

**Responses from the Public to the Public Consultation
on Proposed Amendments to the Codes of Practice on
Television and Radio Programme and Advertising Standards**

**Proposal 1 : Placement of Commercial References within Programmes on
Channels Acquired for Direct Re-transmission on Domestic
Free TV**

(A) To extend the exemption granted for satellite feed services on Domestic Pay TV and Other Licensable TV to channels acquired for direct re-transmission on Domestic Free TV

Support	Not Support	No Views	Total
186(81%)	22(10%)	21(9%)	229

(B) Domestic Free TV should be subject to additional conditions

(i) *The licensee shall provide a declaration to confirm that a channel acquired for direct re-transmission is produced primarily for reception outside Hong Kong and that it does not contribute to any advertising revenue of the licensee*

Support	Not Support	No Views	Total
190(83%)	17(7%)	22(10%)	229

(ii) *Announcements shall be displayed on screen to adequately inform viewers that advertising materials would be placed within programmes on a channel acquired for direct re-transmission for 30 seconds at the start of each programme and at regular intervals for 30 seconds once every 30 minutes*

Support	Not Support	No Views	Total
195(85%)	13(6%)	21(9%)	229

(iii) *The aggregate advertising time during advertising breaks on a channel acquired for direct re-transmission shall not exceed the limits set out in section 11(1) of Schedule 4 to the Broadcasting Ordinance*

Support	Not Support	No Views	Total
200(87%)	7(3%)	22(10%)	229

(C) To exempt channels acquired for direct re-transmission on Domestic Free TV, Domestic Pay TV and Other Licensable TV from the prohibition of indirect advertising within programmes

Support	Not Support	No Views	Total
176(76%)	31(14%)	22(10%)	229

Additional Comments/Suggestions

(A) *Extension of Exemption to Domestic Free TV*

- The introduction of acquired channels could bring competition and thereby improve programme quality. Viewers might enrich their knowledge by having access to overseas channels.
- The existing regulations could be relaxed as long as programme quality would not be compromised.
- Exemption should be granted to Domestic Free TV as all TV media should be treated fairly.
- No exemption should be granted to news, children's, educational and current affairs programmes.
- The proposal was unfair to Domestic Pay TV. Given its pervasiveness, Domestic Free TV licensees should have a sense of social responsibility and should be subject to more stringent restrictions.
- Too many advertisements would obtrude on viewing pleasure.
- Relaxation would affect programme quality of Domestic Free TV. With the close proximity of Hong Kong and Guangdong province, which had similar language and culture, advertisers might make use of the loopholes in regulations to broadcast unacceptable material to Hong Kong via programmes produced in Guangdong.

(B) *Additional Conditions*

- In addition to advertising revenue, a licensee should provide a declaration on all kinds of benefit received by carrying on its service channels acquired for direct re-transmission, such as discount, preferential offer, etc.
- Some respondents supported the requirement for on-screen announcements but made a number of suggestions on the timing, frequency and duration of the display of the required announcements, e.g. the announcement should be

displayed at the beginning of programmes instead of broadcast once every 30 minutes, the duration of display should be reduced to 15 seconds, etc.

- The broadcast of announcements to inform viewers that advertising materials would be placed within programmes might confuse viewers and obtrude on viewing pleasure.

Proposal 2 : Identification Requirements for Advertisements Adopting a Programme Style

(A) The caption “Advertisement” or “Advertising Magazine” should be superimposed on the screen in a clearly legible manner for the entire duration for advertisements adopting a programme style

Support	Not Support	No Views	Total
202(89%)	19(8%)	8(3%)	229

(B) The title of an advertisement adopting a programme style should carry clear identifications that the materials are advertisements

Support	Not Support	No Views	Total
201(88%)	19(8%)	9(4%)	229

Additional Comments/Suggestions

(A) *Flagging throughout the advertisements*

- There was an increase in the number of advertising magazines adopting a programme style format. Such advertising materials were likely to mislead and deceive viewers, who would take the advertising magazines as informational programmes. The proposal could avoid confusion without affecting the advertising revenues of licensees.
- Viewers would no longer mistake advertisements for programmes and could choose to view the advertisements or not.
- Identification of programme-styled advertisements should be subject to certain rules, e.g. colour of font, position, proportion of the entire screen, labelling in the form of oral announcements, etc.
- No advertisements for children’s product should adopt a programme style.

- The proposal was recessive, hindered creativity and the overall presentation of advertisements, undermined freedom of expression, suppressed interesting advertisements, obtruded on viewing pleasure and exploited viewers' amusement.
- The public had got used to advertisements which were packaged as programmes and would not be confused.
- The existing regulations were sufficient. More restrictions would bring more difficulties to the broadcasting, media and advertising industries.

(B) Identifications in the Titles

- Viewers would no longer mistake advertisements for programmes and could choose to view the advertisements or not.
- Some titles of advertisements were made programme-like with intent to mislead viewers.

Proposal 3 : Applicability of Aggregate Advertising Time Limits to Promos for Advertisements

Promos for advertisements should be subject to advertising time limit

Support	Not Support	No Views	Total
198(86%)	13(6%)	18(8%)	229

Additional Comments/Suggestions

- Promos for advertisements were intended to promote the advertisements and should be regarded as advertising material.
- According to the fairness principle, promos for advertisements should be counted towards the aggregate advertising time limits.
- Promos for advertisements were different from advertisements as the former was not advertising the products/services.
- Too many restrictions would ruin the business environment; resulted in layoff, unemployment and brain-drain in the advertising industry.