

Summary of Responses from the Public to the Public Consultation on Relaxation of Television and Radio Codes of Practice

Proposal 1: The Substantiation Requirements for Real Property Advertising

Question 1: Do you have any views on the proposal to exempt real property (both situated in and outside Hong Kong) advertisements placed by licensed estate agents from the substantiation requirements under the Television and Radio Codes of Practice?

Agree	Disagree	No Comment	Total
87 (47%)	62 (33%)	38 (20%)	187

Comments of those who agree with the proposal

- Information on local property is transparent and consumers can directly get more information from the relevant authorities if necessary.
- It is reasonable to allow the exemption to avoid duplication of regulatory efforts.
- The proposal would help improve the business environment.

Comments of those who disagree with the proposal

- The existing requirements under the codes could safeguard the interests of consumers whose investment in properties involves substantial amount of money. It is not difficult for advertisers to provide the required information to the authority.
- The requirements under the Estate Agents Ordinance (Cap. 511) or Estate Agents Authority (“EAA”)’s guidelines are different from those of the Codes of Practice issued by the Communications Authority (“CA”). EAA’s major guidelines only regulate the sale and advertising of uncompleted properties situated outside Hong Kong, but not completed properties outside Hong Kong. The substantiation requirements under the codes are wider in scope and afford greater protection to consumers.
- The proposal to exempt advertisements placed by licensed estate agents from the substantiation requirements would reduce consumer protection.

Question 2: Do you have any views on the proposal to exempt advertisements of local residential properties for first-hand sale regulated under the Residential Properties (First-hand Sales) Ordinance (“RPO”) (Cap. 621) from the substantiation requirements under the Television and Radio Codes of Practice?

Agree	Disagree	No Comment	Total
81 (43%)	58 (31%)	48 (26%)	187

Comments of those who agree with the proposal

- Information on local property is transparent and consumers can directly get more information from relevant authorities if necessary.
- It is reasonable to allow the exemption to avoid duplication of regulatory efforts.

Comments of those who disagree with the proposal

- The existing requirements under the codes could safeguard the interests of consumers whose investment in properties involves substantial amount of money. It is not difficult for advertisers to provide the required information to the authority.
- The substantiation requirements and the requirements under the RPO complement each other. The interests of audience and potential purchasers would be compromised with the proposed exemption.

Question 3: Do you have any views on the proposal to remove the requirement for confirmation from a firm of solicitors/attorneys registered and recognised in the country/region where the real property or land is situated that housing loan is available to prospective purchasers from a licensed financial institution?

Agree	Disagree	No Comment	Total
76 (41%)	56 (30%)	55(29%)	187

Comments of those who agree with the proposal

- The relaxation would facilitate advertising for real properties outside Hong Kong thereby providing more choices of such properties for Hong Kong buyers.
- Buyers should bear their own risks.

Comments of those who disagree with the proposal

- It may deprive consumers of making an informed choice of housing loan when buying real properties outside Hong Kong.
- The requirement for confirmation of a housing loan enables consumers/prospective purchasers to have better assessment of their financial position. The proposed removal of the requirement is not in the interests of consumers/potential purchasers and would undermine consumer interests.

Proposal 2: Insertion of Advertising Material in Programmes Covering Sports and Live Events

Question 4: Do you have any views on the proposal to relax the restriction on in-programme advertising material in programmes covering sports events, and to exempt such material from being counted towards the advertising time limit applicable to domestic free television programme service (“free TV”)?

Agree	Disagree	No Comment	Total
121 (64%)	32 (17%)	36 (19%)	189

Comments of those who agree with the proposal

- It would help increase broadcasting revenues and facilitate development of the broadcasting industry.
- It would encourage broadcasters to broadcast a wider variety of sports events and attract commercial sponsors to support sports events.
- The relaxation could help the TV licensees generate more advertising revenues, thereby increasing their financial power to acquire broadcast rights of mega sports events which often come with huge price.

Comments of those who disagree with the proposal

- Insertion of commercial logos would affect viewing pleasure and viewership will decrease in the long run. In-programme advertising material should only be allowed before the start of sports events but not during the course of the events.
- The existing advertising standards could protect viewing interests.

Question 5: Do you have any views on the proposal that the relaxation for insertion of in-programme advertising material in programmes covering sports events should be applicable only to the actual proceeding of a match and associated events?

Agree	Disagree	No Comment	Total
136 (72%)	25 (13%)	28 (15%)	189

Comments of those who agree with the proposal

- The relaxation could attract more commercial sponsors to support the broadcast of sports events.
- Product placement in foreign sports events programmes is common and in-programme advertising material is largely accepted by the public.

Comments of those who disagree with the proposal

- Insertion of commercial logos should also be allowed for programmes/segments tailor-made for promotion or providing updates of matches and commentaries. Application on a case-by-case basis is unnecessary.

Question 6: Do you consider it appropriate to limit commercial logo appearing in a programme covering sports events to one at any one time, and to limit the appearance of such commercial logo to not exceeding 5% of the entire television screen?

Agree	Disagree	No Comment	Total
129 (68%)	18 (10%)	42 (22%)	189

Other suggestions for the display of commercial logo

- 2% - 3% of the screen
- 5% - 8% to facilitate viewing by seniors and the visually impaired
- Two commercial logos at any one time covering 10% of the screen
- No limit on the number of the logos but the size should be less than 5% of the screen
- Both the width and length of the logos should not exceed 5%
- Commercial logos should only appear in the corners of the screen

Question 7: Do you have any views on the proposal that the various durations of commercial logo appearing in a programme covering sport event should not exceed 1 minute per every 7 minutes calculated on a pro-rata basis, with each appearance not exceeding 1 minute?

Agree	Disagree	No Comment	Total
133 (70%)	16 (9%)	40 (21%)	189

Comments of those who disagree with the proposed duration limits

- There should be no limit on the duration of logo display and whether logos are displayed continuously or occasionally makes no difference to viewers.
- Other suggestions on duration limits for commercial logos -
 - 5 seconds per every 10-15 minutes
 - 30 seconds per every 10 minutes
 - 1 minute per every 10 minutes

- 3 minutes per every 7 minutes
- Once per every 10 minutes
- 30 seconds at each time
- 10% of each segment duration

Question 8: Do you consider it appropriate to limit the display of commercial logo in programmes covering sports events alongside and/or next to any clock or scoreboard or other information which is relevant to the sports events, or near the margin of the screen?

Agree	Disagree	No Comment	Total
131 (69%)	8 (4%)	50 (27%)	189

Comments of those who agree with the proposal

- Welcome the proposal and suggest that more guidelines should be provided for the display of commercial logo.
- Welcome the proposal and suggest that the authority keep monitoring after the implementation of relaxation.

Comments of those who disagree with the proposal

- Commercial logos should not be too prominent and should be put near the margin of the screen.
- The restriction on logo display duration is sufficient and there should not be restriction on the position of the commercial logo.
- Commercial logos should be placed next to TV station logo only.

Question 9: Do you have any views on the proposal that the CA may, on a case-by-case basis, exempt in-programme advertising material in non-sports live events programmes from being counted towards the advertising time limit applicable to free TV?

Agree	Disagree	No Comment	Total
130 (69%)	22 (12%)	37 (19%)	189

Comments of those who agree with the proposal

- Agree that live events programmes should be exempted from counting towards advertising time limit on a case-by-case basis, and suggest the exemption be extended to other programme types later.
- The exemption would help TV stations generate revenue.

Comments of those who disagree with the proposal

- The permission of product placement has already increased advertising within programmes.
- No advertising material should be broadcast within programmes. There should be restrictions to prevent excessive advertising.

Question 10: Other comments on the review of the restriction on insertion of in-programme advertising material in programmes covering sports and live events

Further relaxation

- The restrictions should be further relaxed as long as viewing interest is not affected. Viewers can differentiate between advertising and sports events contents.
- In view of the recent economic environment, there should be further relaxation for advertising in programmes other than sports events to help boost the economy.
- In-programme advertising in programmes covering local sports events should be further relaxed as it is rather difficult for local sports events to find sponsorship.

Sports events programmes

- Advertising breaks interrupting viewing of matches should not be allowed.
- Insertion of advertising material should not be allowed during key moments of sports events.

Other live events programmes

- In-programme advertising should be well regulated to prevent live programmes from turning into advertisements.
- The display, frequency and duration of commercial logos should not considerably affect viewing pleasure.
- Clearer guidelines and criteria for approval should be in place.

Advertising materials

- Only advertising material that is related to the sports event should be allowed.
- Advertising for the same product/service should not be repeated within a specified time.
- Advertising for tobacco, alcohol, money lending and gambling should be restricted.

- Advertising material containing soccer betting, sex, gambling and alcohol should not be allowed.
- The in-programme advertising material should not obstruct the viewing of important contents in the sports events or live events.

Others

- TV broadcasters should be required to broadcast more types of sports and live events.
- There is already excessive advertising on TV and there should be no more advertising allowed.
- Insertion of in-programme advertising material should not affect programme quality.
- Programme hosts should not be involved in promoting the advertising material.
- There should be monitoring and annual review of the insertion of in-programme advertising material for better regulation.
- There should be a composite review on product placement and insertion of in-programme advertising material.
- Commercialisation will affect the spirits in sports events or live events.
- No relaxation or change is necessary and Radio Television Hong Kong should provide broadcast of prestigious sports events programmes.

Proposal 3: Broadcast Hours of Mature (“M”) Programmes

Question 11: Do you have any views on the proposal to advance the start of broadcast hours of M programmes and material of an adult nature (viz. use of language, sex and nudity and violence) from 11:30 p.m. to 11:00 p.m.?

Agree	Disagree	No Comment	Total
79 (41%)	78 (41%)	34 (18%)	191

Comments of those who agree with the proposal

- Children sleep early nowadays and advancing the broadcast hours of M programmes by only half an hour would allow more flexibility in programme scheduling.
- Material of an adult nature is easily accessible on the Internet. Advancing the broadcast hours of M programmes on free TV is acceptable.

Comments of those who disagree with the proposal

- Most teenagers and children are not yet in bed at 11:00 p.m. There is no data to support a significant decrease in the number of children viewers after 11:00 p.m.
- The broadcast of M programmes should be postponed to 12:00 midnight. There are other platforms for viewing adult materials.
- The classification of TV programmes into “PG” and “M” cannot ensure children and teenagers watching TV under parental guidance. It is unacceptable to advance the starting time of M programmes for the interests of free TV broadcasters which should be subject to more stringent control than the Internet and pay TV. The relaxation will lower the moral standard.

Other comments

- Materials not suitable for children already appear in programmes from 8:00 p.m. onwards. The family viewing hours should end at 8:00 p.m. so that programmes containing such materials would be classified and shown as PG programmes from 8:00 p.m. onwards.
- More adult material has been inserted into programmes after 8:30 p.m. than ever before.
- The restriction on the references to tobacco and alcohol within children’s programmes should be relaxed as children have been exposed to such products on other platforms. Warnings or reminders should suffice for the protection of children viewers.
- The contents of M programmes and adult material should be re-defined in order to provide clearer guidance to TV licensees.
- Category III films as M programmes on TV should not be accepted.
- TV broadcasters should be required to broadcast one-hour news programme from 11:00 p.m. to 12:00 midnight, and the broadcast of M programmes should be postponed to 12:00 midnight.