

**GENERIC CODE OF PRACTICE ON  
TELEVISION ADVERTISING STANDARDS**

**COMMUNICATIONS AUTHORITY**

**15 DECEMBER 2023**

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# Chapter 1

## Preamble

1. This Code of Practice is issued by the Communications Authority (CA) pursuant to section 3 of the Broadcasting Ordinance (Cap. 562). Unless otherwise specified, all materials included in a television programme service licensed under the Broadcasting Ordinance (Cap. 562) must comply with this Code. The CA has the power to impose sanctions on licensees who do not comply with the Code.

2. This Code sets out the advertising standards for the four categories of television programme services licensed under the Broadcasting Ordinance (Cap. 562), viz., domestic free television programme services, domestic pay television programme services, non-domestic television programme services and other licensable television programme services.

3. Due to the difference in the characteristics, pervasiveness and degree of influence of the television programme services, each category of television programme service is subject to a level of control appropriate to that particular type of services. As a general principle underlying television advertising regulation, the degree of restriction applied must be related to the likely audience of the television programme service and their expectations.

4. *Domestic free television programme services* are intended or available for reception by the public free of charge in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Since they are the most pervasive of all the four categories of television programme services, it is reasonable for the audience to expect more stringent standards for protection of minors and public morality.

5. *Domestic pay television programme services* are intended or available for reception by the public, on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of more than 5,000 specified premises and primarily target Hong Kong. Given that subscription is voluntary and is by choice, and that the provision of a television programme service locking device is a mandatory requirement, sufficient safeguards are in place so as to allow a more relaxed regulatory regime for its content. Domestic pay television programme services are therefore subject to a less stringent control.

6. *Non-domestic television programme services* cover television programme services which do not primarily target Hong Kong. Such services are either (i) intended or available for reception by the public free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; or (ii) neither intended nor available for reception by the public free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong. Television programme service locking devices are required for subscription services provided in Hong Kong by the licensees. Since these services do not primarily target Hong Kong, they are required to comply with only the minimum standards.

Nevertheless, the non-domestic television programme service licensee should take all reasonable steps to ensure the acceptability of the licensed services in, and to comply with the laws and programme and advertising standards stipulated by the relevant authorities of, recipient countries and places.

7. *Other licensable television programme services* are intended or available for reception free of charge in Hong Kong or on payment, whether periodically or otherwise, of a subscription in Hong Kong; they are intended or available for reception by an audience of not more than 5,000 specified premises (unless otherwise permitted by the CA where it is satisfied that the service concerned is only intended or available for reception by a single housing estate), or in hotel rooms. They are television programme services whose reception is limited to a narrower audience. Since these services (except for a service provided to hotel rooms) are required to provide a television programme service locking device, they should not be subject to a degree of control greater than that imposed on the domestic pay television. However as the target audience of these services may range from members of the general public to hotel guests and other special interest groups, the licensee should be sensitive to the expectations of different audiences.

8. Some of the provisions in the Code are common to all categories of television programme services while others apply to a certain category or categories of such services. This will be clearly stated in the headings or the concerned paragraphs or chapters.

9. The CA, as the regulator, does not preview programmes and advertising material or consider specific proposals before production. The editorial responsibility lies with the licensees themselves. Advertisers or potential sponsors seeking guidance on the likely acceptability of particular proposals should approach the relevant licensee.

10. The Code sets out the factors which should be taken into account when making editorial judgement. It is the responsibility of the licensees to ensure that any advertising included in their licensed services will comply with the Code. Judgement will always be called for by the licensees. When forming a view about the acceptability of any advertising material, the CA will give consideration to the following factors: -

(a) ***Type of licensees***

Restrictions on the content, presentation and placement of advertising are to be adjusted according to the degree of pervasiveness and the nature of a certain category of licensees. See also paragraphs 4 to 7 in this chapter.

(b) ***Category of advertisement***

The licensee should exercise care in the inclusion in its licensed service of specific categories of advertisement having regard to the nature of the product or service advertised and the treatment of the product or service in the advertisement. Advertisements for products and services which are of particular concern or sensitivity (e.g. alcoholic beverages, medicines, personal products etc.) are subject to more

stringent restrictions.

(c) ***Time of the day***

The licensee's responsibility for sensitive scheduling of advertisements may reduce a risk of offence to the minimum. For example, at certain times, parents will want to be confident that their children can watch television unsupervised without the risk of being exposed to unsuitable material. At other times, they can accept more challenging material and can reasonably be expected to take greater control over their children's viewing.

(d) ***Target audience***

The provisions in the Code will differ according to the likely composition of the audience to television advertising. The compliance of an advertisement with the Code will be assessed in terms of its probable impact as a whole upon that particular audience who are likely to be exposed to it. Special concern should be given to the interests of children and young viewers. The restriction on the advertisements targeting children is much more stringent than those targeting adults.

(e) ***Circumstances in which the advertisements are shown***

Account should be taken of the circumstances in which the advertisements are shown such as the nature of a channel or a programme in which the advertisement is included or the extent to which the viewer is able to control its reception.

11. Advertisements/advertising material included in programmes/channels acquired from reputable sources on the Mainland for direct re-transmission, delayed transmission or subsequent repeated broadcast may be exempted from complying with the standards stipulated in this Code. In determining whether a programme/channel should be exempted, the contents of the programme/channel in its totality and the factors set out below are relevant considerations –

- (a) whether the programme/channel promotes positive societal values and virtues;
- (b) whether the licensee does not have editorial control over programming (e.g. a programme/channel acquired for direct re-transmission, delayed transmission or subsequent repeated broadcast and/or without alteration by the licensee);
- (c) whether the licensee does not receive any payment or other valuable consideration in relation to the inclusion of advertising material in the programme/channel; and
- (d) whether the source of the programme/channel is identified clearly by an announcement at the beginning of the programme or through other means so that the viewers could make their own assessment of the information and messages conveyed therein. The licensee may be

deemed to have complied with the identification requirement for acquired channel(s) provided that the source of the channel is clearly identifiable as such.

12. Care should be taken in those aspects of television programme services which entail advertisers' involvement in programming or promotional (rather than advertising) time. The Code makes different provisions governing standards in the sponsoring of programmes for different types of licensees.

13. The Code deals in general principles. Licensees would be required to draw up their own guidelines in the light of the particular interests of the organisations and their audiences so as to provide practical guidance to their staff on how these general principles would be applied in specific circumstances. Licensees must reflect the general effect of this Code in their own guidelines.

14. The provisions set out in this Code have to be applied in spirit as well as in letter and should be read in conjunction with relevant legislation and licence conditions currently in force. The legal and regulatory requirements cited in the Code are for reference only. It is the responsibility of the licensees to ascertain the applicable and up-to-date legal and regulatory requirements. As a matter of principle, the CA will not try to interpret or enforce the law under the purview of other enforcement agencies. When there is an alleged breach of the law, the CA will generally refer the case to the proper enforcement agency for action.

## Chapter 2      Definition of Advertisement

1.            Advertisement or advertising material means any material included in a television programme service which is designed to advance the sale of any particular product or service or to promote the interests of any organization, 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 products or services.

2.            For the purpose of this Code the term advertisement or advertising material does not include:

- (a) station/channel/programme service identifications;
- (b) announcements in the public interest and publicity material as the CA may require to be included in the licensee's television programme service;
- (c) material for the promotion of the licensee's station and/or programme services. For the avoidance of doubt, the promotion of advertisement or advertising material included in a television programme service is advertisement or advertising material for the purpose of counting the aggregate advertising time allowed for domestic free television programme services under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562);
- (d) sponsor identifications (including title sponsorship, front/end sponsor credits, and sponsorship references within programmes) as permitted under Chapter 9 ("Programme Sponsorship") of this Code. For the avoidance of doubt, sponsor identifications in the form of a front or end advertisement or both will count towards the advertising time allowance;
- (e) material connected with charities and public appeals approved by the CA and of which the licensee does not receive payment or other valuable consideration for including in its licensed service;
- (f) incidental or natural references to products or services in the course of a programme which are justifiable in programme context. For the avoidance of doubt, where:
  - (i) the licensee receives payment or other valuable consideration in return for such references; or
  - (ii) such references are for the promotion for commercial purposes of the product(s) or service(s) of another company in the group of

companies of which the licensee is a member (adopting the definition of “group of companies” in section 2(1) of the Companies Ordinance (Cap. 622)); or

- (iii) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes;

they will be subject to the sponsorship rules in Chapter 9 (“Programme Sponsorship”) of this Code.

Such definition shall extend to the grammatical variations and cognate expressions of such term and the word advertising shall be interpreted accordingly.



## **Chapter 3            General Advertising Standards**

### **GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES**

1.            Television advertising should be legal, clean, honest and truthful.
2.            The content, presentation and placement of all advertising material must comply with the Generic Code of Practice on Television Programme Standards.

### **SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES**

#### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

##### **Jurisdiction**

3.            All advertising material must comply with the laws of Hong Kong.

##### **Identification of Advertisements**

4.            Advertising material should be clearly identifiable as such so that viewers can make their own assessment and attach appropriate weight to it. Unless permitted under Chapter 9 of this Code or otherwise permitted by the CA, distinctions must be maintained between advertisements and programmes.
5.            Any advertisement that adopts a programme style (e.g. documentary, studio interview, cookery demonstration, lifestyle programmes and game shows) should be carefully assessed to ensure that there is no risk of confusion with programme material. Any advertisement adopting a programme style must be flagged as such by superimposing a caption “advertisement” or “advertising magazine” in a clearly legible manner for the entire duration of the advertisement. This rule does not apply to a service or part of a service that comprises home shopping material where the nature of the service or part of the service is, in the opinion of the CA, clearly identified to viewers.
6.            Advertisements built into services permitted under paragraph 1 of Chapter 8 of this Code or channels acquired for direct re-transmission permitted under paragraph 2 of Chapter 8 of this Code may deviate from the standards set out in paragraphs 4 and 5 of this chapter.

##### **Good Taste**

7.            Advertising matter should be presented with courtesy and good taste. Disturbing material such as overly persistent repetition, and words and phrases

implying emergency should be avoided. Every effort should be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears.

### **Disparagement**

8. Advertising matter should contain no claims that have the effect of disparaging competitors, competing products or services or other industries, professions, or institutions.

### **Truthful Presentation**

9. No advertisements 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 licensee should have his responsibility under this paragraph 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. (*For more detailed rules relating to claims, please see Chapter 4 Factual and Best-selling Claims*).

### **Imitation**

10. Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee should not be permitted.

### **Appeal to Fear**

11. Advertisements should not unduly play on fear.

### **Acceptability of Advertising Matters**

12. 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 applies to the advertiser.

13. A licensee shall 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. (*See also Chapter 5 Unacceptable Products or Services*).

### **Categories of Programme Carrying No Advertising**

14. Advertisements must not be inserted in the course of:

- (a) a religious service or other devotional programme; or
- (b) programmes for schools supplied by the Government as the CA may

require to be included in the domestic free television programme service under the Broadcasting Ordinance (Cap. 562).

***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

15. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

## Chapter 4      Factual and Best-selling Claims

### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

#### **Claims to be Substantiated**

1. All factual claims and best-selling claims should 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, or otherwise be provided through a Quick Response (“QR”) code which viewers may refer to, provided that –

- (a) the QR code should provide direct and unfettered access to the relevant information (i.e. source and date);
- (b) the QR code should be displayed on the screen for a sufficiently long duration to enable viewers to scan the code readily; and
- (c) the licensee shall keep a complete record of the relevant information related to the substantiation of factual claims and submit the same to the CA on demand. The record shall be retained by the licensee for not less than 30 days (or such other period as may be determined by the CA) after the broadcast of the advertisement.

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

- (a) such claims should be substantiated by:
  - (i) independently audited sales figures; or
  - (ii) probability sample surveys which are recognised 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 should 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, should 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 or service 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.

### ***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

11. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

## Chapter 5 Unacceptable Products or Services

### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

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

1. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable for inclusion in a licensed service:

- (a) firearms and associated equipment;
- (b) 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;
- (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, football and horse race betting which are authorized by or under the Betting Duty Ordinance (Cap. 108), and for horse racing and football betting publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing and football betting provided that the advertisement does not encourage betting or contain any references to betting tips. No advertisements for these items should be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries, football and horse race betting should:
  - (i) not be shown between 4:00p.m. and 8:30p.m. each day on ***domestic free television programme services*** or at times when television programmes, in the opinion of the CA, target young persons under the age of 18;
  - (ii) only target 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 lotteries/football/horse race betting 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/football/horse race betting 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 young persons under the age of 18; or
- (h) pay per call information services which offer adult material of a sexual nature. The restriction is not applicable to licensed services restricted for adult viewing.

The above list is not exhaustive. Advertisements for other products or services may be prohibited or restricted under the law or under other parts of this Code (e.g. see Chapter 6 Specific Categories of Advertisement).

### **Indirect Publicity of the Unacceptable Product or Service**

2. An advertisement for an acceptable product or service may be unacceptable if, in the opinion of the CA, a significant effect of the advertisement would publicise indirectly the unacceptable product or service.

3. 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 a licensed service or during a programme targeting children and young viewers, an advertisement which has a significant effect of publicising such a product or service should likewise be prohibited in those circumstances.

4. In determining whether the significant effect of an advertisement would publicise indirectly an unacceptable product or service for the purpose of paragraphs 2 and 3 above, the CA 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 CA, some relevant factors which may be taken into consideration should include the following:

- (a) 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;
- (b) 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;
- (c) 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
- (d) the target audience, the arrangement of the delivery and the placement of the advertisement.

#### ***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

5. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.



## Chapter 6      Specific Categories of Advertisement

### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

1. The licensee should exercise care in the inclusion in its licensed service of certain categories of advertisement having regard to the nature of the product or service advertised, the treatment of the product or service in the advertisement and the likely composition of the viewing audience for the time of day at which they are shown. The following paragraphs set out restrictions on advertisements for products or services which are of particular concern or sensitivity.

#### **Alcoholic Beverages**

2. The advertising of liquor or alcoholic liquor (as defined in the Dutiable Commodities Ordinance (Cap. 109)) requires special consideration and is subject to the following conditions:

- (a) such advertising should only target 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 shown in proximity to children's programmes; or programmes which, in the opinion of the CA, target young persons under the age of 18;
- (c) for *domestic free television programme services*, the licensee should not include in its licensed service between the hours of 4:00p.m. and 8:30p.m. each day any liquor advertising or include in its licensed service 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 should not be permitted;
- (e) the presentation of alcoholic liquor as prizes or gifts in isolation for television contests should not be permitted;
- (f) the use of alcoholic beverages or products should 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 should 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 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 under the age of 18;
- (j) use of alcoholic beverages or products should 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 should not promote the misuse or abuse of alcoholic beverages;
- (m) advertising should not suggest that drinking is a prerequisite to relaxation. Alcohol should 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 alcoholic products should adhere to the advertising standards on alcoholic drinks; and
- (o) advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.

3. Generally speaking, 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. In particular, drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, whether or not 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 2 above.

## **Smoking Products**

4. The licensee must comply with all relevant provisions relating to smoking product advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
5. The presentation of smoking products as prizes or gifts for television contests is not permitted.

## **Medical Preparations and Treatments**

### **General**

6. The licensee should ensure that all medical advertisements conform with the laws of Hong Kong, including without limitation the Undesirable Medical Advertisements Ordinance (Cap. 231).

### **Medical Preparation**

7. The term ‘medical preparation’ means any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy. It includes:
  - (a) mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use;
  - (b) drops or paints, such as eye, ear or nose drops, throat paint, etc.;
  - (c) ointments, creams, pastes or powders for therapeutic use externally;
  - (d) liniments or any product to be rubbed on;
  - (e) injections; and
  - (f) foods which claim to assist ‘regularity’ or other health problems.

### **Restricted Medical Preparations**

8. Advertisements for medical preparations which are included in :
  - (a) Part 1 of Schedule 10 to the Pharmacy and Poisons Regulations (Cap. 138A); or
  - (b) Schedule 1 to the Antibiotics Regulations (Cap. 137A),are not acceptable.

## Unacceptable Products or Services

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

- (a) smoking cessation: this does not preclude advertisements for nicotine replacement therapy products which are listed in Part 2 of Schedule 10 to the Pharmacy and Poisons Regulations (Cap. 138A) provided that such advertisements are not shown within or in proximity to children's programmes and that the licensee must ensure that advertisements for nicotine replacement therapy products should:
  - (i) comply with all relevant provisions relating to smoking product advertisements (including any illustration or mentioning of smoking) under the Smoking (Public Health) Ordinance (Cap. 371). Please refer to sections 2 and 14 of Cap. 371 for definitions of "smoking" and "smoking product advertisement";
  - (ii) not be shown between 4:00p.m. and 8:30p.m. each day on ***domestic free television programme services*** or at times when television programmes, in the opinion of the CA, target young persons under the age of 18;
  - (iii) make it clear that the advertised nicotine replacement therapy products are aids for smoking cessation<sup>(Note 1)</sup>;
  - (iv) not claim that:
    - (1) the advertised nicotine replacement therapy products can cure smoking addiction;
    - (2) smoking is made safer whilst the habit is being reduced; and
  - (v) contain the advisory message visually and/or aurally: "Please consult healthcare professionals for more details of the product".
- (b) prevention or treatment for any disease of hair or scalp, except for prevention or treatment of dandruff by means of external applications ;
- (c) pregnancy testing services;
- (d) clinical laboratory testing services;
- (e) relief or cure of alcoholism and drug addiction;
- (f) cosmetic surgery and slimming or weight reducing measures involving

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(Note 1) It is recognized that it takes determination and perseverance as well as a healthy lifestyle for one to quit smoking successfully.

the use of medical preparations; and

(g) procurement of miscarriage or abortion.

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

10. 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 should be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmacists, 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**

11. No spoken or pictorial representation should 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 should be allowed. No advertisement should 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**

12. 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**

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

## **Exaggeration**

14. 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. Statements should 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.

## **General Statements**

15. Advertisements should 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**

16. Advertisements should 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**

17. 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**

18. No derogatory reference whether spoken or visual should 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**

19. 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.

## **Claims Relating to Nutrition or Dietary Effects**

20. Claims relating to nutrition or 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 10 of this chapter which governs professional advice and support;
- (f) the licensee must ensure that the advertisements which make claims relating to nutrition or dietary effects comply with all relevant legislation including without limitation the Public Health and Municipal Services Ordinance (Cap. 132); 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 the age of 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 products or 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; 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.)

## **Personal Products**

### **General**

21. Products of personal nature, such as female sanitary products, condoms, deodorants for the genital area, incontinence products, etc., should be presented with care and sensitivity. Depiction of such products must be in good taste and not overly graphic. Advertising of female sanitary products and condoms should be restrained and discreet.

### **Female Sanitary Products**

22. The product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers. Close-up shots on the crotch area are unacceptable.

### **Condoms**

23. Advertisements for condoms should be factual only and should not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune-Deficiency Syndrome (AIDS).

24. For *domestic free television programme services*, except with the special permission of the CA, no advertisement for condoms should be shown between 4:00p.m. and 8:30p.m.

## **Educational Courses**

25. The licensee must 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 (Cap. 493B).



## Financial Advertising

### Legal Responsibility

26. 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) the Companies Ordinance (Cap. 622);
- (b) the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32);
- (c) the Banking Ordinance (Cap. 155);
- (d) the Insurance Ordinance (Cap. 41) and any other prevailing rules, guidelines, codes, explanatory notes and regulatory instruments relating to insurance products issued by the Insurance Authority (IA);
- (e) the Securities and Futures Ordinance (Cap. 571);
- (f) the Mandatory Provident Fund Schemes Ordinance (Cap. 485);
- (g) the Payment Systems and Stored Value Facilities Ordinance (Cap. 584);
- (h) the Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) Rules (Cap. 581A);
- (i) the codes and guidelines issued by the Securities and Futures Commission (SFC) from time to time<sup>(Note 2)</sup>; and
- (j) the Rules Governing the Listing of Securities on The Stock Exchange of Hong Kong Limited and the Rules Governing the Listing of Securities on GEM of The Stock Exchange of Hong Kong 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

27. Advertisements for deposit and savings facilities should 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

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<sup>(Note 2)</sup> See the official website of the SFC.

under the Banking Ordinance (Cap. 155) :

- (i) the advertisement should not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;
  - (ii) the advertisement should not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless it 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 should be made to the amount of the nominal or authorized capital of the institution; and
  - (iv) no reference should 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; or
- (b) for invitations to make a deposit outside Hong Kong, the advertisement should comply with the requirements specified in the Fifth Schedule to the Banking Ordinance (Cap. 155).

### **Lending and Credit**

28. Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance (Cap. 155) 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**

29. Subject to paragraphs 30 and 31 of this chapter or unless otherwise permitted (whether expressly or impliedly) under applicable law, no advertisement should contain any review of or advice about the stock market (including securities listed on the stock market), investment prospects, any investment advice or make any reference to specific securities, futures contracts or investment products.

### **Investment Products**

30. Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes, pooled retirement funds, Mandatory Provident Fund products and immigration-linked investment schemes, are not acceptable unless these advertisements are authorized by the SFC pursuant to section 105 of the Securities and Futures Ordinance (Cap. 571).

## **Regulated Activities**

31. Advertisements relating to carrying on of any regulated activity (as defined in the Securities and Futures Ordinance (Cap. 571)) should comply with the relevant provisions of the Securities and Futures Ordinance (Cap. 571) (including but not limited to the requirement for the issuer to be licensed by the SFC).

32. Advertisements relating to carrying on of any regulated activity (as defined in the Insurance Ordinance (Cap. 41)) should comply with the relevant provisions of the Insurance Ordinance (Cap. 41) and other relevant prevailing rules, guidelines, codes, explanatory notes and regulatory instruments issued by the IA.

## **Financial Publications**

33. Subject to paragraphs 30 and 31 of this chapter 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 for such publications must be in general terms and make no reference to specific securities or investment products.

## **Estimates of the Proceeds of Insurance Policies**

34. No numerical examples of the proceeds of insurance policies including but not limited to estimates of future bonus or dividend declarations on participating life insurance policies or estimates of bonus or returns on investment-link insurance schemes should be quoted in any advertisement.

## **Real Property Advertising**

35. No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong should be accepted:

(a) in respect of a completed building unless:

- (i) 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) the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511); or
- (iii) such building is subject to the regulation of the Residential Properties (First-hand Sales) Ordinance (Cap. 621);

(b) in respect of an uncompleted building unless:

- (i) the prior consent of the Director of Lands 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;
- (ii) the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C(3)(a) of the Solicitors' Practice Rules (Cap. 159H) in regard to the sale and purchase of the affected real 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);
- (iii) the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511); or
- (iv) such building is subject to the regulation of the Residential Properties (First-hand Sales) Ordinance (Cap. 621).

Real property advertisements permitted under this paragraph should carry an intelligible visual and/or aural advisory message in the following form or to the like effect:

PLEASE OBTAIN AND REVIEW CAREFULLY ALL RELEVANT  
INFORMATION RELATING TO THE PROPERTY(IES) BEFORE  
MAKING ANY PURCHASE DECISIONS AND SEEK  
PROFESSIONAL ADVICE IF IN DOUBT.

36. 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 should be accepted unless the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511) or the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognised in the country/region where the real property or land is situated confirming that :
  - (i) all the requirements imposed by the local government relating to the development and sale of the real 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 real property or land to non-residents; and
- (b) a letter from a firm of solicitors who are qualified to practise 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/region where the real property or land is situated for the provision of legal advice within that jurisdiction.

Real property advertisements permitted under this paragraph should carry an intelligible visual and/or aural advisory message in the following form or to the like effect:

PLEASE OBTAIN AND REVIEW CAREFULLY ALL RELEVANT INFORMATION RELATING TO THE PROPERTY(IES) BEFORE MAKING ANY PURCHASE DECISIONS AND SEEK PROFESSIONAL ADVICE IF IN DOUBT.

37. No advertisement should be accepted if it contains an invitation to the public to enter into or offer to enter into a regulated investment agreement<sup>(Note 3)</sup> in respect of real property or to acquire an interest in or participate in, or offer to acquire an interest in or participate in, a collective investment scheme<sup>(Note 4)</sup> in respect of real property, unless the advertisement has been authorized by the Securities and Futures Commission or is exempted under the Securities and Futures Ordinance (Cap. 571).

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

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(Note 3) “Regulated investment agreement” (受規管投資協議) means an agreement the purpose or effect, or pretended purpose or effect, of which is to provide, whether conditionally or unconditionally, to any party to the agreement a profit, income or other returns calculated by reference to changes in the value of any property, but does not include an interest in a collective investment scheme.

(Note 4) “Collective investment scheme” (集體投資計劃) means arrangements in respect of any property-

- (i) under which the participating persons do not have day-to-day control over the management of the property, whether or not they have the right to be consulted or to give directions in respect of such management;
- (ii) under which-
  - (A) the property is managed as a whole by or on behalf of the person operating the arrangements;
  - (B) the contributions of the participating persons and the profits or income from which payments are made to them are pooled; or
  - (C) the property is managed as a whole by or on behalf of the person operating the arrangements, and the contributions of the participating persons and the profits or income from which payments are made to them are pooled; and
- (iii) the purpose or effect, or pretended purpose or effect, of which is to enable the participating persons, whether by acquiring any right, interest, title or benefit in the property or any part of the property or otherwise, to participate in or receive-
  - (A) profits, income or other returns represented to arise or to be likely to arise from the acquisition, holding, management or disposal of the property or any part of the property, or sums represented to be paid or to be likely to be paid out of any such profits, income or other returns; or
  - (B) a payment or other returns arising from the acquisition, holding or disposal of, the exercise of any right in, the redemption of, or the expiry of, any right, interest, title or benefit in the property or any part of the property.

- (a) no claim may expressly or by implication misrepresent the location, size and value of the real property and the available transport facilities;
- (b) the lowest selling price of a real 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 non-local 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 should have his responsibility under this paragraph 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 or advertiser were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

## **Film Advertisements**

39. Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, should display the appropriate symbol applicable to the film under that ordinance. In addition, advertisements for films classified under categories other than Category I should 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. *(For placement restrictions on film advertisements, please see paragraph 3 of Chapter 7 Advertising and Children).*

## **Undertaker and Others Associated with Death or Burial**

40. Advertisements for undertaker and others associated with death or burial are acceptable provided that the following conditions are complied with:

- (a) presentation of such advertisements should be dignified and restrained, and the licensee should exercise due sensitivity in scheduling and presenting such advertisements; and
- (b) all explicit references to death and technical aspects of associated services and morbid details must be avoided.

***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

41. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

## Chapter 7      Advertising and Children

### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

#### **General**

1. Particular care should be taken over advertising
  - (a) which is broadcast within or in close proximity to programmes targeting children;
  - (b) which is broadcast in a channel targeting children; or
  - (c) in which children are to be employed.

#### **The Viewing Child**

2. No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children, or in the case of ***domestic free television programme services***, which large numbers of children are likely to watch, 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 should 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 values 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**

3. Advertisements for products or services, films and any material which are considered as not suitable for children may not be shown within or in close proximity to programmes targeting children and in the case of ***domestic free television programme services***, at times when a large number of children are expected to be watching.

4. Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be shown within or in close proximity to programmes targeting children and in the case of ***domestic free television programme services***, at times when a large number of children are expected to be watching.

### **The Child in Advertisements**

5. 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 as published by Transport Department from time to time.
- (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) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. When children are shown engaging in activities potentially dangerous to them, such activities should be seen being carried out under parental supervision.

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*

Children and adolescents should not be permitted to participate in the presentation of advertisements for alcoholic liquor.

***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

6. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries or places.

## Chapter 8 Advertising Breaks

### ***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES***

1. Unless permitted under Chapter 9 of this Code or otherwise permitted by the CA, advertising or non-programme material may be placed only at the beginning or end of a programme or in a natural break occurring therein. For the purpose of this Code, “non-programme material” excludes advertising material but includes materials for the promotion of the licensee’s station and programme services and such announcements as the CA may require to be included in the licensee’s television programme services pursuant to the Broadcasting Ordinance (Cap. 562) or the relevant licence. This rule does not apply to a service or part of a service that comprises home shopping material where the nature of the service or part of a service is, in the opinion of the CA, clearly identified to viewers.

2. Advertising materials built into programmes of channels acquired for direct re-transmission which are produced primarily for reception outside Hong Kong or which are produced primarily for reception in Hong Kong on a ***domestic pay*** or an ***other licensable television programme service***, but which do not contribute to any advertising revenue of the licensee may deviate from the standards set out in paragraph 1 where the licensee can demonstrate that compliance is not feasible without interrupting the licensee’s television programme services. For programmes of channels acquired for direct re-transmission which are produced primarily for reception in Hong Kong on a ***domestic pay television programme service*** and which do not contribute to any advertising revenue of the licensee for the broadcast of the indirect advertising in such channels, the licensee shall indicate (a) in its publicly announced or published programme schedules; or (b) by superimposition of a text message for at least 15 seconds when viewers switch to the channel that such channel is acquired for direct re-transmission and may contain indirect advertising. The above notification requirement does not apply to an ***other licensable television programme service***.

3. Paragraph 2 above does not apply to ***domestic free television programme services*** unless –

- (a) prior to the launch of the channel to be directly re-transmitted, the licensee has provided a declaration to the CA that the channel is produced primarily for reception outside Hong Kong and does not contribute to any advertising revenue of the licensee. ;
- (b) announcements, which may be in the form of superimposed text, are displayed to adequately inform viewers that advertising materials may be placed within programmes. Such announcements shall be displayed for 15 seconds at the start of each programme and at regular intervals for 15 seconds once every 30 minutes; and

- (c) the aggregate advertising time during advertising breaks of the channel which is to be directly re-transmitted does not exceed the limits set out in section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562).

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, advertising materials built into any channels acquired for direct re-transmission must in all respects comply with the prohibitions or restrictions under the law or under other parts of this Code.

#### ***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

5. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

## **Chapter 9                      Programme Sponsorship**

### **GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES**

1.            A programme is sponsored if it is broadcast in return for payment or other valuable consideration (which includes the programme itself) to a licensee. For the purpose of this chapter –

- (a) a licensee is deemed to have received payment or other valuable consideration for including within that programme any material which is for the promotion for commercial purposes of the product(s) or service(s) of another company in the group of companies of which the licensee is a member. A programme includes a part thereof or a programme segment; and
- (b) the term “group of companies” has the same meaning as in section 2(1) of the Companies Ordinance (Cap. 622) i.e. “any 2 or more bodies corporate one of which is the holding company of the other or others”.

2.            The principles that underpin the rules in this Chapter are –

- (a) to ensure that licensees maintain editorial control over sponsored programmes and should be responsible for the content of a sponsored programme;
- (b) to protect viewers from surreptitious sponsorship in that sponsored content must be clearly identifiable as such so that viewers can make their own assessment and attach appropriate weight to the content; and
- (c) to ensure that viewing interest and pleasure would not be obtruded.

When interpreting and applying any of the rules in this chapter, the general principles, as set out above, should be borne in mind at all times.

### **SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES**

#### ***DOMESTIC FREE TELEVISION PROGRAMME SERVICES***

##### **General Rules**

3.            The following programmes must not be sponsored –

- (a) news programmes;
- (b) religious services or other devotional programmes; and
- (c) programmes, publicity material or announcements provided by the Government or the CA, as the CA may require to be included in the licensee's television programme service pursuant to the Broadcasting Ordinance (Cap. 562) and/or the relevant licence.

4. The licensee should not accept any sponsorship in respect of products/services/establishments in any programme in so far as they are not acceptable or restricted for advertising purpose under this Code. However, acknowledgment to such establishments may be included in the end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

5. Unless otherwise specified, the product/service sponsorship permitted under paragraph 6 of this chapter and sponsor identifications permitted under paragraph 8 of this chapter will not count towards the aggregate advertising time allowed for *domestic free television programme services* under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562). For the avoidance of doubt, sponsor identifications in the form of a front or end advertisement or both will count towards the advertising time allowance.

**Product/Service Sponsorship (also commonly referred to as “product placement”)**

6. A licensee may include one or more product(s) or service(s) within a programme in return for payment or other valuable consideration provided that –

- (a) their exposure or use is presented in a natural and unobtrusive manner having regard to the programme context and genre, and there is no direct encouragement of purchase or use of product(s) or service(s);
- (b) the sponsor for the product or service featured must be clearly identified in the front and/or end sponsor credits of the programme. The content of the front and/or end sponsor credits must comply with the rules set out in paragraphs 12 to 13 of this chapter;
- (c) an announcement containing the wording “The following programme contains indirect advertising” is made to clearly inform viewers of the inclusion of product/service sponsorship in the programme before the programme starts; and
- (d) the advertising standards set out in other chapters of this Code shall apply to product/service sponsorship where appropriate, including but not limited to the provisions governing substantiation of factual claims and disparagement of competitors.

For the avoidance of doubt, the rule prescribed in paragraph 6(a) above does not apply to the sponsorship of product(s) or service(s) provided by the Government (or a statutory body established by the Government) for the purposes of promoting the

activities and functions of the Government (or the statutory body), or informing and educating the public by means of imparting information which is in the public interest.

7. For the purpose of this chapter, product/service sponsorship refers to the type of indirect advertising<sup>(Note 1)</sup> where the licensee receives payment or other valuable consideration for exposure or use of products/services within a programme. Where the licensee does not receive any payment or other valuable consideration for the inclusion of indirect advertising in acquired programmes<sup>(Note 2)</sup>, the rules in paragraphs 19 to 22 of this chapter will apply.

## **Sponsor Identification**

8. Without prejudice to paragraph 6(b) of this chapter, all sponsorship must be clearly identified in the form of sponsor identifications at the beginning and/or end of the programme and/or within the programme by way of title sponsorship, front and/or end sponsor credits or sponsorship references. The sponsor identifications may include references to a sponsor's name, his house/trade/brand/product/service name, trademark/logo, advertising slogan and attribute of the sponsor, as well as other sponsor's items such as product image, virtual product and QR code which are clearly identifiable as sponsor identifications in terms of presentation or by context.

9. The display of sponsor identifications within programmes are subject to the following basic ground rules –

- (a) sponsor identifications should not contain superlative claims unless they are capable of substantiation, price information and direct exhortations to the viewing public to purchase, rent or use the sponsor's products or services;
- (b) viewers should not be subject to hidden editorial influence; and
- (c) sponsor identification within a programme should not be too frequent or distracting that might affect the viewing pleasure of an average viewer.

10. Sponsor identifications within the meaning of the term under paragraph 8 of this chapter may be inserted into a programme subject to the rules of paragraph 9 of this chapter.

## **Title Sponsorship**

11. Sponsorship of the title of a programme or a programme

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(Note 1) Indirect advertising in television programmes refers to the mingling of programme and advertising material or the embedding of advertising material within programme content, whether inadvertently or by design. Indirect advertising may or may not involve a payment or transfer of valuable consideration to a licensee.

(Note 2) “Acquired programmes” mean programmes which are not produced by the licensees. They can be local productions or non-local productions.



segment<sup>(Note 3)</sup>/programme feature<sup>(Note 4)</sup> is allowed. Sponsor identifications may be incorporated into sponsored programme titles, programme segment titles and programme feature titles (whether visually and/or orally) subject to rules of paragraph 9 of this chapter.

### Front and/or End Sponsor Credits

12. Subject to paragraphs 9 and 13 of this chapter, sponsor identifications within the meaning of the term under paragraph 8 of this chapter and contact details (e.g. telephone number, address, fax, website address etc.) may be included in the front and/or end sponsor credits.

13. Front sponsor credits must precede and not be integrated within any part of the programme. End sponsor credits may be integrated with but must not precede the end credits of a programme.

## **Sponsorship Considerations for Specific Types of Programme**

### Children’s Programmes

14. Sponsorship of children’s programmes requires special caution and is only permitted, subject to paragraph 9 of this chapter, in the forms of sponsorship of the title of a programme, programme segment or programme feature, and front and/or end sponsor credits. For the avoidance of doubt, sponsor identifications of a children’s programme may include the advertising slogan and attribute of the sponsor but should not include product images, virtual products and QR codes of the relevant product/service of the sponsor. Product/service sponsorship and sponsorship identifications which have the meanings as in paragraphs 6 and/or 10 of this chapter are prohibited.

### Educational Programmes

15. The licensee has to ensure that the rules mentioned in paragraph 14 above are also strictly observed in educational programmes. For the purpose of this paragraph, “educational programmes” refer to programmes with a clear educational purpose, usually in connection with the pursuit of a formal course of academic studies, but do not include general instructional (‘how to do’) programmes.

### Current Affairs Programmes

16. Product/service sponsorship, title sponsorship, front and/or end sponsor credits and sponsorship references within programmes are permitted in current affairs programmes. Due to the special nature of these programmes, the licensee should exercise care in the choice of sponsor so as to safeguard the credibility and integrity of such programmes.

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(Note 3) An example of a typical programme segment will be a contest segment in a contest programme.

(Note 4) An example of a typical programme feature is a constituent of a contest segment in a contest programme.

### **Promotional Materials for Sponsored Programmes (“Promos”)**

17. Subject to paragraphs 3, 4, 6(a) and (d), 8 to 11 and 14 to 16 of this chapter, product/service sponsorship, title sponsorship and sponsorship references are allowed in promos. A promo may be followed by advertisements announcing the sponsors with the advertisements counting towards the advertising time as allowed under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562).

### **References to Prizes in Contests**

18. Subject to paragraphs 6 and/or 9 of this chapter, factual aural/visual references to the sponsor’s provision of the prize(s) not otherwise constituting advertisements are allowed in contests. For the avoidance of doubt, the rules on promos in paragraph 17 above also apply to announcements on television contests.

### **Unpaid Commercial References Within Programmes**

19. The inclusion of unpaid commercial references<sup>(Note 5)</sup> within programmes is permitted except for –

- (a) news programmes unless in circumstances whereby it may be necessary in a news or factual programme to include a reference to or an extract from a particular commercial reference. Such reference should be given no greater prominence than is necessary to make the required point; and
- (b) religious service and other devotional programmes.

Unpaid indirect advertising in children’s programmes and educational programmes is not allowed.

20. For the inclusion of unpaid indirect advertising in acquired programmes, licensees are required to make an announcement containing the wording “The following programme contains indirect advertising” to clearly inform viewers of the inclusion of commercial references in the acquired programme before the programme starts.

21. Services permitted under paragraphs 1 and 2 of Chapter 8 of this Code may deviate from the standards set out in paragraphs 19 and 20 of this chapter.

22. Unless otherwise specified, unpaid commercial references permitted under paragraphs 19 to 21 of this chapter will not count towards the aggregate advertising time allowed for domestic free television programme services under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562).

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<sup>(Note 5)</sup> For the purpose of this chapter, “unpaid commercial references” refer to the inclusion of indirect advertising and commercial references within a programme where the licensee does not receive any payment or other valuable consideration in return.

***DOMESTIC PAY TELEVISION PROGRAMME SERVICES AND OTHER  
LICENSABLE TELEVISION PROGRAMME SERVICES***

23. Paragraphs 3 to 4, 6 to 12, 14 to 16 and 19 to 20 of this chapter also apply to the licensees, unless otherwise specified.

24. Services permitted under paragraphs 1 and 2 of Chapter 8 of this Code may deviate from the standards set out in paragraph 23 of this chapter.

***NON-DOMESTIC TELEVISION PROGRAMME SERVICES***

25. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.