

**Guidance Note for Those Interested in  
Applying for Other Licensable Television  
Programme Service Licences (Hotel)\* in  
Hong Kong**

**Communications Authority**

**February 2021**

- \* This Guidance Note is for those interested in applying for a licence to provide the type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation (Cap. 562A).

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References**I INTRODUCTION**

1.1 Under the Broadcasting Ordinance (BO) (Cap. 562), which came into effect on 7 July 2000, the Communications Authority (CA) may grant a licence to provide an other licensable television programme service. Parties interested in providing a television programme service in hotel rooms in Hong Kong need to apply for an other licensable television programme service licence.

Ss8(2), S2(1)  
& S5 of the  
BO

1.2 The CA will, as soon as practicable, publish in the Gazette a notice stating the name and the registered address of the applicant. The public will be given no less than 21 days to make representations on the application.

S9(3) of the  
BO

1.3 This Guidance Note does not bind the CA to consider any application or to grant any licence or to the terms of any licence to be granted. The CA will not be responsible for any claims, actions, proceedings, liabilities, losses, damages, demands, charges, costs or expenses which any applicant may become liable for or have incurred or sustained in connection with this Guidance Note. Certain requirements and restrictions described in this Guidance Note may be modified, for example, in the light of the proposals received or other relevant considerations. This Guidance Note shall not be relied upon to create any expectation that a licence will be granted to the applicant on the terms and conditions referred to in this Guidance Note or otherwise.

**II REGULATORY FRAMEWORK**

2.1 A licensee will be responsible for all the contents of the television programme services provided as part of its service. The CA is the regulatory body for broadcasting services in Hong Kong.

2.2 A licensee will be regulated by a combination of legislation (including any subsidiary legislation, regulations, directions, orders, determinations and Codes of Practice made thereunder) and the licence conditions. The relevant legislation includes the BO, the Communications Authority Ordinance (CAO) (Cap. 616) and the Broadcasting (Miscellaneous Provisions) Ordinance (BMPO) (Cap. 391). Certain key features of the legislation in relation to an other licensable television programme service licence are set out below in general terms. An applicant is advised to refer to the BO, the CAO and the BMPO for a complete picture of the statutory requirements.

Ss3, 23, 24 &  
42 of the BO

CAO

BMPO

**Broadcasting Ordinance***To whom a licence may be granted*

2.3 The application has to be made by a company formed and registered in Hong Kong under the Companies Ordinance (Cap. 622) or a former Companies Ordinance as defined in section 2(1) of the Companies Ordinance. Ss2(1) & 8(2) of the BO

2.4 At least one director or one principal officer of the licensee company shall be an individual who is for the time being ordinarily resident in Hong Kong and who has been so resident for at least one continuous period of not less than seven years. Ss8(4)(b) & S2(1) of the BO

*Fit and proper person*

2.5 A licensee and any person exercising control of the licensee shall be and remain a fit and proper person. "Exercise control" is defined in section 2(1) of the BO. The factors that will be taken into consideration in determining whether a licensee or a person exercising control of the licensee is fit and proper are set out in section 21 of the BO. S21(1) of the BO

2.6 An applicant is required to provide a statement on oath or a statutory declaration given by its company secretary, or one of its directors or principal officers that this requirement is met when applying for a licence. A licensee shall provide information to the CA on a regular basis to enable the CA to establish and verify whether this requirement is being complied with. S21(2) of the BO

*Sanctions*

2.7 The CA is empowered under section 28 of the BO to require a licensee to pay financial penalties for failure to comply with any licence condition; any requirements, direction, order or determination under the BO; and Codes of Practice which are applicable to it. The CA is empowered under section 30 of the BO to direct a licensee to include in its licensed service a correction or apology in a form approved by the CA. Under sections 31 and 32 of the BO, the CA may suspend and/or revoke a licence in certain circumstances, and the licensee will be allowed an opportunity to appeal to the Chief Executive in Council before the suspension and/or revocation comes into force. Ss28, 30, 31 & 32 of the BO

References**Licence fees**

2.8 The prevailing annual licence fee payable for a type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation (Cap. 562A) consists of a fixed fee of \$16,800 and a variable fee calculated by multiplying \$5,400 with the number of hotels (if any) to which the television programme service is provided.

S3 of  
Schedule 4 to  
the  
Broadcasting  
(Licence  
Fees)  
Regulation

**Sample licence for a type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation**

2.9 An applicant should propose a term of licence up to a maximum of 12 years. The term will be determined by the CA having regard to the proposal of the applicant.

2.10 A sample licence consisting of general terms and conditions to be included is posted on the CA's website at <http://www.coms-auth.hk> for reference. The CA may vary or impose additional terms and/or conditions for individual licences.

S10(2) of the  
BO

**Codes of Practice**

2.11 A licensee is required to comply with any codes of practice applicable to them issued by the CA from time to time. The codes of practice issued by the CA set out the standards on programmes and advertisements. Materials to be provided on the service are not subject to any previewing by the CA.

S3 of the BO

2.12 The Generic Code of Practice on Television Programme Standards sets out, among other things, that programmes provided on a type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation which may contain material unsuitable for children shall be preceded by a notice in the following form, or a notice to the like effect:

Para. 17,  
Chapter 8 of  
the Generic  
Code of  
Practice on  
Television  
Programme  
Standards

WARNING: "THIS PROGRAMME CONTAINS  
MATERIAL WHICH MAY BE  
UNSUITABLE FOR CHILDREN."

References

2.13 Advertising material provided on a type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation shall comply with the Generic Code of Practice on Television Advertising Standards.

Generic Code  
of Practice on  
Television  
Advertising  
Standards

2.14 Codes of Practice issued by the CA are publicly available at the CA's website at <http://www.coms-auth.hk>.

### **III INFORMATION TO BE PROVIDED IN APPLICATION**

3 Applications must be made to the CA containing a duly completed and signed application form (OFCA SF0005 (12)) with all the information as required in the form.

### **IV CRITERIA FOR ASSESSEMENT**

4 The factors for the assessment of the application by the CA include:

- (a) compliance with statutory requirements; and
- (b) the extent to which the applicant is likely to comply with the licence conditions, the codes of practice, the provisions of, and the directions, orders or determinations made under, the BO applicable to it,

based on information provided in the application.

### **V SUBMISSION OF APPLICATIONS**

5.1 The sample licence for a type B other licensable television programme service mentioned in Schedule 4 to the Broadcasting (Licence Fees) Regulation, application form for the licence, and other related specified forms are available on the CA's website at <http://www.coms-auth.hk> or for collection from the Office of the Communications Authority (OFCA) at the following address. Interested parties should submit 3 copies of their applications to:

The Communications Authority  
c/o Office of the Communications Authority  
20/F Wu Chung House  
213 Queen's Road East  
Wan Chai  
Hong Kong

or by E-mail to: [webmaster@ofca.gov.hk](mailto:webmaster@ofca.gov.hk)

5.2 Applications will be accepted all year round.

5.3 Enquiries on this Guidance Note should be made in writing to OFCA at the address given in paragraph 5.1 above or sent to:

Facsimile: (852) 2507 2219 (General)  
(852) 2598 5509 (Confidential)

E-mail Address: [webmaster@ofca.gov.hk](mailto:webmaster@ofca.gov.hk)

or by phone to: (852) 2961 6458

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