or a venue or facilities for the production of a programme will be permitted provided that no undue prominence is given to the product, service, venue or facilities and the acknowledgement does not contain any advertising slogan or copyline of the product, service, venue or facilities.

### **Coverage of sponsored events**

**25** References to the title of an event sponsored by a person other than the licensee carrying the trade name or brand name of the sponsor and other incidental references to the trade name or brand name of the sponsor in a programme will not be regarded as advertisement or commercial promotion for the sponsor if the following conditions are satisfied:

- (a) the licensee receives no consideration for such references;
- (b) no undue emphasis, whether by means of words or of visual presentation or both, is given to such references; and
- (c) the references do not obtrude on programme interest or entertainment.

### **Programme Information**

**26** The provision of clear programme information to viewers is important to a multi-channel subscription television service which enables viewers to make an informed choice in the selection of programmes. The licensee should describe a programme accurately in programme guides, on-air promotion or press announcements. Programmes containing material which are not suitable for children should be clearly advertised as such. Before any material that is likely to disturb some viewers is shown, it should be preceded by a short factual statement in the form of a warning. A repeat programme should also be so identified.

### **Starting Times and Under-runs**

**27** When a programme under-runs, the programme that follows should not start earlier than the advertised starting time and the gap should be occupied by suitable fill-in material.

### **Programme Changes**

**27A** Where programmes are not broadcast in accordance with publicly announced or published programme schedules, the licensee shall take reasonable steps to inform viewers of such changes. These steps may include making on-screen announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended audience of the programmes might be watching television. This rule does not apply to satellite feed channels where in the opinion of the Broadcasting Authority the licensee has no control over the scheduling of programmes.

## **Part B**

### **Adult Channel**

**28** Notwithstanding anything to the contrary in Part A of this code, the licensee may, with the prior approval of the Broadcasting Authority, introduce channel showing material dealing with the realities of the adult world. Given the multi-channel nature of subscription television and its capability of being secured against unauthorized use which facilitates the exercising of parental control, such a channel may be permitted by the Broadcasting Authority if the Authority is satisfied that there are sufficient safeguards so that children will not be exposed to the adult material which could be harmful to them in one way or another. The channel should only be offered as part of a separately marketed package, and be distinct from the basic package which is available to all the subscribers of the service. Subject to sub-paragraphs (a)-(d) below, no obscene material may be shown on such a channel. Obscenity includes also violence, depravity and repulsiveness. Programmes to be shown on such a channel must comply with the following requirements:

- (a) violence may be portrayed realistically where it is justified in context but it must not be unduly bloody, sadistic or horrific and should not be presented as desirable in its own right. Great care must be exercised in cases where women or children are victims of acts of violence. Sexual violence is prohibited;
- (b) nudity may be portrayed where it is justified in context. Intimate sexual activity may be discreetly implied or simulated but explicit or actual sexual activity i.e. hard core material, is prohibited;
- (c) occasional use of offensive language justified in context is permitted. Obscene, profane or blasphemous language that is likely to offend a substantial portion of the audience is prohibited; and
- (d) the denigration or insult of any particular class of the public by reference to the colour, race, religious beliefs, ethnic or national origins, sex or disability of the members of the class is prohibited.

**29** Subject to paragraph 28, the licensee may show films which have been classified as Category III by the Film Censorship Authority under the Film Censorship Ordinance (Cap. 392) in the form as approved for exhibition only on a channel which is permitted to show material of an adult nature. However, films which the Film Censorship Authority have refused to approve for exhibition shall not be shown on subscription television at all.

### **Interpretation**

**30** Part A of this code shall apply to a channel showing material of an adult nature permitted by the Broadcasting Authority unless there are provisions to the contrary in Part B of this code.

**PROGRAMME SERVICE CODE OF PRACTICE**

**ON PROGRAMME STANDARDS**

**AS AT 31 AUGUST 1999**

## **Preamble**

**1** A programme service is a service that includes television programmes for transmission by terrestrial telecommunication on a point-to-point basis within Hong Kong. It is available to the general public on payment of subscription and is provided only in response to a specific request. As a medium for entertainment, information and education, it can reach into the homes of a great number of people of all ages.

**2** Responsibility for selecting programmes must to some extent lie with the viewers. This is especially the case for a programme service whereby viewers have to pay a subscription fee in order to receive the programmes. Unlike commercial television which is freely received in nearly every home, the viewers of programme service have to make a conscious decision to subscribe to the service and they can also cancel their subscription at their own discretion. A programme service has the capacity to provide a wide range of programmes and a licensee supplies programmes in response to individual subscribers' specific requests. This allows viewers to have a greater degree of choice in the programmes they select to watch. Moreover, the service is also capable of providing facilities to secure against unauthorized use.

**3** All these special features of programme service distinguish it from commercial television and there are justifications that it may not be necessary to impose the same degree of regulation as commercial television on programme service. However, it is reasonable for the audience to assume that the programmes offered by the programme service licensee will meet standards which have been determined having regard both to the nature of the service and the obligation to use it in the best interests of the community. It is therefore the responsibility of the programme service licensee to ensure that programmes which fail to reach these standards are not shown.

**4** Much of what follows is necessarily of a general nature and may indeed be regarded as almost self-evident applications of the programme-producers' desire to avoid those errors of taste which can cause offence to sections of the public or be harmful to the young viewers who make up a large proportion of the programme service audience. A clear statement of programme standards should be helpful to producers and minimise difficulties of interpretations and misunderstandings between the licensee and the Broadcasting Authority. The licensee is expected to comply with these standards. Regulations may eliminate abuse, but only the goodwill and intent of those who actually operate the service and plan the programmes can ensure that programme service will be used constructively for the welfare of the community. This responsibility should be discharged with constant vigilance and effort to avoid the possibilities of abuse of the service. It is not sufficient to treat these standards as a formal set of rules to be complied with to the letter. They must be regarded as a practical guide and be applied in the spirit.

**5** The standards set out as follows in Part A of this code, apply to all programmes provided by the licensee. In addition, Part B of this code applies to programmes containing material suitable for viewing by adults only.

## Part A

### **General Programme Standards**

**6** In the presentation of programmes, certain basic requirements must always be observed. These are:

- (a) No programme may contain any matter which is:
  - (i) indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers 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;
  - (ii) 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 preference, religion, age, social status, or physical or mental disability; or
  - (iii) contrary to law.
- (b) To preserve decency and decorum in production so as to avoid embarrassment or offence to viewers at home, the presentation of all performers must be within the bounds of propriety. Special care must be taken as regards costuming, movements of dancers and artistes, and selection of camera angles.
- (c) Programmes which contain matters that are not generally suitable for viewing by children must be clearly advertised as such in both the programme guide and on screen immediately prior to the showing of the programme. (This does not apply to any adult programme referred to in Part B of this code.) Nothing which is unsuitable for children shall be shown in programmes specially designed for children.
- (d) 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 or accidental nature.

**7** The licensee should ensure that the following standards are met by programmes in various aspects:-

## **Criminal Activities**

- (a) Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime shall not be portrayed in a favourable light and criminal activities shall not be presented as acceptable behaviour, nor shall criminals be glorified. Glamorization of the lifestyles of criminals shall be avoided. The presentation of techniques of crime, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation shall also be avoided. Scenes containing detailed instructions for, or illustrations of, the use of dangerous drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules:
  - (i) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia, including cryptic poems and icons, shall be avoided.
  - (ii) Triad expressions not generally accepted in, or in the process of being absorbed into, daily language shall be avoided.
  - (iii) Glorification of the power of triads and membership in a triad society shall be avoided.

## **Misrepresentation**

- (b) There should not be any simulation of news programmes which may alarm or mislead viewers either in programmes or in programme promotional material.

## **Religious Issues**

- (c) Whereas the serious presentation of religious issues is to be encouraged, attacks on any established religious faiths or beliefs shall not be permitted.

## **Religious Rites**

- (d) Any programme which includes a portrayal of religious rites shall ensure the accurate presentation of such rites and the correct treatment of religious dignitaries and officers in their various callings.

## **Intoxicating Liquor, Tobacco or Cigarette**

- (e) The use of intoxicating liquor, tobacco or cigarettes shall be avoided except when it is necessary for the development of the plot or characterisation. In addition, particular care is needed with programmes likely to be seen by children and young people. Intoxicating liquor,

tobacco or cigarette shall not be used in children's programmes unless an educational point is being made, or unless, in very exceptional cases, the dramatic context makes it absolutely necessary.

### **Drunkenness and Drug Addiction**

- (f) The portrayal of, and reference to, drunkenness and addiction to drugs or narcotics shall be limited to the needs of the plot and characterisation, and not presented as desired.

### **Human Relationships**

- (g) The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations shall be treated with sensitivity and not in an exploitative or irresponsible manner. Respect shall be maintained for the sanctity of marriage and the importance of the home. Divorce shall not be treated casually or as a convenient solution to marital problems.

### **Animals**

- (h) The use of animals shall be in conformity with accepted standards of humane treatment.

### **Gambling**

- (i) The use of gambling devices or scenes relevant to the development of the plot or as an appropriate background is acceptable. It should be presented with discretion, moderation and in a manner which does not encourage or offer instructions in gambling.

### **Language**

**8** Many viewers are offended by bad language. Scriptwriters and producers often resort to bad language to reflect certain types of characters in a programme. There is no absolute ban on such language, but its use must be defensible in terms of the context. Writers must take care to avoid the gratuitous use of language that is likely to offend. Some hitherto unacceptable expressions have been absorbed into our daily language. There is no objection to their use, but the licensee should ensure that such expressions are employed with discretion. Expressions not so widely accepted, which may be considered offensive by some people, should be presented with discretion and in moderation. Bad language should not be used in programmes specially designed for children or youth or likely to be watched by a large number of children or young viewers. Downright offensive expressions are prohibited.

### **Sex and Nudity**

**9** The portrayal of sex and nudity should be presented with tact and discretion. It must respect the traditional norms of morality and lie within the bounds of acceptability. To

require dramas to renounce all aspects of sex is unrealistic, but any portrayal of sex and nudity should avoid shocking or offending the viewing public. It needs to be defensible in terms of the context.

## **Violence**

**10** The depiction of violence should be handled with extreme care by the licensee. 'Violence' includes physical violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means, and mental violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression. While each scene should be evaluated on its own merits with due consideration for its creative integrity, target audience and context of programme, the licensee should observe the following rules:

- (a) All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. No violence for its own sake or purely for dramatic attraction is allowed. If the nature or quantity of violence goes beyond its dramatic function or contextual justification, it should be cut.
- (b) Gratuitous or excessive depictions of violence are not acceptable.
- (c) Programmes which are likely to be watched by children viewers should contain no violent act of easy imitation by children.
- (d) Violence should not be depicted as glamorous, nor as an acceptable solution to human conflict.
- (e) Scenes showing excessive gore, pain or physical suffering are not acceptable.
- (f) Callousness or indifference to suffering experienced by victims of violence should be avoided.
- (g) Extreme caution must be exercised in any themes, plots or scenes which mix sex and violence, including rape and other sexual assaults.
- (h) The licensee should ensure that care is taken in the depiction of violence against women, particularly in an abusive (sexual or otherwise) context.
- (i) Incitement to violence against specific groups identified by race, national or ethnic origin, colour, religion, gender, sexual orientation, age, mental or physical disabilities should not be permitted.
- (j) The licensee should ensure that the selection of music videos, which can sometimes intertwine themes of sex and violence, is suitable for the target audience.

## Protection of Children

**11** The licensee should be vigilant on the likely effects on children of programmes. In particular, the licensee should ensure that the following rules are strictly adhered to in programmes which are likely to have a large audience of children.

- (a) Scenes likely to frighten children should be avoided.
- (b) Scenes likely to unnerve and unsettle children should be avoided.
- (c) Scenes likely to cause pain to children should be avoided.
- (d) Scenes in which pleasure is taken in the infliction of pain or humiliation upon others should be avoided.
- (e) Scenes in which the infliction or acceptance of pain or humiliation is associated with sexual pleasure should be eliminated.
- (f) Scenes which children might copy with injury to themselves or others should be avoided. The techniques of hanging, experiments with fire, tying or locking up, submerging in water or covering one's head with plastic bags should be handled with discretion and care. There should in particular be no detailed demonstration of the means or method of suicide. These considerations apply most acutely in the case of programmes appealing to children and popular drama serials.
- (g) Scenes in which easily acquired and dangerous weapons are used should be avoided, and must be excluded entirely at times when large numbers of children may be expected to be watching. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children. Children should not see them in frequent use.
- (h) Scenes in which less usual methods of inflicting pain and injury are employed should be avoided. These include rabbit punches, suffocation, sabotage of vehicles and booby traps.
- (i) Smoking or drinking of alcoholic beverages by minors shall not be presented in a favourable light.
- (j) References to the consumption of illegal drugs should only be made where absolutely justified by the story line or context.
- (k) Care must be taken in the treatment of themes dealing with gambling, prostitution, hideous crime, or social or domestic conflict.
- (l) In case of doubt, deletions should be made.

## **Hypnotism**

**12** Demonstrations of hypnotism should be done with care to avoid any possible adverse impact on the audience or viewers. Hypnotists should not be shown performing straight to camera.

## **Superstition**

**13** The promotion of belief in harmful superstition and supernatural beliefs shall 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.

## **Children's Programmes**

**14** The following provisions should apply to children's programmes.

- (a) A children's programme is one which, amongst other things:
  - (i) is designed specifically for children of different age groups;
  - (ii) is designed to entertain, educate or inform children;
  - (iii) can be easily understood and appreciated by children;
  - (iv) fulfils some special need of children; and
  - (v) contributes to the social, emotional or intellectual development of children.
- (b) Children's programmes shall be presented with particular care and comply with certain special conditions:
  - (i) The rules relating to violence in programmes shall be strictly observed. (See paragraphs 10 and 11 regarding violence and protection of children.)
  - (ii) Disrespect for law and order, adult authority, good morals and clean living should be strictly avoided.
  - (iii) No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised.

- (iv) Children's programmes shall be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge by reading, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.

### **Film Editing**

**15** Films are sometimes cut by the licensee before they are shown on programme service and if done with care and by properly trained film editors, cuts are acceptable as long as they do not alter the relevant parts of the story.

### **News and Newsreel Programmes**

**16** News or newsreel programmes shall observe the following principles:

- (a) News shall be presented accurately and impartially.
- (b) Each news session shall be well-balanced and reasonably comprehensive.
- (c) Commentary and analysis shall be clearly distinguished from news.
- (d) Good taste should guide the selection and presentation of news. Morbid, sensational, or alarming details not essential to factual reporting shall be avoided. News shall be televised in such a manner as to avoid unnecessary alarm.
- (e) Pictorial representation of news shall be carefully selected to ensure fairness and shall not be misleading or sensational.
- (f) No advertising matter shall be offered as news or included in the contents of a news programme or newsreel.
- (g) Correction of factual errors should be made as soon as practicable after the original error. In some circumstances it may be appropriate for a statement to appear in print.

### **Current Affairs and Documentary Programmes**

**17** Every current affairs or documentary programme dealing with controversial issues of public importance must attempt to be impartial in itself. This does not mean that a crude form of 'balance' is required in the sense of equal time or an equal number of lines in the script being devoted to each view, but rather that a programme should avoid giving biased treatment to any one point of view. Impartiality requires, for example, that the programme should not be slanted by the concealment of facts or by misleading emphasis.

## **Factual Programmes**

**18** The licensee must exercise due care and reasonable efforts to ensure that non-fiction programmes which are based on material facts shall present factual material with accuracy and fairness. Such programmes include news, current affairs programmes, documentaries and programmes adopting an investigative style of reporting. In particular, in the preparation and presentation of such programmes, the licensee must ensure that:

- (a) the reporting of factual material is clearly distinguishable from commentary and analysis, which include opinions on the possible causes and consequences of events, and an elaboration of the circumstances surrounding those events;
- (b) reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (c) reasonable efforts are made or reasonable opportunities are given to present significant viewpoints from different angles if the programme deals with a controversial subject;
- (d) viewpoints are not misrepresented, and material is not presented in a misleading manner, or by withholding relevant available facts;
- (e) 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; and
- (f) sequences which are based on extracts of court proceedings or other matters of public record must be fair and accurate. The reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would likely prejudice a fair trial and in particular, the following should be avoided:
  - (i) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
  - (ii) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
  - (iii) any comment relating to the character or conduct of the accused; and
  - (iv) any comment or report which tends to impair the impartiality of the court.

## **Consumer Advice**

**18A** Programmes which contain material offering or including reviews or advice on products or services should apply the highest standards of fair dealing and editorial and

production 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 shall 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;
- (e) the information conveyed must be accurate and not misleading by concealing significant facts;
- (f) as widely a range of firms or products or services as practicable should be included 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; and
- (g) such material shall not include products or services insofar as they are not acceptable for advertising under the advertising code.

### **References to Commercial Names in Sports Programmes**

**18B** References to commercial names in sports programmes are acceptable and not considered as giving undue prominence to those commercial names provided that the following conditions are satisfied:

- (a) the references are:
  - (i) for acknowledgment of the actual technical service providers of timing or other specialised data directly relating to the sports event being covered; or
  - (ii) justified by the editorial needs of the programme itself;
- (b) the licensee does not receive payment or other valuable consideration for broadcasting the references;
- (c) the presentation, in the opinion of the Broadcasting Authority, does not obtrude on viewing pleasure or entertainment; and

- (d) the references are not related to a product or service not acceptable for advertising under the codes of practice, licence conditions or laws of Hong Kong.

## **Contests**

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

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

**21** Where a contest is included in a programme which is recorded in advance of the date of transmission, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person viewing 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 useless expenditure of time and money by viewers in the submission of entries which no longer have any chance of winning.

**22** All programmes shall be designed to attract audience on their merits. Any programme planned to draw audience solely in the hope of individual gain or reward is not acceptable.

**23** References to prizes must not be made in such a way as to give an impression of advertising. Aural or visual references to prizes or acknowledgement of the source of prizes is allowed provided that they are not used excessively. However, there must not be any promotional references such as advertising slogans or copylines. The presentation of tobacco products as prizes or gifts for contest is not permitted. While food and beverage hamper containing alcoholic liquor can be used as prizes or gifts, the presentation of alcoholic liquor as prizes or gifts in isolation is not permitted.

## **References to products or services in programmes**

**24** The inclusion of, or reference to, a product or service or any recognisable brand names or commercial interest shall not be acceptable in a programme unless it is of an incidental nature and no undue prominence is given to the product or service etc. in question. The acknowledgement at the end rolling credits of the programme about the use of a product or a service or a venue or facilities for the production of a programme will be permitted provided that no undue prominence is given to the product, service, venue or facilities and the acknowledgement does not contain any advertising slogan or copyline of the product, service, venue or facilities.

## **Programme Information**

**25** The provision of clear and adequate programme information to viewers is important to a programme service which enables viewers to make an informed choice in the selection of programmes. The licensee should describe a programme accurately and adequately in programme guides, on-air promotion or press announcements. Programmes containing material which are not suitable for children should be clearly advertised as such. Before any material that is likely to disturb some viewers is shown, it should be preceded by a short factual statement in the form of a warning.

## **Part B**

### **Adult Programmes**

**26** Notwithstanding anything to the contrary in Part A of this code, the licensee may transmit adult programmes showing material dealing with the realities of the adult world subject to sufficient safeguards against these programmes being ordered by persons below age of 18. Given the nature of programme service and its capability of being secured against unauthorized use which facilitates the exercising of parental control, the licensee must devise a scheme to the satisfaction of the Broadcasting Authority so that children will not be exposed to the adult material which could be harmful to them in one way or another. The licensee should exercise care in marketing this part of the programme service and should not target it at people under the age of 18.

**27** Programmes suitable for viewing by adults only must comply with the following requirements :

- (a) violence may be portrayed realistically where it is justified in context but it must not be unduly bloody, sadistic or horrific and should not be presented as desirable in its own right. Great care must be exercised in cases where women or children are victims of acts of violence. Sexual violence is prohibited;
- (b) nudity may be portrayed where it is justified in context. Intimate sexual activity may be discreetly implied or simulated but explicit or actual sexual activity i.e. hard core material, is prohibited;
- (c) occasional use of offensive language justified in context is permitted. Obscene, profane or blasphemous language that is likely to offend a substantial portion of the audience is prohibited; and
- (d) the denigration or insult of any particular class of the public by reference to the colour, race, religious beliefs, ethnic or national origins, sex or disability of the members of the class is prohibited.

**28** No obscene material may be shown on the programme service. Obscenity includes also violence, depravity and repulsiveness. Subject to paragraphs 26 and 27, the licensee may show films which have been classified as Category III by the Film Censorship Authority under the Film Censorship Ordinance (Cap. 392) in the form as approved for exhibition as adult programmes. However, films which the Film Censorship Authority have refused to approve for exhibition shall not be shown on programme services at all.

### **Programme Promotional Material**

**29** Programme promotional material for adult programmes is subject to the following conditions:

- (a) such promotional material shall not be transmitted in or adjacent to a programme targeted at children; and
- (b) such promotional material transmitted in or adjacent to a programme other than an adult programme shall not include excerpts or other material that is not suitable for persons under 18 years of age.

### **Interpretation**

**30** Part A of this code shall apply to adult programmes unless there are provisions to the contrary in Part B of this code.

**SATELLITE TELEVISION CODE OF PRACTICE**  
**ON PROGRAMME AND ADVERTISING STANDARDS**  
**FOR SERVICES OTHER THAN**  
**PRIMARILY TARGETING HONG KONG**

**AS AT 31 AUGUST 1999**

## **Preamble**

**1** This code lays down the minimum standards for satellite broadcasts which, in the opinion of the Broadcasting Authority, are not primarily targeting Hong Kong. The licensee shall take all reasonable steps to ensure the acceptability of the services in recipient countries and places, including compliance with their laws and standards. In addition, due consideration should be given to the religious, cultural and racial sensitivities of the intended recipient countries and places. It is the responsibility of the licensee to ensure that programmes which do not meet these standards are not broadcast.

## **General Programme Standards**

**2** In the presentation of television programmes, certain basic requirements must always be observed. No programme may contain any matter which is:

- (a) indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers 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; and
- (b) 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.

**3** Care is also needed in the presentation of programmes in relation to:

(a) *Sex and Nudity*

The portrayal of sex and nudity on television should be carried out with tact and discretion. It must respect the traditional norms of morality and lie within the bounds of acceptability.

(b) *Violence*

The depiction of violence on television should be handled with extreme care by the licensee. 'Violence' includes physical violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means, and mental violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression.

(c) *Criminal Activities*

Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime shall not be portrayed in a favourable light and criminal activities shall not be presented as acceptable behaviour.

## **Protection of Children**

**4** The licensee should be vigilant on the likely effects of all material broadcast on television on children. No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised. The licensee should ensure that scenes likely to frighten, unnerve, unsettle and cause pain to children should be avoided. Smoking or drinking of alcoholic beverages by minors shall not be presented in a favourable light.

## **News and Newsreel Programmes**

**5** A news or newsreel service shall be presented accurately and impartially.

## **Advertising**

**6** Advertising material refers to any broadcast material designed to advance the sale of any particular product or to promote the interest of any organisation, commercial concern or individual, whether by means of words, sound effects (including music) and/or of visual presentation 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 goods or services.

**7** The general principle which governs all television advertising is that it should be legal, clean, honest and truthful.

**8** The content, presentation and placement of all advertising material must comply with the standards for programmes.

**COMMERCIAL TELEVISION CODE OF PRACTICE**

**ON ADVERTISING STANDARDS**

**AS AT 31 AUGUST 1999**

## Preamble

**1** The general principle which will govern all television advertising is that it should be legal, clean, honest and truthful. It is recognized that this principle is not peculiar to the television medium, but is one which applies to all reputable advertising in other media in Hong Kong. Nevertheless, television, because of its greater intimacy within the home, gives rise to problems which do not necessarily occur in other media and it is essential to maintain a consistently high quality of television advertising.

**2** Advertising material shall be clearly identifiable as an advertisement, and an advertising magazine shall be described as such when being broadcast.

**3** The detailed rules set out below are intended to be applied in the spirit as well as the letter and should be taken as laying down the minimum standards to be observed. They are to be read in conjunction with all other relevant advertising and programme standards and related statutory controls.

**4** The following definition applies in this code of practice unless the contrary intention appears:

“Advertisement” means

- (a) any broadcast material designed to advance the sale of any particular product or to promote the interests of any organisation, commercial concern or individual; whether by means of words, sound effects (including music) and/or of visual presentation 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 goods or services;
- (b) for the purpose of this code of practice the term advertisement does not include:
  - (i) station identifications;
  - (ii) announcements in the public interest as the Broadcasting Authority may require to be broadcast under clause 23 (2) of the First Schedule to the Licence to Broadcast;
  - (iii) material for the promotion of the licensee’s station and programme services allowed under clause 23 (4) (b) of the First Schedule to the Licence to Broadcast;
  - (iv) mandatory sponsor identifications as required under this code of practice;
  - (v) material connected with charities and public appeals approved by the Broadcasting Authority and for which the licensee does not receive payment or other valuable consideration for their transmission;
  - (vi) references on television to the title of an event sponsored by a person other than the licensee carrying the trade name or brand name of the

sponsor and other incidental references to the trade name or brand name of the sponsor in a programme provided that

- (1) the licensee receives no consideration for such references;
- (2) no undue emphasis, whether aural or visual, is given to such references; and
- (3) the references do not obtrude on programme interest or entertainment;

(vii) incidental or natural references to goods or services in the course of a programme which are justifiable in programme context and do not obtrude on programme interest or entertainment; and

(viii) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes as permitted under Appendix IV - Supplementary Standards on Programme Sponsorship.

**5** (Deleted)

**6** All advertising matter must comply with the laws of Hong Kong.

**7** It is therefore the responsibility of licensees to ensure that the following practices are observed in the preparation and televising of all advertising matter:

- (a) the content, presentation and placement of all advertising matter must comply with the Code of Practice relating to Programme Standards. Particular care and good judgement should be exercised in respect of advertisements to be televised during times when large numbers of children or adolescents may be likely to be viewing. All advertisements televised during such periods must conform to the principles stated and must especially avoid taking advantage of the natural credulity and sense of loyalty of children;
- (b) advertising matter shall be presented with courtesy and good taste and disturbing material such as overly persistent repetition, and words and phrases implying emergency should be avoided; every effort shall be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears;
- (c) advertising matter shall contain no claims that have the effect of disparaging competitors, competing products or other industries, professions, or institutions;
- (d) no advertisement may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised or about its suitability for the purpose recommended. The supplementary standards on factual claims and best-selling claims set out in Appendix I are also to be complied with. The licensee shall have his

responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the claims made were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading; and

- (e) the same or substantially the same advertisement should not be broadcast contiguously. The Broadcasting Authority shall determine whether an advertisement is substantially the same as another advertisement.

### **Acceptability of Advertising Matter**

**8** Licensees shall observe the following standards for the acceptability of advertising matter and the sponsoring of programmes:

- (a) a licensee shall refuse the facilities of his station where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all legal requirements that apply to the advertiser;
- (aa) the licensee shall not broadcast an advertisement for an acceptable product or service if a significant effect of the advertisement would publicise indirectly a product or service which is unacceptable to be advertised on television. Where an advertisement for a particular product or service is not allowed in particular hours of the day, an advertisement which has a significant effect of publicising such a product or service shall likewise be prohibited in those hours. In determining whether the significant effect of an advertisement would publicise indirectly an unacceptable product or service for the purpose of this provision, the Broadcasting Authority shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the Broadcasting Authority, some relevant factors which may be taken into consideration shall include the following:
  - (i) whether the advertisement contains any visual or aural reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
  - (ii) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
  - (iii) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and

- (iv) the target audience, the arrangement of the broadcast and the placement of the advertisement;
- (b) a licensee may refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible section of the community.

### **Tobacco Advertising**

- (c) (i) The licensee shall comply with all relevant provisions relating to tobacco advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
- (ii) The presentation of tobacco products as prizes or gifts for television contests will not be permitted.
- (iii) At the discretion of the Broadcasting Authority, advertisements for certain tobacco related products such as cigarette holders, tobacco filters and other smoking accessories may be subject to the following rules:
  - (1) such advertising should be directed only to adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements; and
  - (2) such advertisements should not be broadcast in proximity to children's programmes; or at other times when television programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people.

### **Alcoholic Beverage Advertising**

- (d) The advertising of alcoholic liquor (as defined in the Dutiable Commodities Ordinance) also requires special consideration and is subject to the following conditions:
  - (i) such advertising should be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
  - (ii) such advertisements should not be screened in proximity to children's programmes; or at other times when television programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people;
  - (iii) the licensee shall not broadcast between the hours of 4:00pm and 8:30pm each day any liquor advertising or broadcast between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product;

- (iv) advertisements which attempt to present drinking as a desirable new experience or which portray drinking as indispensable to popularity and success will not be permitted;
- (v) the presentation of alcoholic liquor as prizes in isolation for television contests will not be permitted;
- (vi) the use of alcoholic beverages or products shall not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;
- (vii) alcoholic products shall not be advertised as similar to or equated with non-alcoholic products, e.g., soft drinks, fruit drinks, etc., which have particular appeal to children or young persons (for the purpose of this section, "young persons" mean young people who are under the age of 18);
- (viii) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (ix) selection of artistes in alcoholic beverage advertisements should be handled with care and the advertisements should avoid featuring any artiste, personality or celebrity who appears regularly in any children television programmes or who has a particular appeal to children or young persons;
- (x) use of alcoholic beverages or products shall not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g., the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (xi) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (xii) advertising shall not promote the misuse or abuse of alcoholic beverages;
- (xiii) advertising shall not suggest that drinking is a prerequisite to relaxation. Alcohol shall not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink;
- (xiv) advertising by retail liquor outlets for alcohol products shall adhere to the advertising standards on alcoholic drinks; and

(xv) advertising must not encourage, challenge or dare non-drinkers or young people to drink.

(dd) Drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, or drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor must not be advertised in or adjacent to children's programmes. The advertisements must also comply with subparagraphs (i), (ii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xii), (xiii), and (xv) of paragraph 8 (d) above.

### **Firearms**

(e) The advertising of firearms and associated equipment is prohibited.

### **Educational Courses**

(f) The licensee shall comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules.

### **Personal Products**

(g) Products of a personal nature require extreme care in the manner in which they are presented and some products in this category may not be permitted. Advertising of such products may also be subject to special time restrictions and frequency limits. Advertising of branded condoms is subject to supplementary standards as detailed in Appendix II.

(h) The advertising of sanitary napkins/tampons and similar products in particular, is subject to the following conditions:

(i) unless otherwise approved by the Broadcasting Authority:

(1) in the case of programmes specifically designed for woman, no more than three such advertisements may be broadcast in any half-hour programme or five in any one-hour programme; or

(2) in any other case, no more than two such advertisements may be broadcast in any one hour;

(ii) the presentation of such advertisements should be quiet and restrained (particularly in making any reference to the absorbency or the method of construction of the product or the materials used in the product). Any depiction of situations likely to engage the curiosity of children should be avoided. Moods should be natural and presenters shown informally in casual everyday situations;

(iii) all references to menstrual flow, leakage, staining, odour, deodorant, methods of use or application of the product are unacceptable;

- (iv) the product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers;
- (v) no sanitary protection commercial may contain anything likely to cause embarrassment or to undermine an individual's confidence in her own personal hygiene standards;
- (vi) no implication of or appeal to sexual or social insecurity is acceptable; and
- (vii) close-up shots on the crotch area are unacceptable.

### **Financial Advertising**

- (i) The licensee shall comply with the supplementary standards on financial advertising as set out in Appendix III.

### **Unacceptable Products and Services**

- (j) Advertisements for products or services coming within the recognized character of, or specifically concerned with, the following are not acceptable:
  - (i) (Deleted)
  - (ii) (Deleted)
  - (iii) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui, etc;
  - (iv) undertaker or others associated with death or burial: except advertisements for columbaria, which are acceptable provided that the following conditions are complied with:
    - (1) presentation of such advertisements should be dignified and restrained, and the licensee shall exercise due sensitivity in scheduling and presenting such advertisements; and
    - (2) all explicit references to death and technical aspects of associated services and morbid details must be avoided.
  - (v) unlicensed employment services, registries or bureaux;
  - (vi) organisations/companies/persons, seeking to advertise for the purpose of giving betting tips;
  - (vii) betting (including pools): this does not preclude advertisements for lotteries which are authorized by or under the Betting Duty Ordinance (Cap. 108) and for horse racing publications (whether printed or

otherwise) and pre-recorded information services (voice or data) on horse racing provided that the advertisement does not encourage betting or contain any reference to betting tips. No advertisements for these items shall be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries shall:

- (1) not be broadcast between 4:00pm and 8:30pm each day or at other times when television programmes, in the opinion of the Broadcasting Authority, are designed for and/or directed to young people;
- (2) be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- (3) not feature any personality who has particular appeal to children or adolescents;
- (4) not state or imply praise for those who participate in the advertised activity or denigrate those who abstain;
- (5) not mislead or exaggerate one's likelihood of winning;
- (6) not be instructional in nature or unduly exhort the public to bet;
- (7) not feature excessive or reckless betting; and
- (8) not present lotteries as an alternative to work or a way out of financial difficulties.

(viii) (Deleted)

(ix) (Deleted)

(x) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;

(xi) escort services in general and dating services targeting at young people under the age of 18; or

(xii) 'infoline' services which offer adult material of a sexual nature.

### **Property Advertising**

(k) No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong shall be accepted:

- (i) in respect of a completed building, unless the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
- (ii) in respect of an uncompleted building:
  - (1) unless the prior consent of the Land Registrar or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given; or
  - (2) unless the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C (3) of the Solicitors Practice Rules in regard to the sale and purchase of the affected property in the relevant Land Registry where consent as mentioned in (ii) (1) above is not required for the sale of units in such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation).
- (kk) No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong shall be accepted unless the developer or vendor is able to produce the following:
  - (i) a *letter* from a firm of solicitors/attorneys registered and recognized in the country where the property or land is situated confirming that
    - (1) all the requirements imposed by the local government relating to the development and sale of the property or land to be advertised have been properly complied with by the developer or vendor; and
    - (2) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the property or land to non-residents; and
    - (3) housing loan is available to prospective purchasers from a licensed financial institution, either locally or elsewhere, *and*
  - (ii) a *letter* from a firm of solicitors in Hong Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (i) above is registered in the country where the property or land is situated for the provision of legal advice within that jurisdiction.
- (l) No advertisement shall be accepted inviting members of the public to take part in any arrangements with respect to property, whether as an investment or

otherwise, the purpose of which is to enable them (whether by becoming owners of the property or part of the property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property.

- (l) The licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to property advertisements have been adequately substantiated by the advertisers. In particular,
- (i) no claim may expressly or by implication misrepresent the location, size and value of the property and the available transport facilities;
  - (ii) the lowest selling price of a property should be stated as such and should not give an impression that it is the average price;
  - (iii) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to overseas purchasers, if there is a significant difference in the prices; and
  - (iv) advertisements must not offer any furniture, home appliances or any other goods as “free gifts” unless such items are supplied at no cost or no extra cost to the recipient. The licensee needs to obtain a statement to this effect from the advertiser.

The licensee shall have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

### **Imitation**

- (m) Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee will not be permitted.

### **Film Advertisements**

- (n) Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, shall display the appropriate symbol applicable to the film under that ordinance. In addition, advertisements for films classified under categories other than Category I shall carry legible visual and/or aural advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be.

### **Advertising Breaks**

**9** Unless otherwise permitted by the Broadcasting Authority under section 23 (2A) of the Television Ordinance (Cap. 52) or clause 23 (7) of the First Schedule to the Licence to Broadcast, the

licensee shall not broadcast advertising (which for the purpose of the paragraph shall exclude classified advertising), or non-programme material except during breaks within or intervals between programmes. For the purpose of this Code “non-programme material” excludes the advertising material and classified advertising material referred to in section 23 of the Television Ordinance but includes materials for the promotion of the Licensee’s station and programme services and such announcements as the Broadcasting Authority shall require to be broadcast pursuant to section 8 (2) (b) (i) of the Television Ordinance.

**9A** Further to paragraph 9 the licensee shall also comply with the following rules:

- (a) the duration of each break within a programme and any interval between two programmes for the broadcast of advertising (excluding classified advertising) and non-programme material shall not exceed 3.5 minutes and 5 minutes respectively. The licensee may deviate from this rule in respect of live telecast events and sports programmes where it is in the interests of better viewing and presentation. For the purpose of paragraph 9A ‘event’ shall mean an important, interesting or unusual function organised or conducted by, or independent of, the licensee, the inherently structured parts of which are autonomous or natural, or in which the licensee, for artistic or practical reasons, will not normally be able to insert natural breaks without affecting the continuity of the perceived function. A ‘programme’ per se is not regarded as an ‘event’;
- (b) the duration of each period of advertising and non-programme material broadcast during a programme where so permitted shall not exceed 3.5 minutes;
- (c) the minimum duration of each programme segment between breaks or between an interval and a break should be 10 minutes. In the interests of better viewing and presentation, the licensee may deviate from this rule in respect of the following programmes:
  - (i) programmes produced by the Licensee prior to December 1988;
  - (ii) imported programmes with built-in breaks; and
  - (iii) live telecast events; and
  - (iv) sports programmes;
- (d) notwithstanding sub-paragraphs (a), (b) and (c), the Broadcasting Authority may vary any of the above durations in the interests of better viewing and presentation.

These limitations do not apply to the two permitted periods weekly for advertising magazines.

**10** In each sponsored programme the periods available for advertising, as set out in the preceding sub-paragraphs, may be used either for a single advertising announcement occupying the full period, or for several shorter advertisements, at the discretion of the licensee.

## **Programme Sponsorship**

**11** The licensee shall comply with the supplementary standards on programme sponsorship as set out in Appendix IV.

## **Medical Preparations and Treatments**

**12** The advertising of medical preparations and treatments is subject to the detailed rules given in Appendix V.

## **Advertising and Children**

**13** Particular care should be taken over advertising that is likely to be seen by large numbers of children and advertisements in which children are to be employed. More detailed guidance is given in Appendix VI.

## **Classified Advertisements**

**14** Classified advertisements may be inserted subject to the rules set out in Appendix VII.

## **Claims Relating to Nutritional and Dietary Effects**

**15** Claims relating to the nutritional and dietary effects of products or services should be handled with care. Advertisements for products and services containing such claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. The licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;
- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 6 of Appendix V governing professional advice and support;
- (f) the licensee must ensure that the advertisements which make claims relating to nutritional and dietary effects comply with all relevant legislation; and

- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
- (i) such advertisements must not be addressed to persons under 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
  - (ii) the licensee must obtain sound evidence showing that such services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
  - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were or appeared to be obese lose weight and become slimmer after using the product or service advertised;
  - (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials must neither be nor appear to be underweight; and
  - (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter<sup>2</sup> as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

## *Appendix I*

### ***SUPPLEMENTARY STANDARDS ON FACTUAL CLAIMS AND BEST-SELLING CLAIMS***

#### ***Claims to be substantiated***

**1** All factual claims and best-selling claims shall be capable of substantiation. Statements should not be used in respect of any products that they are “the best”, “the most successful”, “safest”, “quickest”, or containing any similar use of superlative adjectives unless the truthfulness of such statements is adequately substantiated.

**2** Where a factual claim is substantiated by research or testing based on the advertiser’s own assessment or work done at his request, the source and date of the assessment or research should be indicated in the advertisement.

**3** Best-selling claims are further subject to the following rules:

(a) such claims shall be substantiated by:

(i) independently audited sales figures; or

(ii) probability sample surveys which are recognized or endorsed by an industry body or accepted under the industry-wide standards of the relevant trade of the advertisers or are scientifically conducted to ensure that the findings are statistically significant, reliable and valid; and

(b) best-selling claims shall not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement of the category of brand leadership, country, and the time period it covers e.g. “In 1992, Brand X is the No. 1 selling\_\_(product category) in Hong Kong”.

**4** Superlatives like “most popular”, “most preferred”, “most favoured”, etc., when used in a manner which clearly suggests a number one sales position, will be subject to the same standards governing best-selling claims.

#### ***Misleadingness***

**5** No advertisement may misleadingly claim or imply that the product or service advertised, or any ingredient of it, has some special features or compositions which are incapable of being established.

**6** References to the results of research surveys or tests relating to the product to be advertised should be presented carefully, so as not to mislead viewers. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics

of limited validity must not be presented in such a way as to make it appear that they are universally true.

**7** Information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

**8** Visual and verbal presentations of advertisements indicating price, price comparisons or reductions or any pricing element must be accurate and must not be misleading by undue emphasis or distortion.

***Superimposed Text***

**9** When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

**10** Special attention should be paid to the typeface, letter spacing, line spacing, background or other element of presentation including without limitation the interaction with the background which may render the text blurred or otherwise indistinct.

*Appendix II*

***SUPPLEMENTARY STANDARDS FOR ADVERTISEMENTS FOR BRANDED  
CONDOMS***

- 1**        The advertisement shall be restrained and in good taste.
- 2**        (Deleted)
- 3**        The advertisement shall be factual only and shall not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune-Deficiency Syndrome (AIDS).
- 4**        The advertisement shall display a sense of social responsibility and shall not promote or appear to promote promiscuity.
- 5**        Except with the special permission of the Broadcasting Authority, the advertisement shall not be broadcast between 6:00am and 8:30pm and shall be subject to a quantitative limit to be imposed by the station concerned of not more than two such advertisements in any one hour.
- 6**        Standard marketing techniques such as pack offers and samples may be used.
- 7**        All condom products advertised or to be advertised shall conform to the internationally accepted standards required of rubber condoms.

## *Appendix III*

### **SUPPLEMENTARY STANDARDS ON FINANCIAL ADVERTISING**

#### ***Legal Responsibility***

**1** It is the responsibility of the licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) Protection of Investors Ordinance (Cap. 335);
- (b) Securities Ordinance (Cap. 333);
- (c) Companies Ordinance (Cap. 32);
- (d) Banking Ordinance (Cap. 155);
- (e) Insurance Companies Ordinance (Cap. 41);
- (f) Codes of the Securities and Futures Commission (SFC), including:
  - (i) Code on Unit Trusts & Mutual Funds;
  - (ii) Code on Investment-linked Assurance and Pooled Retirement Funds;
  - (iii) Code on Immigration-linked Investment Schemes;
  - (iv) any other prevailing rules and guidelines on other types of investment arrangement regulated by the SFC such as paper gold schemes and commercial paper;
- (g) Exchange Rules of the Stock Exchange of Hong Kong and Rules of the Hong Kong Futures Exchange Limited.

(The list is for reference only and it is the responsibility of the users of this code to ascertain the applicable and up-to-date legal and regulatory requirements.)

#### ***Deposit and Savings Facilities***

**2** Advertisements for deposit and savings facilities shall comply with the following provision:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized under the Banking Ordinance:
  - (i) the advertisement shall not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;

- (ii) an advertisement shall not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless the advertisement also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
  - (iii) no reference shall be made to the amount of the nominal or authorized capital of the institution; and
  - (iv) no reference shall be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together;
- (b) for invitations to make a deposit outside Hong Kong, the advertisement shall comply with the requirements specified in the Fifth Schedule to the Banking Ordinance.

### ***Lending and Credit***

**3** Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

### ***Review or Advice about the Stock Market or Investment Prospects***

**4** Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements shall not contain any review of or advice about the stock market or investment prospects or make reference to specific securities or investment products.

### ***Investment Products***

**5** Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes and immigration-linked investment schemes, shall only be those authorized by the SFC pursuant to s.4 (2) (g) of the Protection of Investors Ordinance (Cap. 335).

### ***Investment Advisers***

**6** Advertisements for investment advisers shall comply with the relevant provisions of the Protection of Investors Ordinance (Cap. 335) (including the requirement for the adviser to be licensed by the SFC) and, where appropriate, Rules of the Stock Exchange of Hong Kong.

### ***Financial Publications***

**7** Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on specific securities or investment products; advertisements for subscription services must be in general terms and make no reference to specific securities or investment products.

*Estimates of the Proceeds of Insurance Policies*

**8** No numerical examples of the proceeds of insurance policies shall be quoted that include estimates of future bonus or dividend declarations on participating life insurance policies or of the growth in capital values or the investment returns that determine the benefits under linked policies.

## *Appendix IV*

### ***SUPPLEMENTARY STANDARDS ON PROGRAMME SPONSORSHIP***

These rules shall not apply to advertising magazine programmes or classified advertisements.

**1** A programme is sponsored if it is broadcast in return for payment or other valuable consideration (which includes the programme itself) to the licensee. A programme includes a part thereof or a programme segment.

**2** A sponsored programme must be clearly identified as such by:

(a) a front or an end credit or both which can be visual and/or aural and must conform with the following rules:

(i) it may only include the sponsor's name or his trade/brand/product/service name or trademark/logo which is essential identifying information for the sponsor and shall not contain any promotional reference including any advertising slogan or copyline or show any product or service;

(ii) front sponsor credits must precede, and not be integrated within, any element of the programme; and

(iii) a front or end credit must not exceed 10 seconds in length where one sponsor is involved; and 30 seconds where there is more than one; or

(b) in the case of sole sponsorship only, incorporating the sponsor's house or brand name into a programme title which is subject to the following rules:

(i) any qualifying words relating to its attributes, product category or advertising slogan of the sponsor shall not be used;

(ii) the trade name of the sponsor or the product category may be used if this is essential to establish the sponsor's identity;

(iii) the graphic presentation of such a title must be uniform in size, lettering and colour and the sponsor's name should not be made to stand out from the rest of the programme title. The typeface used should not resemble that of the sponsor's advertisement or trade mark; and

(iv) the superimposition of programme titles bearing the sponsor's name as programme identifiers during programme segments shall be restricted to once in every segment and shall be of not more than 5 seconds duration.

**3** Notwithstanding paragraph 2, a sponsored programme may as an alternative to 2 (a), or in addition to 2 (b), also be identified as such by way of advertisements which shall count towards the advertising time allowances.

**4** There must be no reference to the sponsor's name, product/service, product name, trade mark or slogan in any programme unless it is used incidentally. Such references shall not obtrude on programme interest or entertainment.

**5** No sponsored programme may contain within it any promotional reference to any other product or service.

**6** Factual aural/visual references to the sponsor's provision of the prize/prizes not otherwise constituting advertisements are allowed in contests provided that they are not used excessively.

**7** Subject to the above provisions, the inclusion of, or reference to, a product or service or any recognisable brand names or commercial interest shall not be acceptable in a programme unless it is of an incidental nature and no undue prominence is given to the product or service, etc. in question.

**8** Promos of a sponsored programme are subject to the following rules:

(a) No reference to sponsors may be allowed except where the sponsor's house or brand name is an integral part of the station's official programme title and the rules in paragraph 2 (b) where applicable are complied with. A promo may be followed by advertisements announcing the sponsors which shall count towards the advertising time allowances.

(b) Announcements of television contests may include factual references to prizes or means of obtaining entry forms but such references shall not contain advertisement for any product/service or commercial interest.

**9** The licensee shall not accept sponsorship in respect of products/services/establishments in so far as they are not acceptable for advertising under the main code. However, acknowledgement to such establishments may be included in the rolling end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

**10** These supplementary standards apply also to acquired programmes which were not produced by the licensee. Films made for the cinema and coverage of sporting and other events taking place outside Hong Kong, however, may deviate from these standards where this is unavoidable.

## *Appendix V*

### ***SUPPLEMENTARY STANDARDS ON MEDICAL PREPARATIONS AND TREATMENTS***

#### ***Undesirable Medical Advertisements Ordinance***

**1** The licensee shall ensure that all medical advertisements conform with the laws of Hong Kong, including the Undesirable Medical Advertisements Ordinance (Cap. 231).

#### ***Medical Preparation***

**2** The term ‘medical preparation’ shall mean any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy including:

Mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use.

Drops or paints, such as eye, ear or nose drops, throat paint, etc.

Ointments, creams, pastes or powders for therapeutic use externally.

Liniments or any product to be rubbed on.

Injections.

Foods which claim to assist ‘regularity’ or other health problems.

#### ***Restricted Medical Preparations***

**3** Advertisements for medical preparations which contain any drug restricted for sale under the Pharmacy and Poisons Ordinance (Cap. 138) are not acceptable.

#### ***Unacceptable Products or Services***

**4** Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable:

(a) smoking cures;

(b) clinics for the treatment of hair and scalp;

(c) pregnancy testing services; and

(d) clinical laboratory testing services.

### ***Prevention, Relief or Cure of Diseases or Conditions***

**5** Advertisements on any course of treatment or medical preparation which is directly or by implication held out as being effective for the prevention, relief or cure of any disease or condition in so far as they are prohibited or restricted under section 3 (1) (a) in the Undesirable Medical Advertisements Ordinance (Cap. 231) are not acceptable. Advertisements on medical preparations or treatments for the following are also prohibited:

- (a) the relief or cure of alcoholism and drug addiction;
- (b) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (c) procuring miscarriage or abortion.

### ***Impressions of Professional Advice and Support***

**6** Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself shall be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and
- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

### ***Appeals to Fear or Exploitation of Credulity***

**7** No spoken or pictorial representation shall be used which dramatises distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No spoken or pictorial representation of vivisection shall be allowed. No advertisement shall contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

### ***Conditions Requiring Medical Attention***

**8** Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

### ***Encouragement of Excess***

**9** No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

### ***Exaggeration***

**10** No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. The following rules shall also be complied with:

- (a) Statements shall not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.
- (b) Except for Chinese homeopathic/herbal preparations, advertisements for products shall not be accepted if they contain claims that the product is 'centuries old' or 'known to the ancients' or similar claims.

### ***General Statements***

**11** Advertisements shall not contain:

- (a) general statements which mislead viewers by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or
- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

### ***Depiction of Patients***

**12** Advertisements shall not show a patient receiving treatment or under the influence of a drug or hypnotism. The appearance of a patient implying or testifying to the cure of any condition is also not acceptable.

### ***Description of Bodily Functions***

**13** Graphic or repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

***Derogatory Reference to Physical or Mental affliction***

**14** No derogatory reference whether spoken or visual shall be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

***Sales Promotions***

**15** No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

## *Appendix VI*

### *ADVERTISING AND CHILDREN*

#### *The Viewing Child*

**1** No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to see, which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular:

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee shall have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement dealing with the activities of a club is allowed without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.
- (e) While it is recognised that children are not the direct purchaser of many products over which they are naturally allowed to exercise preference, care should be taken that they are not encouraged to make themselves a nuisance to other people in the interests of any particular product or service. In an advertisement offering a free gift, a premium or a competition for children, the main emphasis of the advertisement must be on the product with which the offer is associated.
- (f) If there is to be a reference to a competition for children in an advertisement, the value of prizes and the chances of winning one must not be exaggerated.

- (g) The true size of the product advertised and any free gift for children should be made easy to judge. Where necessary, they can be shown in relation to some common objects against which their actual scales can be easily judged.

### ***Restrictions on Transmission Time***

- 1A** (a) Advertisements for products or services, films and any material which are considered as not suitable for children may not be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.
- (b) Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.

### ***The Child in Advertisements***

**2** The appearance of children in advertisements is subject to the following conditions:

- (a) Contributions to Safety

Any situations in which children are to be seen in television advertisements should be carefully considered from the point of view of safety.

In particular:

- (i) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety; should not be seen playing in the road unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes should be seen to use zebra crossings in crossing the road, and should be otherwise seen in general as pedestrians, cyclists or passengers, to behave in accordance with the Road Users Code.
- (ii) Children should not be seen leaning dangerously out of windows or over bridges, climbing cliffs or playing in or near water unaccompanied by adults, or playing irresponsibly on escalators.
- (iii) Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.
- (iv) Medicines, disinfectants, antiseptics and caustic substances must not be shown within reach of children without close parental supervision, nor should children be shown using these products in any way.

- (v) Children must not be shown using fire, matches or any gas, paraffin, petrol, mechanical or mains-powered appliance which could lead to their suffering burns, electrical shock or other injury.
- (vi) Children must not be shown driving or riding on agricultural machines (including tractor-drawn carts or implements).
- (vii) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. Parental supervision is required when children are shown engaging in activities potentially dangerous to them.

Except that in advertisements designed specifically and only to promote safety it may be acceptable to show children, for that purpose, in dangerous situations.

*(b)* Good Manners and Behaviour

Children seen in advertisements should be presented in such a manner as to set a good example of behaviour and manners.

*(c)* Alcoholic Liquor and Tobacco Related Products

Children and adolescents will not be permitted to participate in the presentation of advertisements for alcoholic liquor or tobacco related products.

## *Appendix VII*

### ***SUPPLEMENTARY STANDARDS FOR CLASSIFIED ADVERTISEMENTS***

**1** The licensee shall observe the following principles in the broadcast of classified advertisements:

- (a) classified advertising should supplement other modes of advertising on television in meeting the advertising and information needs of specific groups or individuals; and
- (b) classified advertising is primarily intended to serve the needs of individuals and small businesses which cannot afford regular advertising spots and advertising magazines. Individuals and small businesses should therefore be given reasonable access to this form of advertising in a manner consistent with the standards laid down in this Code.

**2** Classified advertisements may only be broadcast en bloc and inserted only in intervals between programmes. All blocs of classified advertisements must be identified as such.

**3** Blocs of classified advertisements totalling up to 15 minutes may be broadcast between the hours of 12 midnight and 4:00 pm the following afternoon. Each bloc should not last more than eight minutes. In addition, there should be a minimum of two hours between any two blocs of classified advertisements.

**4** In any bloc of classified advertisements, the air time occupied by a single product or service should not exceed 60 seconds. The maximum time occupied by any single advertiser should not exceed one-third of the total air time of the bloc.

**5** Advertisements for the same product or service may not be repeated within the same bloc of classified advertisements.

**6** Any products or services that have been advertised on television outside the air time set aside for classified advertising within a period of six months should not be the subject of classified advertisements.

*Appendix VIII*

(Deleted)

**SUBSCRIPTION TELEVISION CODE OF PRACTICE**

**ON ADVERTISING STANDARDS**

**AS AT 24 March 2000**

## **Preamble**

**1** This Code of Practice is designed to lay down the standards to be observed by the licensee for the acceptance of advertising material, including home shopping material, for transmission on subscription television. The Code is divided into two parts. All advertising material must comply with the rules and standards set out in Part A. In addition all home shopping material must also comply with the standards set out in Part B.

**2** The general principle which will govern all television advertising is that it should be legal, clean, honest and truthful. It is recognized that this principle is not peculiar to the television medium, but is one which applies to all reputable advertising in other media in Hong Kong. Nevertheless, television, because of its greater intimacy within the home, gives rise to problems which do not necessarily occur in other media and it is essential to maintain a consistently high quality of television advertising.

### **Part A - Advertising Standards**

**3** Advertising material shall be clearly identifiable as an advertisement, and an advertising magazine shall be clearly described as such when being broadcast. Advertisements built into satellite feed services which are produced primarily for reception outside Hong Kong and transmitted by the licensee but which do not contribute to the advertising revenue of the licensee may deviate from this standard where compliance is not feasible without interrupting transmission by the licensee.

**4** The detailed rules set out below are intended to be applied in the spirit as well as the letter and should be taken as laying down the minimum standards to be observed. They are to be read in conjunction with all other relevant advertising and programme standards and related statutory controls.

**5** The following definition applies in this code of practice unless the contrary intention appears:

“Advertisement” means

- (a) any broadcast material 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, sound effects (including music) and/or of visual presentation 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 goods or services;
- (b) for the purpose of this code of practice the term advertisement does not include:
  - (i) station and channel identifications;

- (ii) announcements in the public interest as the Broadcasting Authority may require to be broadcast under clause 20 to the Licence to Broadcast;
- (iii) material for the promotion of the licensee's station and programme services;
- (iv) mandatory sponsor identifications as required under this code of practice;
- (v) material connected with charities and public appeals approved by the Broadcasting Authority and for which the licensee does not receive payment or other valuable consideration for their transmission;
- (vi) references on television to the title of an event sponsored by a person other than the licensee carrying the trade name or brand name of the sponsor and other incidental references to the trade name or brand name of the sponsor in a programme provided that
  - (1) the licensee receives no consideration for such references;
  - (2) no undue emphasis, whether aural or visual, is given to such references; and
  - (3) the references do not obtrude on programme interest or entertainment;
- (vii) incidental or natural references to goods or services in the course of a programme which are justifiable in programme context and do not obtrude on programme interest or entertainment; and
- (viii) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes as permitted under Appendix IV-Supplementary Standards on Programme Sponsorship.

**6** All advertising matter must comply with the laws of Hong Kong.

**7** It is therefore the responsibility of the licensee to ensure that the following practices are observed in the preparation and televising of all advertising matter:

- (a) the content, presentation and placement of all advertising matter must comply with the Subscription Television Code of Practice on Programme Standards. Particular care and good judgment should be exercised in respect of advertisements to be televised during times when large numbers of children or adolescents may be likely to be viewing. All advertisements televised during such periods must conform to the principles stated and must especially avoid taking advantage of the natural credulity and sense of loyalty of children. Advertisements which are not suitable for children shall not be broadcast within or in close proximity to programmes designed particularly for children;

- (b) advertising matter shall be presented with courtesy and good taste and disturbing material such as overly persistent repetition, and words and phrases implying emergency should be avoided; every effort shall be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears;
- (c) advertising matter shall contain no claims that have the effect of disparaging competitors, competing products or other industries, professions, or institutions;
- (d) no advertisement may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised or about its suitability for the purpose recommended. The supplementary standards on factual claims and best-selling claims set out in Appendix I are also to be complied with. The licensee shall have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the claims made were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading; and
- (e) the same or substantially the same advertisement should not be broadcast contiguously. The Broadcasting Authority shall determine whether an advertisement is substantially the same as another advertisement.

### **Acceptability of Advertising Matter**

**8** Licensees shall observe the following standards for the acceptability of advertising matter and the sponsorship of programmes:

- (a) a licensee shall refuse the facilities of his station where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all legal requirements that apply to the advertiser;
- (b) the licensee shall not broadcast an advertisement for an acceptable product or service if a significant effect of the advertisement would publicize indirectly a product or service which is unacceptable to be advertised on television. Where an advertisement for a particular product or service is not allowed in particular hours of the day or on a particular channel(s) or service, an advertisement which has a significant effect of publicizing such a product or service shall likewise be prohibited in those hours or on that channel(s) or service. In determining whether the significant effect of an advertisement would publicize indirectly an unacceptable product or service for the purpose of this provision, the Broadcasting Authority shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the Broadcasting Authority, some relevant factors which may be taken into consideration shall include the following:

- (i) whether the advertisement contains any visual or aural reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
  - (ii) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
  - (iii) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and
  - (iv) the target audience, the arrangement of the broadcast and the placement of the advertisement;
- (c) a licensee may refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible section of the community.

### **Tobacco Advertising**

- 9**
- (a) The licensee shall comply with all relevant provisions relating to tobacco advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
  - (b) The presentation of tobacco products as prizes or gifts for contests in programmes will not be permitted.
  - (c) At the discretion of the Broadcasting Authority, advertisements for certain tobacco related products such as cigarette holders, tobacco filters and other smoking accessories may be subject to the following rules:
    - (i) such advertising should be directed only to adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements; and
    - (ii) such advertisements should not be transmitted in proximity to children's programmes or in programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people.

### **Alcoholic Beverage Advertising**

**10** The advertising of alcoholic liquor (as defined in the Dutiable Commodities Ordinance) also requires special consideration and is subject to the following conditions:

- (a) such advertising should be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- (b) such advertisements should not be screened in proximity to children's programmes; or at other times when television programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people;
- (c) with the exception of adult services with access control, the licensee shall not broadcast between the hours of 4:00pm and 8:30pm each day any liquor advertising or broadcast between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product;
- (d) advertisements which attempt to present drinking as a desirable new experience or which portray drinking as indispensable to popularity and success will not be permitted; and
- (e) the presentation of alcoholic liquor as prizes in isolation for television contests will not be permitted.
- (f) the use of alcoholic beverages or products shall not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;
- (g) alcoholic products shall not be advertised as similar to or equated with non-alcoholic products, e.g., soft drinks, fruit drinks, etc., which have particular appeal to children or young persons (for the purpose of this section, "young persons" mean young people who are under the age of 18);
- (h) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (i) selection of artistes in alcoholic beverage advertisements should be handled with care and the advertisements should avoid featuring any artiste, personality or celebrity who appears regularly in any children television programmes or who has a particular appeal to children or young persons;
- (j) use of alcoholic beverages or products shall not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g., the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (k) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (l) advertising shall not promote the misuse or abuse of alcoholic beverages;

- (m) advertising shall not suggest that drinking is a prerequisite to relaxation. Alcohol shall not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink;
- (n) advertising by retail liquor outlets for alcohol products shall adhere to the advertising standards on alcoholic drinks; and
- (o) advertising must not encourage, challenge or dare non-drinkers or young people to drink.

**11** Drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, or drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor must not be advertised in or adjacent to children's programmes. The advertisements must also comply with subparagraphs (a), (b), (d), (e), (f), (g), (h), (i), (j), (l), (m), and (o) of paragraph 10 above.

### **Firearms**

**12** The advertising of firearms and associated equipment is prohibited.

### **Educational Courses**

**13** The licensee shall comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules.

### **Personal Products**

**14** Products of a personal nature require extreme care in the manner in which they are presented and some products in this category may not be permitted. When advertising such products, the licensee shall also consider the target audience of the channels or programmes. The broadcast of such advertisements on channels which are designed particularly for children or young people should be treated with care.

**15** The advertising of branded condoms is subject to supplementary standards as detailed in Appendix II.

**16** The advertising of sanitary napkins/tampons and similar products in particular, is subject to the following conditions:

- (a) unless otherwise approved by the Broadcasting Authority:
  - (i) on channels specifically designed for women, no more than three such advertisements may be broadcast in any half-hour programme or five in any one-hour programme; or
  - (ii) on other channels not specifically designed for women, there shall be no more than two such advertisements in any one hour programme;

- (iii) the restrictions (i) and (ii) above do not apply to Home Shopping Channel and adult services with access control.
- (b) the presentation of such advertisements should be quiet and restrained (particularly in making any reference to the absorbency or the method of construction of the product or the materials used in the product). Any depiction of situations likely to engage the curiosity of children should be avoided. Moods should be natural and presenters shown informally in casual everyday situations;
- (c) all references to menstrual flow, leakage, staining, odour, deodorant, methods of use or application of the product are unacceptable;
- (d) the product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers;
- (e) no sanitary protection commercial may contain anything likely to cause embarrassment or to undermine an individual's confidence in her own personal hygiene standards;
- (f) no implication of or appeal to sexual or social insecurity is acceptable; and
- (g) close-up shots on the crotch area are unacceptable.

### **Financial Advertising**

**17** The licensee shall comply with the supplementary standards on financial advertising as set out in Appendix III.

### **Unacceptable Products and Services**

**18** Advertisements for products or services coming within the recognized character of, or specifically concerned with, the following are not acceptable:

- (a) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui, etc.;
- (b) undertaker or others associated with death or burial: except advertisements for columbaria, which are acceptable provided that the following conditions are complied with:
  - (i) presentation of such advertisements should be dignified and restrained, and the licensee shall exercise due sensitivity in scheduling and presenting such advertisements; and
  - (ii) all explicit references to death and technical aspects of associated services and morbid details must be avoided;

- (c) unlicensed employment services, registries or bureaux;
- (d) organisations/companies/persons, seeking to advertise for the purpose of giving betting tips;
- (e) betting (including pools): this does not preclude advertisements for lotteries which are authorized by or under the Betting Duty Ordinance (Cap. 108) and for horse racing publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing provided that the advertisement does not encourage betting or contain any reference to betting tips. No advertisements for these items shall be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries shall:
  - (i) not be broadcast at times when television programmes, in the opinion of the Broadcasting Authority, are designed for and/or directed to young people;
  - (ii) be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
  - (iii) not feature any personality who has particular appeal to children or adolescents;
  - (iv) not state or imply praise for those who participate in the advertised activity or denigrate those who abstain;
  - (v) not mislead or exaggerate one's likelihood of winning;
  - (vi) not be instructional in nature or unduly exhort the public to bet;
  - (vii) not feature excessive or reckless betting; and
  - (viii) not present lotteries as an alternative to work or a way out of financial difficulties.
- (f) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;
- (g) escort services in general and dating services targeting at young people under the age of 18; or
- (h) 'infoline' services which offer adult material of a sexual nature, on channels other than adult services with access control.

## **Property Advertising**

**19** No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong shall be accepted:

- (a) in respect of a completed building, unless the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
- (b) in respect of an uncompleted building:
  - (i) unless the prior consent of the Land Registrar or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given; or
  - (ii) unless the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C (3) of the Solicitors Practice Rules in regard to the sale and purchase of the affected property in the relevant Land Registry where consent as mentioned in (b) (i) above is not required for the sale of units in such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation).

**20** No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong shall be accepted unless the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognized in the country where the property or land is situated confirming that
  - (i) all the requirements imposed by the local government relating to the development and sale of the property or land to be advertised have been properly complied with by the developer or vendor; and
  - (ii) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the property or land to non-residents; and
  - (iii) housing loan is available to prospective purchasers from a licensed financial institution, either locally or elsewhere, and
- (b) a letter from a firm of solicitors in Hong Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (a) above is registered in the country where the property or land is situated for the provision of legal advice within that jurisdiction.

**21** No advertisement shall be accepted inviting members of the public to take part in any arrangements with respect to property, whether as an investment or otherwise, the purpose of which is to enable them (whether by becoming owners of the property or part of the property or otherwise) to

participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property.

**22** The licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to property advertisements have been adequately substantiated by the advertisers. In particular,

- (a) no claim may expressly or by implication misrepresent the location, size and value of the property and the available transport facilities;
- (b) the lowest selling price of a property should be stated as such and should not give an impression that it is the average price;
- (c) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to overseas purchasers, if there is a significant difference in the prices; and
- (d) advertisements must not offer any furniture, home appliances or any other goods as “free gifts” unless such items are supplied at no cost or no extra cost to the recipient. The licensee needs to obtain a statement to this effect from the advertiser.

The licensee shall have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

### **Imitation**

**23** Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee will not be permitted.

### **Film Advertisements**

**24** Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, shall display the appropriate symbol applicable to the film under that ordinance. In addition, advertisements for films classified under categories other than Category I shall carry legible visual and/or aural advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be.

### **Advertising Breaks**

**25** Unless otherwise permitted by the Broadcasting Authority under section 23 (2A) of the Television Ordinance (Cap. 52) or clause 21 of the Licence to Broadcast, the licensee shall not broadcast advertising (which for the purpose of the paragraph shall exclude classified advertising), or non-programme material except during breaks within or intervals between programmes. For the purpose of this Code “non-programme material” excludes advertising material and classified advertising material referred to in section 23 of the Television Ordinance but includes materials for the promotion of the Licensee’s station and programme services and such announcements as the Broadcasting Authority shall require to be broadcast pursuant to section 8 (2) (b) (i) of the Television

Ordinance. The standards in this paragraph apply also to programmes of satellite feed services transmitted by the licensee. Advertisements built into such programmes which are produced primarily for reception outside Hong Kong but which do not contribute to the advertising revenue of the licensee may deviate from these standards where compliance is not feasible without interrupting transmission by the licensee.

**26** (Deleted)

**27** (Deleted)

### **Programme Sponsorship**

**28** The licensee shall comply with the supplementary standards on programme sponsorship as set out in Appendix IV.

### **Medical Preparations and Treatments**

**29** The advertising of medical preparations and treatments is subject to the detailed rules given in Appendix V.

### **Advertising and Children**

**30** Particular care should be taken over advertising that is likely to be seen by large numbers of children and advertisements in which children are to be employed. More detailed guidance is given in Appendix VI.

### **Classified Advertisements**

**31** Classified advertisements may be inserted subject to the rules set out in Appendix VII.

### **Claims Relating to Nutritional and Dietary Effects**

**32** Claims relating to the nutritional and dietary effects of products or services should be handled with care. Advertisements for products and services containing such claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. The licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;

- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 6 of Appendix V governing professional advice and support;
- (f) the licensee must ensure that the advertisements which make claims relating to nutritional and dietary effects comply with all relevant legislation; and
- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
  - (i) such advertisements must not be addressed to persons under 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
  - (ii) the licensee must obtain sound evidence showing that such services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
  - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were or appeared to be obese lose weight and become slimmer after using the product or service advertised;
  - (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials must neither be nor appear to be underweight; and
  - (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter<sup>2</sup> as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

### **Religious and Political Advertising**

**33** No advertising material of a religious or political nature shall be broadcast.

## **Part B - Home Shopping Standards**

### **Home Shopping Channel**

**34** Home shopping channel is a service authorized by the Broadcasting Authority to be broadcast as part of the subscription service of the licensee and carried on a channel dedicated exclusively either to home shopping material, or for the promotion of the subscription service of the licensee as well as home shopping material.

### **Home Shopping Material**

**35** Home shopping material is defined as that promoting a product or a service whereby viewers can make a direct response to place an order with the licensee, or the supplier in association with the licensee, by using the telecommunication network operated by the licensee in accordance with the subscription television licence issued under the Television Ordinance (Cap. 52) or any other telecommunication network or by mail. Apart from compliance with the standards set out in Part A, home shopping material, whether carried in the home shopping channel or in other channels, must also comply with the provisions in this Part of the Code.

### **Provisions for Direct Response**

**36** The licensee shall not accept home shopping material unless:

- (a) arrangements have been made for enquirers to be informed by the licensee of the name and full address of the party making the promotion if this is not given in the material shown;
- (b) adequate arrangements exist at that address for enquiries to be handled by a responsible person available on the premises during normal business hours;
- (c) samples of goods promoted are made available there for public inspection;
- (d) the party promoting the goods has sufficient stocks and is able to meet any reasonable demand created by the promotion. If supply of the goods is limited, this should be clearly stated in the promotion;
- (e) the party promoting the goods is able to fulfil orders within 30 days from receipt unless the licensee is satisfied that there are particular circumstances where it would be reasonable for the party to state in the promotion a period in excess of 30 days;
- (f) an undertaking has been received from the party promoting the goods that money will be refunded promptly and in full to buyers who can show justifiable cause for dissatisfaction with their purchases or with delay in delivery; and
- (g) where it is the intention of the party making the promotion to send a representative to call on persons responding to the promotion, this fact must be apparent from the promotion or from the particulars subsequently supplied and

the respondent must be given an adequate opportunity of refusing any such call. In the case of such promotion:

- (i) the party making the promotion must give adequate assurances that sales representatives, when calling upon persons responding to the promotion, will demonstrate and make available for sale the goods promoted at the price stated in the promotion; and
- (ii) it will be taken as prima facie evidence of misleading and unacceptable bait promotion for the purpose of switch selling if the sales representatives of the party making the promotion disparage or belittle any cheaper goods promoted or indicate unreasonable delays in obtaining delivery or otherwise put difficulties in the way of its purchase.

### **Premium Rate Telephone Services**

**37** Promotion for live conversation services or recorded message services must comply with the following:

- (a) the cost of the call must be given in the form of a price-per-minute; and
- (b) in the case of services (excluding live conversation) which normally involve a call of at least five minutes, a warning to the effect that use of the service might involve a long call must be given in the promotion.

## *Appendix I*

### ***SUPPLEMENTARY STANDARDS ON FACTUAL CLAIMS AND BEST-SELLING CLAIMS***

#### ***Claims to be substantiated***

**1** All factual claims and best-selling claims shall be capable of substantiation. Statements should not be used in respect of any products that they are “the best”, “the most successful”, “safest”, “quickest”, or containing any similar use of superlative adjectives unless the truthfulness of such statements is adequately substantiated.

**2** Where a factual claim is substantiated by research or testing based on the advertiser’s own assessment or work done at his request, the source and date of the assessment or research should be indicated in the advertisement.

**3** Best-selling claims are further subject to the following rules:

(a) such claims shall be substantiated by:

(i) independently audited sales figures; or

(ii) probability sample surveys which are recognized or endorsed by an industry body or accepted under the industry-wide standards of the relevant trade of the advertisers or are scientifically conducted to ensure that the findings are statistically significant, reliable and valid; and

(b) best-selling claims shall not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement of the category of brand leadership, country, and the time period it covers e.g. “In 1996, Brand X is the No. 1 selling \_\_\_\_ (product category) in Hong Kong”.

**4** Superlatives like “most popular”, “most preferred”, “most favoured”, etc., when used in a manner which clearly suggests a number one sales position, will be subject to the same standards governing best-selling claims.

#### ***Misleadingness***

**5** No advertisement may misleadingly claim or imply that the product or service advertised, or any ingredient of it, has some special features or compositions which are incapable of being established.

**6** References to the results of research surveys or tests relating to the product to be advertised should be presented carefully, so as not to mislead viewers. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics

of limited validity must not be presented in such a way as to make it appear that they are universally true.

**7** Information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

**8** Visual and verbal presentations of advertisements indicating price, price comparisons or reductions or any pricing element must be accurate and must not be misleading by undue emphasis or distortion.

***Superimposed Text***

**9** When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

**10** Special attention should be paid to the typeface, letter spacing, line spacing, background or other element of presentation including without limitation the interaction with the background which may render the text blurred or otherwise indistinct.

## *Appendix II*

### ***SUPPLEMENTARY STANDARDS FOR ADVERTISEMENTS FOR BRANDED CONDOMS***

- 1**        The advertisement shall be restrained and in good taste.
- 2**        The advertisement shall be factual only and shall not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune- Deficiency Syndrome (AIDS).
- 3**        The advertisement shall display a sense of social responsibility and shall not promote or appear to promote promiscuity.
- 4**        Except with the special permission of the Broadcasting Authority, such advertisement shall be subject to a quantitative limit of not more than two in any one hour. This restriction does not apply to Home Shopping Channel and adult services with access control.
- 5**        Branded condoms shall not be advertised in programmes targeted at children.
- 6**        Standard marketing techniques such as pack offers and samples may be used.
- 7**        All condom products advertised or to be advertised shall conform to the internationally accepted standards required of rubber condoms.

## *Appendix III*

### *SUPPLEMENTARY STANDARDS ON FINANCIAL ADVERTISING*

#### *Legal Responsibility*

**1** It is the responsibility of the licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) Protection of Investors Ordinance (Cap. 335);
- (b) Securities Ordinance (Cap. 333);
- (c) Companies Ordinance (Cap. 32);
- (d) Banking Ordinance (Cap. 155);
- (e) Insurance Companies Ordinance (Cap. 41);
- (f) Codes of the Securities and Futures Commission (SFC), including:
  - (i) Code on Unit Trusts & Mutual Funds;
  - (ii) Code on Investment-linked Assurance and Pooled Retirement Funds;
  - (iii) Code on Immigration-linked Investment Schemes;
  - (iv) any other prevailing rules and guidelines on other types of investment arrangement regulated by the SFC such as paper gold schemes and commercial paper;
- (g) Exchange Rules of the Stock Exchange of Hong Kong and Rules of the Hong Kong Futures Exchange Limited.

(The list is for reference only and it is the responsibility of the users of this code to ascertain the applicable and up-to-date legal and regulatory requirements.)

#### *Deposit and Savings Facilities*

**2** Advertisements for deposit and savings facilities shall comply with the following provisions:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized under the Banking Ordinance:
  - (i) the advertisement shall not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;

- (ii) an advertisement shall not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless the advertisement also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
  - (iii) no reference shall be made to the amount of the nominal or authorized capital of the institution; and
  - (iv) no reference shall be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together;
- (b) for invitations to make a deposit outside Hong Kong, the advertisement shall comply with the requirements specified in the Fifth Schedule to the Banking Ordinance.

### ***Lending and Credit***

**3** Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

### ***Review or Advice about the Stock Market or Investment Prospects***

**4** Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements shall not contain any review of or advice about the stock market or investment prospects or make reference to specific securities or investment products.

### ***Investment Products***

**5** Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes and immigration-linked investment schemes, shall only be those authorized by the SFC pursuant to s.4 (2) (g) of the Protection of Investors Ordinance (Cap. 335).

### ***Investment Advisers***

**6** Advertisements for investment advisers shall comply with the relevant provisions of the Protection of Investors Ordinance (Cap. 335) (including the requirement for the adviser to be licensed by the SFC) and, where appropriate, Rules of the Stock Exchange of Hong Kong.

### ***Financial Publications***

**7** Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on specific securities or investment products; advertisements for subscription services must be in general terms and make no reference to specific securities or investment products.

*Estimates of the Proceeds of Insurance Policies*

**8** No numerical examples of the proceeds of insurance policies shall be quoted that include estimates of future bonus or dividend declarations on participating life insurance policies or of the growth in capital values or the investment returns that determine the benefits under linked policies.

## *Appendix IV*

### ***SUPPLEMENTARY STANDARDS ON PROGRAMME SPONSORSHIP***

These rules shall not apply to advertising magazine programmes, classified advertisements and home shopping material.

**1** A programme is sponsored if it is broadcast in return for payment or other valuable consideration (which includes the programme itself) to the licensee. A programme includes a part thereof or a programme segment.

**2** A sponsored programme must be clearly identified as such by:

(a) a front or an end credit or both which can be visual and/or aural and must conform with the following rules:

(i) it may only include the sponsor's name or his trade/brand/product/service name or trademark/logo which is essential identifying information for the sponsor and shall not contain any promotional reference including any advertising slogan or copyline or show any product or service;

(ii) front sponsor credits must precede, and not be integrated within, any element of the programme; and

(iii) a front or end credit must not exceed 10 seconds in length where one sponsor is involved; and 30 seconds where there is more than one; or

(b) in the case of sole sponsorship only, incorporating the sponsor's house or brand name into a programme title which is subject to the following rules:

(i) any qualifying words relating to its attributes, product category or advertising slogan of the sponsor shall not be used;

(ii) the trade name of the sponsor or the product category may be used if this is essential to establish the sponsor's identity;

(iii) the graphic presentation of such a title must be uniform in size, lettering and colour and the sponsor's name should not be made to stand out from the rest of the programme title. The typeface used should not resemble that of the sponsor's advertisement or trade mark; and

(iv) the superimposition of programme titles bearing the sponsor's name as programme identifiers during programme segments shall be restricted to once in every segment and shall be of not more than 5 seconds duration.

**3** Notwithstanding paragraph 2, a sponsored programme may as an alternative to 2 (a), or in addition to 2 (b), also be identified as such by way of advertisements which shall count towards the advertising time allowances.

**4** There must be no reference to the sponsor's name, product/service, product name, trade mark or slogan in any programme unless it is used incidentally. Such references shall not obtrude on programme interest or entertainment.

**5** No sponsored programme may contain within it any promotional reference to any other product or service.

**6** Factual aural/visual references to the sponsor's provision of the prize/prizes not otherwise constituting advertisements are allowed in contests provided that they are not used excessively.

**7** Subject to the above provisions, the inclusion of, or reference to, a product or service or any recognisable brand names or commercial interest shall not be acceptable in a programme unless it is of an incidental nature and no undue prominence is given to the product or service, etc. in question.

**8** Promos of a sponsored programme are subject to the following rules:

(a) No reference to sponsors may be allowed except where the sponsor's house or brand name is an integral part of the station's official programme title and the rules in paragraph 2 (b) where applicable are complied with. A promo may be followed by advertisements announcing the sponsors which shall count towards the advertising time allowances.

(b) Announcements of television contests may include factual references to prizes or means of obtaining entry forms but such references shall not contain advertisement for any product/service or commercial interest.

**9** The licensee shall not accept sponsorship in respect of products/services/establishments in so far as they are not acceptable for advertising under the Subscription Television Code of Practice on Advertising Standards. However, acknowledgement to such establishments may be included in the rolling end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

**10** These supplementary standards apply also to acquired programmes which were not produced by the licensee. Films made for the cinema and coverage of sporting and other events taking place outside Hong Kong or programmes in channels designated for satellite feed services, however, may deviate from these standards where this is unavoidable.

## *Appendix V*

### ***SUPPLEMENTARY STANDARDS ON MEDICAL PREPARATIONS AND TREATMENTS***

#### ***Undesirable Medical Advertisements Ordinance***

**1** The licensee shall ensure that all medical advertisements conform with the laws of Hong Kong, including the Undesirable Medical Advertisements Ordinance (Cap. 231).

#### ***Medical Preparation***

**2** The term ‘medical preparation’ shall mean any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy including:

Mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use.

Drops or paints, such as eye, ear or nose drops, throat paint, etc.

Ointments, creams, pastes or powders for therapeutic use externally.

Liniments or any product to be rubbed on.

Injections.

Foods which claim to assist ‘regularity’ or other health problems.

#### ***Restricted Medical Preparations***

**3** Advertisements for medical preparations which contain any drug restricted for sale under the Pharmacy and Poisons Ordinance (Cap. 138) are not acceptable.

#### ***Unacceptable Products or Services***

**4** Advertisements for products or services coming within the recognized character of, or specifically concerned with, the following are not acceptable:

- (a) smoking cures;
- (b) clinics for the treatment of hair and scalp;
- (c) pregnancy testing services; and
- (d) clinical laboratory testing services.

### ***Prevention, Relief or Cure of Diseases or Conditions***

**5** Advertisements on any course of treatment or medical preparation which is directly or by implication held out as being effective for the prevention, relief or cure of any disease or condition in so far as they are prohibited or restricted under section 3 (1) (a) in the Undesirable Medical Advertisements Ordinance (Cap. 231) are not acceptable. Advertisements on medical preparations or treatments for the following are also prohibited:

- (a) the relief or cure of alcoholism and drug addiction;
- (b) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (c) procuring miscarriage or abortion.

### ***Impressions of Professional Advice and Support***

**6** Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself shall be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and
- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

### ***Appeals to Fear or Exploitation of Credulity***

**7** No spoken or pictorial representation shall be used which dramatizes distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No spoken or pictorial representation of vivisection shall be allowed. No advertisement shall contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

### ***Conditions Requiring Medical Attention***

**8** Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

### ***Encouragement of Excess***

**9** No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

### ***Exaggeration***

**10** No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. The following rules shall also be complied with:

- (a) Statements shall not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.
- (b) Except for Chinese homeopathic/herbal preparations, advertisements for products shall not be accepted if they contain claims that the product is 'centuries old' or 'known to the ancients' or similar claims.

### ***General Statements***

**11** Advertisements shall not contain:

- (a) general statements which mislead viewers by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or
- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

### ***Depiction of Patients***

**12** Advertisements shall not show a patient receiving treatment or under the influence of a drug or hypnotism. The appearance of a patient implying or testifying to the cure of any condition is also not acceptable.

### ***Description of Bodily Functions***

**13** Graphic or repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

***Derogatory Reference to Physical or Mental affliction***

**14** No derogatory reference whether spoken or visual shall be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

***Sales Promotions***

**15** No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

## *Appendix VI*

### **ADVERTISING AND CHILDREN**

#### *The Viewing Child*

**1** No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to see, which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular:

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee shall have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement dealing with the activities of a club is allowed without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.
- (e) While it is recognized that children are not the direct purchaser of many products over which they are naturally allowed to exercise preference, care should be taken that they are not encouraged to make themselves a nuisance to other people in the interests of any particular product or service. In an advertisement offering a free gift, a premium or a competition for children, the main emphasis of the advertisement must be on the product with which the offer is associated.
- (f) If there is to be a reference to a competition for children in an advertisement, the value of prizes and the chances of winning one must not be exaggerated.

- (g) The true size of the product advertised and any free gift for children should be made easy to judge. Where necessary, they can be shown in relation to some common objects against which their actual scales can be easily judged.

### ***Restrictions on Transmission Time***

- 1A**
  - (a) Advertisements for products or services, films and any material which are considered as not suitable for children may not be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.
  - (b) Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.”

### ***The Child in Advertisements***

**2** The appearance of children in advertisements is subject to the following conditions:

- (a) Contributions to Safety

Any situations in which children are to be seen in television advertisements should be carefully considered from the point of view of safety.

In particular:

- (i) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety; should not be seen playing in the road unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes should be seen to use zebra crossings in crossing the road, and should be otherwise seen in general as pedestrians, cyclists or passengers, to behave in accordance with the Road Users Code.
- (ii) Children should not be seen leaning dangerously out of windows or over bridges, climbing cliffs or playing in or near water unaccompanied by adults, or playing irresponsibly on escalators.
- (iii) Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.
- (iv) Medicines, disinfectants, antiseptics and caustic substances must not be shown within reach of children without close parental supervision, nor should children be shown using these products in any way.

- (v) Children must not be shown using fire, matches or any gas, paraffin, petrol, mechanical or mains-powered appliance which could lead to their suffering burns, electrical shock or other injury.
- (vi) Children must not be shown driving or riding on agricultural machines (including tractor-drawn carts or implements).
- (vii) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. Parental supervision is required when children are shown engaging in activities potentially dangerous to them.

Except that in advertisements designed specifically and only to promote safety it may be acceptable to show children, for that purpose, in dangerous situations.

*(b)* Good Manners and Behaviour

Children seen in advertisements should be presented in such a manner as to set a good example of behaviour and manners.

*(c)* Alcoholic Liquor and Tobacco Related Products

Children and adolescents will not be permitted to participate in the presentation of advertisements for alcoholic liquor or tobacco related products.

## *Appendix VII*

### **SUPPLEMENTARY STANDARDS FOR CLASSIFIED ADVERTISEMENTS**

**1** The licensee shall observe the following principles in the broadcast of classified advertisements:

- (a) classified advertising should supplement other modes of advertising on television in meeting the advertising and information needs of specific groups or individuals; and
- (b) classified advertising is primarily intended to serve the needs of individuals and small businesses which cannot afford regular advertising spots and advertising magazines. Individuals and small businesses should therefore be given reasonable access to this form of advertising in a manner consistent with the standards laid down in this Code.

**2** Classified advertisements may only be broadcast en bloc and inserted only in intervals between programmes.

**3** Not more than two blocs of classified advertisements totalling up to 15 minutes should be broadcast between the hours of 12 midnight and 4:00pm the following afternoon. Each bloc should not last more than eight minutes.

**4** In any bloc of classified advertisements, the air time occupied by a single product or service should not exceed 60 seconds. The maximum time occupied by any single advertiser should not exceed one-third of the total air time of the bloc.

**5** Advertisements for the same product or service may not be repeated within the same bloc of classified advertisements.

**6** Any products or services that have been advertised on television outside the air time set aside for classified advertising within a period of six months should not be the subject of classified advertisements.

*Appendix VIII*

(Deleted)

**PROGRAMME SERVICE CODE OF PRACTICE  
ON ADVERTISING STANDARDS**

**AS AT 31 AUGUST 1999**

## **Preamble**

**1** This Code of Practice is designed to lay down the standards to be observed by a licensee for the acceptance of advertising material for transmission on a programme service. Because of the intimacy of its programmes within the home, it is essential to maintain a consistently high quality of advertising on programme service. The general principle which governs all advertising on programme services is that it should be legal, clean, honest and truthful.

## **General Principles**

**2** Advertising material shall be clearly identifiable as an advertisement, and an advertising magazine shall be clearly described as such when being shown on a programme service.

**3** The detailed rules set out below are intended to be applied in the spirit as well as the letter and should be taken as laying down the minimum standards to be observed. The rules are set with special regard to the nature of programme services from which programmes may be accessed at any time. They are to be read in conjunction with all other relevant advertising and programme standards, licence conditions and statutory controls.

**4** The following definition applies in this code of practice unless the contrary intention appears:

“Advertisement” means

- (a) any material made available on a programme service 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, sound effects (including music) and/or of visual presentation 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 goods or services;
- (b) for the purpose of this code of practice the term advertisement does not include:
  - (i) programme service identifications;
  - (ii) announcements in the public interest as the Broadcasting Authority may require a licensee to transmit under Clause 23.2.1 of the Licence;
  - (iii) material for the promotion of a licensee’s programme services;
  - (iv) mandatory sponsor identifications as required under Appendix IV - Supplementary Standards on Programme Sponsorship;
  - (v) material connected with charities and public appeals approved by the Broadcasting Authority and for which a licensee does not receive payment or other valuable consideration for their transmission;
  - (vi) references in a programme to the title of an event sponsored by a person other than a licensee carrying the trade name or brand name of the

sponsor and other incidental references to the trade name or brand name of the sponsor in the programme provided that

- (1) the licensee receives no consideration for such references;
- (2) no undue emphasis, whether aural or visual, is given to such references; and
- (3) the references do not obtrude on programme interest or entertainment;

(vii) incidental or natural references to goods or services in the course of a programme which are justifiable in programme context and do not obtrude on programme interest or entertainment; and

(viii) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes as permitted under Appendix IV - Supplementary Standards on Programme Sponsorship.

**5** All advertising matter must comply with the laws of Hong Kong.

**6** It is the responsibility of a licensee to ensure that the following practices are observed in the preparation and transmission of all advertising matter:

- (a) the content, presentation and placement of all advertising matter must comply with the Programme Service Code of Practice on Programme Standards. Particular care and good judgment should be exercised in respect of advertisements likely to be watched by large numbers of children or adolescents. All such advertisements must conform to the principles stated and must especially avoid taking advantage of the natural credulity and sense of loyalty of children;
- (b) advertising matter shall be presented with courtesy and good taste and disturbing material such as overly persistent repetition, and words and phrases implying emergency should be avoided; every effort shall be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears;
- (c) advertising matter shall contain no claims that have the effect of disparaging competitors, competing products or other industries, professions, or institutions;
- (d) no advertisement may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised or about its suitability for the purpose recommended. The supplementary standards on factual claims and best-selling claims set out in Appendix I are also to be complied with. A licensee shall have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the claims made were false or misleading and could

not, with reasonable diligence, have ascertained that the claims were false or misleading; and

- (e) the same or substantially the same advertisement should not be delivered contiguously. The Broadcasting Authority shall determine whether an advertisement is substantially the same as another advertisement.

### **Acceptability of Advertising Matter**

**7** A licensee shall observe the following standards for the acceptability of advertising matter and the sponsorship of programmes:

- (a) a licensee shall refuse to show an advertisement where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all legal requirements that apply to the advertiser;
- (b) a licensee shall not show an advertisement for an acceptable product or service if a significant effect of the advertisement would publicize indirectly a product or service which is unacceptable to be advertised on programme service. Where an advertisement for a particular product or service is not allowed during a programme appealing to children and adolescents or when large numbers of them might be expected to be watching, an advertisement which has a significant effect of publicizing such a product or service shall likewise be prohibited in those circumstances. In determining whether the significant effect of an advertisement would publicize indirectly an unacceptable product or service for the purpose of this provision, the Broadcasting Authority shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the Broadcasting Authority, some relevant factors which may be taken into consideration shall include the following:
  - (i) whether the advertisement contains any visual or aural reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
  - (ii) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
  - (iii) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and

- (iv) the target audience, the arrangement of the transmission and the placement of the advertisement;
- (c) a licensee may refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible section of the community.

### **Tobacco Advertising**

- 8**
- (a) The licensee shall comply with all relevant provisions relating to tobacco advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
  - (b) The presentation of tobacco products as prizes or gifts for contests in programmes will not be permitted.
  - (c) At the discretion of the Broadcasting Authority, advertisements for certain tobacco related products such as cigarette holders, tobacco filters and other smoking accessories may be subject to the following rules:
    - (i) such advertising should be directed only to adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements; and
    - (ii) such advertisements should not be transmitted in proximity to children's programmes or in programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people.

### **Alcoholic Beverage Advertising**

- 9** The advertising of alcoholic liquor (as defined in the Dutiable Commodities Ordinance) requires special consideration and is subject to the following conditions:
- (a) such advertising should be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
  - (b) such advertisements should not be transmitted in or adjacent to programmes appealing to children; or programmes, in the opinion of the Broadcasting Authority, are designed for and directed to young people;
  - (c) advertisements which attempt to present drinking as a desirable new experience or which portray drinking as indispensable to popularity and success will not be permitted;
  - (d) the presentation of alcoholic liquor as prizes in isolation for contests in programmes will not be permitted;
  - (e) the use of alcoholic beverages or products shall not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a

cause of the achievement of personal, business, social, sporting, sexual or other success;

- (f) alcoholic products shall not be advertised as similar to or equated with non-alcoholic products, e.g., soft drinks, fruit drinks, etc., which have particular appeal to children or young persons (for the purpose of this section, “young persons” mean young people who are under the age of 18);
- (g) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (h) selection of artistes in alcoholic beverage advertisements should be handled with care and the advertisements should avoid featuring any artiste, personality or celebrity who appears regularly in any children programmes or who has a particular appeal to children or young persons;
- (i) use of alcoholic beverages or products shall not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g., the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (j) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (k) advertising shall not promote the misuse or abuse of alcoholic beverages;
- (l) advertising shall not suggest that drinking is a prerequisite to relaxation. Alcohol shall not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink;
- (m) advertising by retail liquor outlets for alcohol products shall adhere to the advertising standards on alcoholic drinks; and
- (n) advertising must not encourage, challenge or dare non-drinkers or young people to drink.

**10** Drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, or drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor must not be advertised in or adjacent to “Children” programmes. The advertisements must also comply with subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (k), (l) and (n) of paragraph 9 above.

## **Firearms**

**11** The advertising of firearms and associated equipment is prohibited.

## **Educational Courses**

**12** The licensee shall comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules.

## **Personal Products**

**13** Products of a personal nature require extreme care in the manner in which they are presented and some products in this category may not be permitted. When advertising such products, a licensee shall also consider the target audience of the programmes. The transmission of such advertisements in programmes which are designed particularly for children or young people should be treated with care.

**14** The advertising of branded condoms is subject to supplementary standards as detailed in Appendix II.

**15** Advertisements for female sanitary napkins/tampons and similar products are subject to the following conditions:

- (a) the presentation of such advertisements should be quiet and restrained (particularly in making any reference to the absorbency or the method of construction of the product or the materials used in the product). Any depiction of situations likely to engage the curiosity of children should be avoided. Moods should be natural and presenters shown informally in casual everyday situations;
- (b) all references to menstrual flow, leakage, staining, odour, deodorant, methods of use or application of the product are unacceptable;
- (c) the product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers;
- (d) no sanitary protection commercial may contain anything likely to cause embarrassment or to undermine an individual's confidence in her own personal hygiene standards;
- (e) no implication of or appeal to sexual or social insecurity is acceptable; and
- (f) close-up shots on the crotch area are unacceptable.

## **Financial Advertising**

**16** A licensee shall comply with the supplementary standards on financial advertising as set out in Appendix III.

## **Unacceptable Products and Services**

**17** Advertisements for products or services coming within the recognized character of, or specifically concerned with, the following are not acceptable:

- (a) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui, etc.;
- (b) undertaker or others associated with death or burial: except advertisements for columbaria, which are acceptable provided that the following conditions are complied with:
  - (i) presentation of such advertisements should be dignified and restrained, and a licensee shall exercise due sensitivity in scheduling and presenting such advertisements; and
  - (ii) all explicit references to death and technical aspects of associated services and morbid details must be avoided;
- (c) unlicensed employment services, registries or bureaux;
- (d) organisations/companies/persons, seeking to advertise for the purpose of giving betting tips;
- (e) betting (including pools): this does not preclude advertisements for lotteries which are authorized by or under the Betting Duty Ordinance (Cap. 108) and for horse racing publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing provided that the advertisement does not encourage betting or contain any reference to betting tips. No advertisements for these items shall be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries shall:
  - (i) not be broadcast within television programmes which, in the opinion of the Broadcasting Authority, are designed for and/or directed to young people;
  - (ii) be directed only to the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
  - (iii) not feature any personality who has particular appeal to children or adolescents;
  - (iv) not state or imply praise for those who participate in the advertised activity or denigrate those who abstain;
  - (v) not mislead or exaggerate one's likelihood of winning;
  - (vi) not be instructional in nature or unduly exhort the public to bet;
  - (vii) not feature excessive or reckless betting; and

- (viii) not present lotteries as an alternative to work or a way out of financial difficulties.
- (f) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;
- (g) escort services in general and dating services targeting at young people under the age of 18; or
- (h) 'infoline' services which offer adult material of a sexual nature, in or adjacent to programmes other than adult programmes.

### **Property Advertising**

**18** No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong shall be accepted:

- (a) in respect of a completed building, unless the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
- (b) in respect of an uncompleted building:
  - (i) unless the prior consent of the Land Registrar or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given; or
  - (ii) unless the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C (3) of the Solicitors Practice Rules in regard to the sale and purchase of the affected property in the relevant Land Registry where consent as mentioned in (b) (i) above is not required for the sale of units in such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation).

**19** No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong shall be accepted unless the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognized in the country where the property or land is situated confirming that
  - (i) all the requirements imposed by the local government relating to the development and sale of the property or land to be advertised have been properly complied with by the developer or vendor; and

- (ii) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the property or land to non-residents; and
  - (iii) housing loan is available to prospective purchasers from a licensed financial institution, either locally or elsewhere, and
- (b) a letter from a firm of solicitors in Hong Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (a) above is registered in the country where the property or land is situated for the provision of legal advice within that jurisdiction.

**20** No advertisement shall be accepted inviting members of the public to take part in any arrangements with respect to property, whether as an investment or otherwise, the purpose of which is to enable them (whether by becoming owners of the property or part of the property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property.

**21** A licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to property advertisements have been adequately substantiated by the advertisers. In particular,

- (a) no claim may expressly or by implication misrepresent the location, size and value of the property and the available transport facilities;
- (b) the lowest selling price of a property should be stated as such and should not give an impression that it is the average price;
- (c) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to overseas purchasers, if there is a significant difference in the prices; and
- (d) advertisements must not offer any furniture, home appliances or any other goods as “free gifts” unless such items are supplied at no cost or no extra cost to the recipient. A licensee needs to obtain a statement to this effect from the advertiser.

A licensee shall have his responsibility under this subparagraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

### **Imitation**

**22** Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of a licensee will not be permitted.

## **Film Advertisements**

**23** Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, shall display the appropriate symbol applicable to the film under that Ordinance. In addition, advertisements for films classified under categories other than Category I shall carry legible visual and/or aural advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be.

## **Programme Sponsorship**

**24** A licensee shall comply with the supplementary standards on programme sponsorship as set out in Appendix IV.

## **Medical Preparations and Treatments**

**25** The advertising of medical preparations and treatments is subject to the detailed rules given in Appendix V.

## **Advertising and Children**

**26** Particular care should be taken over advertising that is likely to be seen by large numbers of children and advertisements in which children are to be employed. More detailed guidance is given in Appendix VI.

## **Claims Relating to Nutritional and Dietary Effects**

**27** Claims relating to the nutritional and dietary effects of products or services should be handled with care. Advertisements for products and services containing such claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. A licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;
- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 6 of Appendix V governing professional advice and support;

- (f) a licensee must ensure that the advertisements which make claims relating to nutritional and dietary effects comply with all relevant legislation; and
- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
  - (i) such advertisements must not be addressed to persons under 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
  - (ii) a licensee must obtain sound evidence showing that such services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
  - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were or appeared to be obese lose weight and become slimmer after using the product or service advertised;
  - (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials must neither be nor appear to be underweight; and
  - (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter<sup>2</sup> as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

### **Religious and Political Advertising**

**28** No advertising material of a religious or political nature may be transmitted.

## *Appendix I*

### ***SUPPLEMENTARY STANDARDS ON FACTUAL CLAIMS AND BEST-SELLING CLAIMS***

#### ***Claims to be substantiated***

**1** All factual claims and best-selling claims shall be capable of substantiation. Statements should not be used in respect of any products that they are “the best”, “the most successful”, “safest”, “quickest”, or containing any similar use of superlative adjectives unless the truthfulness of such statements is adequately substantiated.

**2** Where a factual claim is substantiated by research or testing based on the advertiser’s own assessment or work done at his request, the source and date of the assessment or research should be indicated in the advertisement.

**3** Best-selling claims are further subject to the following rules:

(a) such claims shall be substantiated by:

(i) independently audited sales figures; or

(ii) probability sample surveys which are recognized or endorsed by an industry body or accepted under the industry-wide standards of the relevant trade of the advertisers or are scientifically conducted to ensure that the findings are statistically significant, reliable and valid; and

(b) best-selling claims shall not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement of the category of brand leadership, country, and the time period it covers e.g. “In 1997, Brand X is the No. 1 selling\_\_(product category) in Hong Kong”.

**4** Superlatives like “most popular”, “most preferred”, “most favoured”, etc., when used in a manner which clearly suggests a number one sales position, will be subject to the same standards governing best-selling claims.

#### ***Misleadingness***

**5** No advertisement may misleadingly claim or imply that the product or service advertised, or any ingredient of it, has some special features or compositions which are incapable of being established.

**6** References to the results of research surveys or tests relating to the product to be advertised should be presented carefully, so as not to mislead viewers. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics

of limited validity must not be presented in such a way as to make it appear that they are universally true.

**7** Information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

**8** Visual and verbal presentations of advertisements indicating price, price comparisons or reductions or any pricing element must be accurate and must not be misleading by undue emphasis or distortion.

***Superimposed Text***

**9** When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

**10** Special attention should be paid to the typeface, letter spacing, line spacing, background or other element of presentation including without limitation the interaction with the background which may render the text blurred or otherwise indistinct.

## *Appendix II*

### ***SUPPLEMENTARY STANDARDS FOR ADVERTISEMENTS FOR BRANDED CONDOMS***

- 1**        The advertisement shall be restrained and in good taste.
- 2**        The advertisement shall be factual only and shall not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune-Deficiency Syndrome (AIDS).
- 3**        The advertisement shall display a sense of social responsibility and shall not promote or appear to promote promiscuity.
- 4**        Branded condoms shall not be advertised in programmes targeted at children.
- 5**        Standard marketing techniques such as pack offers and samples may be used.
- 6**        All condom products advertised or to be advertised shall conform to the internationally accepted standards required of rubber condoms.

## *Appendix III*

### **SUPPLEMENTARY STANDARDS ON FINANCIAL ADVERTISING**

#### ***Legal Responsibility***

**1** It is the responsibility of a licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) Protection of Investors Ordinance (Cap. 335);
- (b) Securities Ordinance (Cap. 333);
- (c) Companies Ordinance (Cap. 32);
- (d) Banking Ordinance (Cap. 155);
- (e) Insurance Companies Ordinance (Cap. 41);
- (f) Codes of the Securities and Futures Commission (SFC), including:
  - (i) Code on Unit Trusts & Mutual Funds;
  - (ii) Code on Investment-linked Assurance and Pooled Retirement Funds;
  - (iii) Code on Immigration-linked Investment Schemes;
  - (iv) any other prevailing rules and guidelines on other types of investment arrangement regulated by the SFC such as paper gold schemes and commercial paper;
- (g) Exchange Rules of the Stock Exchange of Hong Kong and Rules of the Hong Kong Futures Exchange Limited.

(The list is for reference only and it is the responsibility of the users of this code to ascertain the applicable and up-to-date legal and regulatory requirements.)

#### ***Deposit and Savings Facilities***

**2** Advertisements for deposit and savings facilities shall comply with the following provisions:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized under the Banking Ordinance:
  - (i) the advertisement shall not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;

- (ii) an advertisement shall not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless the advertisement also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
  - (iii) no reference shall be made to the amount of the nominal or authorized capital of the institution; and
  - (iv) no reference shall be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together;
- (b) for invitations to make a deposit outside Hong Kong, the advertisement shall comply with the requirements specified in the Fifth Schedule to the Banking Ordinance.

#### ***Lending and Credit***

Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

#### ***Review or Advice about the Stock Market or Investment Prospects***

Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements shall not contain any review of or advice about the stock market or investment prospects or make reference to specific securities or investment products.

#### ***Investment Products***

Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes and immigration-linked investment schemes, shall only be those authorized by the SFC pursuant to s.4 (2) (g) of the Protection of Investors Ordinance (Cap. 335).

#### ***Investment Advisers***

Advertisements for investment advisers shall comply with the relevant provisions of the Protection of Investors Ordinance (Cap. 335) (including the requirement for the adviser to be licensed by the SFC) and, where appropriate, Rules of the Stock Exchange of Hong Kong.

#### ***Financial Publications***

Subject to paragraph 5 or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no commendation on specific securities or investment products; advertisements for subscription services must be in general terms and make no reference to specific securities or investment products.

*Estimates of the Proceeds of Insurance Policies*

**8** No numerical examples of the proceeds of insurance policies shall be quoted that include estimates of future bonus or dividend declarations on participating life insurance policies or of the growth in capital values or the investment returns that determine the benefits under linked policies.

## ***SUPPLEMENTARY STANDARDS ON PROGRAMME SPONSORSHIP***

**1** A programme is sponsored if it is transmitted in return for payment or other valuable consideration (which includes the programme itself) to a licensee. A programme includes a part thereof or a programme segment.

**2** A sponsored programme must be clearly identified as such by a front or an end credit or both which can be visual and/or aural and must not be integrated within any element of the programme.

**3** There must be no reference to the sponsor's name, product/service, product name, trade mark or slogan in any programme unless it is used incidentally and no undue prominence is given. Such references shall not obtrude on programme interest or entertainment.

**4** No sponsored programme may contain within it any promotional reference to any other product or service.

**5** Factual aural/visual references to the sponsor's provision of the prize/prizes not otherwise constituting advertisements are allowed in contests provided that they are not used excessively.

**6** Subject to the above provisions, the inclusion of, or reference to, a product or service or any recognisable brand names or commercial interest shall not be acceptable in a programme unless it is of an incidental nature and no undue prominence is given to the product or service, etc. in question.

**7** A licensee shall not accept sponsorship in respect of products/services/establishments in so far as they are not acceptable for advertising under the Programme Service Code of Practice on Advertising Standards. However, acknowledgement to such establishments may be included in the rolling end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

**8** Films made for the cinema and coverage of sporting and other events taking place outside Hong Kong, however, may deviate from these standards where this is unavoidable.

## *Appendix V*

### ***SUPPLEMENTARY STANDARDS ON MEDICAL PREPARATIONS AND TREATMENTS***

#### ***Undesirable Medical Advertisements Ordinance***

**1** A licensee shall ensure that all medical advertisements conform with the laws of Hong Kong, including the Undesirable Medical Advertisements Ordinance (Cap. 231).

#### ***Medical Preparation***

**2** The term ‘medical preparation’ shall mean any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy including:

Mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use.

Drops or paints, such as eye, ear or nose drops, throat paint, etc.

Ointments, creams, pastes or powders for therapeutic use externally.

Liniments or any product to be rubbed on.

Injections.

Foods which claim to assist ‘regularity’ or other health problems.

#### ***Restricted Medical Preparations***

**3** Advertisements for medical preparations which contain any drug restricted for sale under the Pharmacy and Poisons Ordinance (Cap. 138) are not acceptable.

#### ***Unacceptable Products or Services***

**4** Advertisements for products or services coming within the recognized character of, or specifically concerned with, the following are not acceptable:

(a) smoking cures;

(b) clinics for the treatment of hair and scalp;

(c) pregnancy testing services; and

(d) clinical laboratory testing services.

### ***Prevention, Relief or Cure of Diseases or Conditions***

**5** Advertisements on any course of treatment or medical preparation which is directly or by implication held out as being effective for the prevention, relief or cure of any disease or condition in so far as they are prohibited or restricted under section 3 (1) (a) in the Undesirable Medical Advertisements Ordinance (Cap. 231) are not acceptable. Advertisements on medical preparations or treatments for the following are also prohibited:

- (a) the relief or cure of alcoholism and drug addiction;
- (b) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (c) procuring miscarriage or abortion.

### ***Impressions of Professional Advice and Support***

**6** Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself shall be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and
- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

### ***Appeals to Fear or Exploitation of Credulity***

**7** No spoken or pictorial representation shall be used which dramatizes distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No spoken or pictorial representation of vivisection shall be allowed. No advertisement shall contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

### ***Conditions Requiring Medical Attention***

**8** Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

### ***Encouragement of Excess***

**9** No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

### ***Exaggeration***

**10** No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. The following rules shall also be complied with:

- (a) Statements shall not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.
- (b) Except for Chinese homeopathic/herbal preparations, advertisements for products shall not be accepted if they contain claims that the product is 'centuries old' or 'known to the ancients' or similar claims.

### ***General Statements***

**11** Advertisements shall not contain:

- (a) general statements which mislead viewers by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or
- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

### ***Depiction of Patients***

**12** Advertisements shall not show a patient receiving treatment or under the influence of a drug or hypnotism. The appearance of a patient implying or testifying to the cure of any condition is also not acceptable.

### ***Description of Bodily Functions***

**13** Graphic or repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

***Derogatory Reference to Physical or Mental affliction***

**14** No derogatory reference whether spoken or visual shall be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

***Sales Promotions***

**15** No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

## *Appendix VI*

### **ADVERTISING AND CHILDREN**

#### *The Viewing Child*

**1** No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to see which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular:

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee shall have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement dealing with the activities of a club is allowed without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.
- (e) While it is recognized that children are not the direct purchaser of many products over which they are naturally allowed to exercise preference, care should be taken that they are not encouraged to make themselves a nuisance to other people in the interests of any particular product or service. In an advertisement offering a free gift, a premium or a competition for children, the main emphasis of the advertisement must be on the product with which the offer is associated.
- (f) If there is to be a reference to a competition for children in an advertisement, the value of prizes and the chances of winning one must not be exaggerated.

- (g) The true size of the product advertised and any free gift for children should be made easy to judge. Where necessary, they can be shown in relation to some common objects against which their actual scales can be easily judged.

### ***Restrictions on Transmission Time***

- 1A**
  - (a) Advertisements for products or services, films and any material which are considered as not suitable for children may not be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.
  - (b) Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be broadcast within or in close proximity to programmes designed for and/or directed to children or at times when a large number of children are expected to be watching.

### ***The Child in Advertisements***

**2** The appearance of children in advertisements is subject to the following conditions:

- (a) Contributions to Safety

Any situations in which children are to be seen in advertisements should be carefully considered from the point of view of safety.

In particular:

- (i) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety; should not be seen playing in the road unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes should be seen to use zebra crossings in crossing the road, and should be otherwise seen in general as pedestrians, cyclists or passengers, to behave in accordance with the Road Users Code.
- (ii) Children should not be seen leaning dangerously out of windows or over bridges, climbing cliffs or playing in or near water unaccompanied by adults, or playing irresponsibly on escalators.
- (iii) Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.
- (iv) Medicines, disinfectants, antiseptics and caustic substances must not be shown within reach of children without close parental supervision, nor should children be shown using these products in any way.
- (v) Children must not be shown using fire, matches or any gas, paraffin, petrol, mechanical or mains-powered appliance which could lead to their suffering burns, electrical shock or other injury.

(vi) Children must not be shown driving or riding on agricultural machines (including tractor-drawn carts or implements).

(vii) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. Parental supervision is required when children are shown engaging in activities potentially dangerous to them.

Except that in advertisements designed specifically and only to promote safety it may be acceptable to show children, for that purpose, in dangerous situations.

*(b)* Good Manners and Behaviour

Children seen in advertisements should be presented in such a manner as to set a good example of behaviour and manners.

*(c)* Alcoholic Liquor and Tobacco Related Products

Children and adolescents will not be permitted to participate in the presentation of advertisements for alcoholic liquor or tobacco related products.

*Appendix VII*

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