

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

COMMUNICATIONS AUTHORITY

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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). 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 programme 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 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 programme 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 content 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. The content of programme material delivered on television programme services targeting members of the general public should be consistent with the relevant standards applicable to domestic pay television. Where television programme services are targeted at hotel guests and other special interest groups, they may be subject to a lighter control than domestic pay television.

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 or pre-censor any programmes. The editorial responsibility lies with the licensees themselves. 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 programmes delivered on 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 programme material, the CA will give consideration to the following factors: -

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

Restrictions on the programme content 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) ***Type of programme***

The provisions in the Code will vary with the type of programme; the considerations applying to drama, for example, are different from those applying to a documentary. It is important to consider the expectations that viewers have of particular programmes. Whether or not a scene causes offence to an audience can depend greatly on whether it is contrary to the expectations of a programme.

(c) **Programme context**

Much depends on the context; i.e. where and why the material appears in the particular programme, whether a scene may be justified by the storyline or the expectations created about the individual characters. What is unacceptable in one context may be appropriate and acceptable in another.

(d) **Time of the day**

The licensee's responsibility for sensitive scheduling of programmes 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.

(e) **Target audience**

The provisions in the Code will differ according to the likely composition of the audience to television programmes. Material within a programme has to be judged in relation to what that particular audience may reasonably expect. Special concern should be given to the interests of children and young viewers. The content control over the programmes targeting children is much more stringent than those targeting adults.

(f) **Circumstances in which the programmes are shown**

Account should be taken of the circumstances in which the programmes are shown such as the nature of a channel or whether the programme is subject to access control, only available on demand or accessible on a programme by programme basis.

(g) **Programme information**

The licensee should ensure that appropriate information such as clear and specific warnings or labelling is available to assist viewers in their choice of television programmes. Such information should be employed where there is a likelihood that some viewers may find a programme disturbing.

(h) **Merits of programme**

The use of material that may cause offence or distress may be justified by its purpose and the overall quality of the programme. The considerations applying to programmes which are serious presentations of moral, social or cultural issues, for example, are different from those applying to a light entertainment programme.

10. 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.

11. 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. 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 Scheduling

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. As a matter of principle, programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or offending the audience. *(For details on the standards for programmes targeting children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Family Viewing Policy

2. The family viewing hours are determined as the period between the hours of 4:00p.m. and 8:30p.m. on any day, during which time nothing which is unsuitable for children should be shown. The Family Viewing Policy assumes that there is a progressive decline in the proportion of children present in the audience throughout the evening. The restriction on the provision of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30p.m. It is assumed that after 8:30p.m. parents may reasonably be expected to share responsibility for what their children are permitted to watch.

3. Violence is not the only reason for a programme to be considered unsuitable for family viewing. Other factors include bad language, innuendo, sex and nudity, scenes of extreme distress, the deliberate use of horror for its own sake, morbid sound effects intended to anticipate or simulate death or injury, the use of the supernatural or superstition so as to arouse anxiety or fear, torture, cruelty to children or animals, any matter likely to lead to hysteria, nightmares or other undesirable emotional disturbances in children and the use of crude slang. More detailed rules relating to some of these matters are set out in subsequent chapters of the Code.

4. The licensee must be particularly sensitive to the likelihood that programmes which start before 8:30p.m. but which run beyond that time will continue to be viewed by a family audience.

5. No programmes classified as Parental Guidance Recommended (“PG”) or Mature (“M”) should be included within family viewing hours. More detailed guidance on programme classification is given in Chapter 8 Information for Viewers.

Scheduling Outside the Family Viewing Hours

6. The licensee must not show material unsuitable for children or young viewers at times when programmes targeting children or young viewers are normally included or under circumstances such that large numbers of children and young viewers might be expected to be watching television, particularly during school holidays.

7. Programmes classified as “M” should only be shown between 11:00p.m. and 6:00a.m. More detailed guidance on programme classification is given in Chapter 8 Information for Viewers.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

8. The licensees should ensure that the programmes on their licensed services are suitable for their likely audience. Nothing which is unsuitable for children or young viewers should be shown in programmes or on channels targeting children or young viewers. Programme material which is suitable for viewing by adults only should be clearly labelled as such.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

9. There is no specific rule on the scheduling of programmes for non-domestic television programme services as they may be delivered to many different societies and across different time zones. However, programme material which is suitable for viewing by adults only should be clearly labelled as such. In addition, it should not be scheduled in any part of the television programme service which has no access restriction.

Chapter 3 General Programme Standards

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast.
2. In the presentation of television programmes, certain basic standards must always be observed. A licensee should not include in its programmes
 - (a) any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the viewers taking into consideration the circumstances in which the programme is shown;
 - (b) any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or
 - (c) anything which is in contravention of the law.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Decency and Decorum in Production

3. To preserve decency and decorum in production so as to avoid embarrassment or offence to viewers at home, the presentation of all performers must be within the bounds of propriety. Special care must be taken as regards costuming, movements of dancers and artists, and selection of camera angles.

Human Relationships

4. The portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations should be treated with sensitivity and not in an exploitative or irresponsible manner.

Crime

5. Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development. Crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified. Glamorization of the lifestyles of criminals should be avoided. The presentation of criminal techniques, or police techniques of crime prevention and detection, in such a way as to be instructional or invite imitation should also be avoided. Scenes containing detailed instructions for, or illustrations of, the use of illegal drugs, harmful devices or weapons are not permitted. The depiction of triad groups and activities is further subject to the following rules:

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

(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).

Alcoholic Drinks, Tobacco and Drugs

6. The use of alcoholic drinks, tobacco and drugs should be avoided except when it is necessary for the development of the plot or characterisation. In addition, particular care is needed with programmes likely to be watched by children and young viewers. Programmes made specially for children should not feature any alcoholic drinks, tobacco and drugs unless an educational point is being made, or unless in very exceptional cases, the dramatic context makes it absolutely necessary.

7. The portrayal of, and reference to, drunkenness and addiction to drugs or narcotics should be limited to the needs of the plot and characterisation, and not presented as desirable. *(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).*

Gambling

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

Religion

9. Attacks on any established religious faiths or beliefs should not be permitted.
10. Any programme which includes a portrayal of religious rites should ensure the accurate presentation of such rites and the correct treatment of religious dignitaries and officers in their various callings.

Superstition

11. The promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to fortune-telling, feng-shui, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, spiritualism and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young viewers. (*For details on the standards for programmes classified as “PG”, please see Chapter 8 Information for Viewers*).

Hypnotism

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

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Crime

13. Unless otherwise stated below, the depiction of criminal activities should comply with the rules set out in paragraph 5 above. The depiction of triad groups and activities is further subject to the following rules:
- (a) Scenes showing triad ceremonies, rituals, hand signs and paraphernalia including cryptic poems and icons may only be permitted in programmes restricted for adult viewing.
 - (b) Triad expressions not generally accepted in, or in the process of being absorbed into daily language may only be permitted in programmes restricted for adult viewing.
 - (c) Glorification of the power of triads and membership in a triad society should be avoided.

Alcoholic Drinks, Tobacco and Drugs

14. The presentation as desirable of the misuse of alcoholic drinks, tobacco and drugs should be avoided. Detailed instruction in the use of illegal drugs is not permitted.

Gambling

15. Depictions of gambling should not be presented in a manner that would encourage gambling.

Hypnotism

16. The licensee must comply with the rules set out in paragraph 12 above.

Adult Programmes

17. The licensee may include adult material in its licensed service subject to sufficient safeguards against children's access to such material. The licensee must devise a scheme to the satisfaction of the CA to ensure that children will not be exposed to adult material. No obscene material may be included in the television programme service. Obscenity includes also violence, depravity and repulsiveness.

Films Classified as Category III by the Film Censorship Authority

18. Where a Film Censorship Authority certification exists for the version of a film proposed for showing on programme services, it may be used as a guide to programming. The responsibility for ensuring the acceptability of a film ultimately rests, however, with the licensee. Subject to the rules set out in this section and elsewhere in the Code, the licensee may show films which have been classified as Category III by the Film Censorship Authority under the Film Censorship Ordinance (Cap. 392) in the form as approved for exhibition as adult programmes. However, films which the Film Censorship Authority has refused to approve for exhibition should not be shown on programme services at all.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

Crime

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

Sensitivities of Intended Recipient Countries

20. The licensee should have respect for the cultural, religious and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

Adult Programmes

21. The licensee must comply with the rules set out in paragraph 17 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

22. The licensee must comply with the rules set out in paragraphs 13 to 18 above.

Services Intended for Hotel Guests and Other Special Interest Groups

Crime

23. The licensee must comply with the rules set out in paragraph 19 above.

Chapter 4 Use of Language

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. There is no absolute ban on the use of bad language. Many viewers are however offended by such language on television. While there are circumstances in which bad language may be used to reflect certain types of characters in a programme, licensees must ensure that such use is defensible in terms of the context. They must take care to avoid the gratuitous use of language that is likely to be offensive.
2. Bad language should not be used in programmes targeting children. *(For details on the standards for programmes targeting children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. For domestic free television programme services, bad language should not be used in programmes likely to be watched by a large number of children and young viewers.
4. Some expressions which were considered unacceptable in the past have been absorbed into our daily language. There is no objection to their use on television, but the licensee should ensure that such expressions are employed with discretion.
5. Expressions not so widely accepted, which may still be considered offensive by the average viewers, should not be used within the family viewing hours. At other times they may be presented with discretion and in moderation. Crude expressions with sexual connotations, more explicit adult jokes and other offensive language may only be used infrequently after 11:00p.m. where they are defensible in terms of context. *(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers. For standards on triad expressions, please see paragraph 5(b) of Chapter 3 General Programme Standards).*
6. Downright offensive expressions and obscene or profane language are prohibited.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

7. For domestic pay television programme services, bad language should not be used in programmes or on channels targeting children or young viewers. In other programmes or on other channels, the use of crude expressions with sexual connotations, more explicit adult jokes and other offensive language must be appropriate to the story line or programme context. The use of downright offensive language may only be permitted in programmes or on channels restricted for adults provided it is appropriate to the story line or programme context and not overly frequent and impactful. *(For standards on triad expressions, please see paragraph 13(b) of Chapter 3 General Programme Standards.)*

8. Obscene or profane language that is likely to offend a substantial portion of the audience is prohibited.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

9. For non-domestic television programme services, the licensee should be sensitive to language which has religious, cultural and racial connotations for the audience of the intended recipient countries and places.

Subscription Services in Hong Kong

10. The use of downright offensive language may only be permitted in programmes or on channels restricted for adults provided it is appropriate to the story line or programme context and not overly frequent and impactful. Nevertheless, obscene or profane language that is likely to offend a substantial portion of the audience is prohibited.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

11. The licensee must comply with the rules set out in paragraphs 7 to 8 above.

Services Intended for Hotel Guests and Other Special Interest Groups

12. The licensee must comply with the rules set out in paragraph 8 above.

Chapter 5 Sex and Nudity

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Television programmes deal with a variety of sexual themes and portrayals. Some are capable, if wrongly treated, of giving offence, making public and explicit what many people regard as private and exclusive. It is, therefore, necessary for licensees to exercise due care in their treatment of sex and nudity so that they can avoid shocking or offending the viewing public. The need for sensitive scheduling and labelling over material of this kind should always be kept in mind. *(For details on the standards for programmes targeting children, please see Chapter 7 Protection of Children).*
2. The portrayal of sex and nudity on television needs to be defensible in context and presented with tact and discretion. Explicit or gratuitous depiction of sexual violence is prohibited.
3. Explicit depiction of sexual behaviour involving a child who is, or who is apparently, under the age of 16 years should not be permitted. A sexual relationship involving a child can be a proper theme for a television programme; it is the treatment of the theme which may make it improper. The treatment should never suggest that such behaviour is legal or acceptable.
4. Care must be taken with the treatment of incest and child abuse in television programmes. These subjects must be treated with sensitivity and not in an exploitative or irresponsible manner. Programmes containing material of this kind require sensitive scheduling and clear labelling of their contents. Depiction of exploitative incestuous behaviour is prohibited.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

5. Within the family viewing hours, depictions of sexual behaviour or nudity must be incidental, extremely discreet and absolutely necessary to the story line or programme context. At other times such depictions must be discreet and appropriate to the story line or programme context. Depictions of intimate sexual behaviour may be permitted after 11:00p.m. only where they are discreetly implied or simulated and must not be grossly offensive taking into consideration the likely composition of the audience for the time of day at which they are shown. *(For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers).*

6. Of the greatest concern are scenes of non-consensual sexual behaviour. When a scene involves rape or indecent assault, strong consideration must be given to minimizing the depiction of the details of the crime. Non-consenting sexual relations should not be presented as desirable. Rape should be portrayed as an act of violence subject to the stringent rules on violence in this code, not a sexual act. (*For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers*).

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

7. For domestic pay television programme services, depictions of sexual behaviour or nudity must be incidental, extremely discreet and absolutely necessary to the story line or programme context when they are included in programmes or on channels targeting children or young viewers. Intimate sexual behaviour may be implied or simulated and must not be grossly offensive in other programmes or on other channels. Sexually explicit scenes may only be shown in programmes or on channels restricted for adults.

8. Depictions of hard core material, or sexual acts with offensive perversion, are not permitted.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

9. Non-domestic television programme services should have respect for the cultural, religious and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

10. These services may enjoy a more relaxed standard than a free-to-air television service in respect of the portrayal of sex and nudity subject to sufficient safeguards against children’s access to adult material. Sexually explicit scenes may be shown only in programmes or on channels restricted for adults. Depictions of hard core material, or sexual acts with offensive perversion, are not permitted.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

11. The licensee must comply with the rules set out in paragraphs 7 to 8 above.

Services Intended for Hotel Guests and Other Special Interest Groups

12. The licensee must comply with the rules set out in paragraph 8 above.

Chapter 6 Violence

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Real-life violence takes many forms: “physical” violence which is conflict in which blows are exchanged, weapons are used or injuries or pain are inflicted by whatever means; “mental” violence in the form of persecution, bullying, intimidation, humiliation, cruelty or verbal aggression.

2. The depiction of violence on television should be handled with extreme care by the licensee. The degree and type of violence and the detail which can be shown depend upon context and the service on which it is shown. *(For details on the standards for programmes targeting children, please see Chapter 7 Protection of Children).*

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. All depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot. No violence for its own sake or purely for dramatic attraction is allowed. Gratuitous or excessive depictions of violence, sadistic or other perverted practices, gore, pain or physical suffering are not acceptable. Callousness or indifference to suffering experienced by victims of violence should be avoided.

4. Extreme caution must be exercised in any themes, plots or scenes which mix sex and violence, including rape and other sexual assaults. On the treatment of non-consensual sexual behaviour, see paragraph 6 in Chapter 5 Sex and Nudity.

5. The licensee should take great care in the depiction of violence against women, children or older people, particularly in an abusive context. Incitement to violence against specific groups identified by race, national or ethnic origin, colour, religion, gender, sexual orientation, age, mental or physical disabilities should not be permitted.

6. Suicide and suicidal attempts should be handled with discretion and care, particularly in the case of programmes appealing to children and popular drama serials. There should be no detailed demonstration of the means or method of suicide. Care also needs to be taken over the use of words to describe the event.

7. The use of animals in violent acts, consistent with plot and character delineation, should be in conformity with accepted standards of humane treatment. It may also be helpful to indicate that no harm was caused to the animals in an announcement given at the start of the programme.

8. In depicting violence in one form or another, the time of day at which it is shown and the likely presence of children in the audience must be taken into account. Physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children within the family viewing hours. At other times any portrayal of violence, whether physical, verbal or psychological, must not be too frequent or impactful and must be essential to the story line or programme context. Feature films and telemovies of a violent nature should not be scheduled before 9:30p.m. Violence may only be realistically depicted after 11:00p.m. if the scenes are justifiable in context and not overly frequent. Depictions, however, should not be unduly bloody, sadistic or horrific. (*For details on the standards for programmes classified as “PG” or “M”, please see Chapter 8 Information for Viewers*).

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

9. The portrayal of sexual violence and the treatment of specific groups must conform with the rules set out in paragraphs 4 to 5 of this chapter.

10. For domestic pay television programme services, physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children or young viewers in programmes or on channels targeting children or young viewers. Realistic depictions of violence must be appropriate to the programme context when they are shown in other programmes or on other channels. In any programmes or on any channels restricted for adults, violence with a higher degree of realism or impact may be depicted when justified by the context.

11. Sustained or excessively detailed acts of violence are not permitted.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

12. Non-domestic television programme services should have respect for the cultural, religious, and racial sensitivities of the intended recipient countries and places.

Subscription Services in Hong Kong

13. These services may enjoy a more relaxed standard than a free-to-air television service in respect of the portrayal of violence subject to sufficient safeguards against children’s access to adult material. Violence with a higher degree of realism or impact may be depicted when justified by the context in programmes or on channels restricted for adults. Nevertheless, sustained or excessively detailed acts of violence are not permitted.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

14. The licensee must comply with the rules set out in paragraphs 9 to 11 above.

Services Intended for Hotel Guests and Other Special Interest Groups

15. The licensee must comply with the rules set out in paragraph 11 above.

Chapter 7 Protection of Children

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. The licensee should be vigilant on the likely effects of all material shown on television on children. Children covers a wide age range. It is, therefore, necessary for the licensee to exercise judgement on the capacity of children in different age groups in coping with the depiction and treatment of material which may not be suitable for them.
2. No advantage should be taken of children's natural credulity and sense of loyalty and no false hopes should be raised. The licensee should ensure that scenes likely to frighten, unnerve or cause pain to children should not be permitted in programmes targeting children.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

3. For domestic free television programme services, the rules set out in paragraphs 4 to 10 below must be observed during family viewing hours or at times when there is a large audience of children or young viewers. In applying the rules, the CA will have regard to the spirit and letter of the standards on programme scheduling and take into account whether the licensee has made reasonable and conscious efforts to comply with the relevant rules.
4. Scenes in which pleasure is taken in the infliction of pain or humiliation upon others should be avoided.
5. Scenes in which the infliction or acceptance of pain or humiliation is associated with sexual pleasure should be eliminated.
6. The portrayal of dangerous behaviour easily imitated by children should be avoided. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children.
7. Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, should be avoided. These include, for example, rabbit punches, suffocation, sabotage of vehicles and booby traps.
8. Smoking or drinking of alcoholic beverages by minors should not be presented in a favourable light.

9. References to the consumption of illegal drugs should only be made where absolutely justified by the story line or programme context.
10. Care must be taken in the treatment of themes dealing with gambling, prostitution, crime, or social or domestic conflict.
11. The following rules should apply to children’s programmes:-
 - (a) Disrespect for law and order, adult authority, good morals and clean living should be strictly avoided.
 - (b) Children’s programmes should be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.
12. There should be a balanced mix of programmes to cater for the needs of children of different age groups, and a balanced mix of different types of programmes, such as drama, comedy, sports, current affairs and cartoons, on each language service. Whilst it may not always be possible to ensure that a balanced mix is attained on a daily basis, the children’s programmes over a period of time, say one week, should in the aggregate offer a balanced mix of different types of programmes for different age groups of children.
13. The CA requires that a children’s programme provided for fulfillment of the relevant licence conditions shall not be shown more than twice within any period of 24 months, subject to the proviso that the CA may specify a different frequency of repeats in respect of any specific children’s programme. For the purpose of the above, repeating the same children’s programme during a different session/time slot once on the following day or the following weekend for the benefit of children attending bi-sessional schools should not be regarded as a repeat. In any event a repeat programme should be so identified in advance either on air or in the published programme schedule, if it is shown within a week since its last broadcast.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

14. For domestic pay television programme services, the licensee needs to ensure that the rules mentioned in paragraphs 4 to 11 above are strictly observed in programmes or on channels targeting children. On the safeguards against children’s access to adult material, see paragraph 17 in Chapter 3 General Programme Standards.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

15. For non-domestic television programme services, the licensee should have respect for the cultural, religious and racial sensitivities of the intended recipient countries or places.

Subscription Services in Hong Kong

16. On the safeguards against children's access to adult material, please see paragraph 21 in Chapter 3 General Programme Standards.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

17. The licensee must comply with the rules set out in paragraphs 4 to 11 above in programmes or on channels targeting children.

Chapter 8 Information for Viewers

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Licensees have a clear duty to provide sufficient and reliable information about the nature and content of the programmes to enable viewers to make an informed choice about viewing for themselves and their children.
2. Licensees should consider, where appropriate, the use of clear and unambiguous warnings or labelling where there is a significant risk that viewers, particularly children, may otherwise be unprepared for material that may shock or offend them. This does not diminish the licensee's responsibility for sensitive scheduling of programmes to reduce the risk of causing offence to the minimum.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Programme Classification

3. Programmes which are not generally suitable for viewing by children must be classified, according to the standards on programme classification specified in the following paragraphs, into Parental Guidance Recommended (“PG” [家長指引]) and Mature (“M” [成年觀眾]) categories. These rules are, by nature, not exhaustive, and the licensee should exercise due care, sensitivity and common sense in the actual process of classification, giving particular consideration to the merit of the production, context, relevancy, and purpose of a sequence and its treatment as well as the scheduling of the programme and the likely composition of the audience.

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

4. Programmes classified “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian. The standards to be adopted in a “PG” programme are as follows:

(a) ***Violence***

No overly realistic, bloody or horrific depictions of violence are permitted. Any violence depicted must not be too frequent or impactful and must be essential to the story line or programme context.

(b) ***Language***

The use of language likely to cause offence to an average viewer, including bad language, must be defensible in terms of context and authenticity and in any case, excessive use should be avoided.

(c) ***Sex and nudity***

The portrayal of sexual behaviour and nudity should be discreet and defensible in context. Nature films, programmes with a serious educational purpose, or where representation is non-graphic with appropriate depiction of such matter may be allowed if the overall effect is not likely to offend their targeted audiences. Mild forms of sexual innuendo and ambiguous (or suggestive) gesture and behaviour may be allowed in certain contexts (such as light entertainment and comedy) if they are considered not likely to offend contemporary standards.

(d) ***Sexual violence***

Sexual violence should be suggested and allowed only when absolutely relevant to the story line or programme context. The licensee should also ensure that such scenes only appear sparingly over a reasonable period of time and their overall impact not likely to produce a feeling of revulsion in young viewers, even when they are accompanied by adults in watching the sequences.

(e) ***Suicide***

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

(f) ***Drugs and alcohol***

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

(g) ***Dangerous behaviour***

The portrayal of dangerous behaviour easily imitated by children, including the use of offensive weapons or articles readily accessible, should be avoided. The portrayal of other dangerous acts not as easily imitated by young viewers where imitation is still considered probable should be accompanied by clear aural and visual warnings.

(h) ***Hanging scenes***

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

- (i) ***Bad taste and indecency***
Material within programmes should not appeal to prurient interest. The depiction or description of sexual or excretory organs or activities should be in a mild and inoffensive manner, subject to the condition that they only appear infrequently and when they do, justifiable in the context of the programme.
- (j) ***Scenes of extreme suffering and distress***
Depiction of the effects of natural disaster, accident or human violence should not include gruesome details.
- (k) ***Exorcism, psychic or occultic practice and depiction of the supernatural***
Exorcism, psychic or occultic practice and depiction of the supernatural should not be included in factual programming unless they are the subject of a legitimate investigation. Particular care should be taken not to induce fear and disturbances in children even when they are accompanied by adults in watching the programme. Fictional depiction of such phenomena should not be overly realistic so as to unsettle young minds. In certain cases, clear advance warnings should be provided.
- (l) ***Triad expressions and ceremonies***
Only triad expressions already absorbed, or in the process of being absorbed, into common language may be used, sparingly, when justified by the context and authenticity. Stylised ceremonies reasonably far removed from reality may be depicted where the story line or programme context absolutely demands them. Detailed depiction/description or frequent revisits on such subjects are prohibited.

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

5. Programmes classified “M” are recommended for viewing by grown-up members of the family only. The standards to be adopted in a “M” programme are as follows:

- (a) ***Violence***
May be realistically depicted only if it is contextually justifiable and not overly frequent. Depictions should not be unduly bloody, sadistic or horrific. Violence should not be presented as desirable in its own right. Violence occurring in a sexual context is to be assessed more stringently.
- (b) ***Language***
Downright offensive expressions and obscene or profane language should not be used. The infrequent use of explicit adult jokes, expressions with explicit sexual connotations and other offensive

language must be defensible in the programme context.

(c) ***Sex and nudity***

Intimate sexual behaviour may only be discreetly implied or simulated and must be relevant to the story line or programme context. It must not be grossly offensive taking into consideration the composition of the viewers for the time of day at which it is shown. The licensee should guard against material solely intended to satisfy prurient interests.

(d) ***Sexual violence***

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

(e) ***Drugs***

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

(f) ***Triad expressions and ceremonies***

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

Display of Classification Symbols

6. Aural and visual advice on the classification of programmes should be given before the start of the programme. In addition, a classification symbol as approved by the CA signifying the classified category of the programme should be superimposed on the screen in the top left or right corner and is to remain visible for four seconds after the programme begins. It should be displayed immediately, or as soon as is practicable, when the programme recommences after each break.

7. The licensee should make reasonable efforts to carry the appropriate classification symbols in the promotional material for its classified programmes and to include advice or the classification symbols in the licensee's programme guide, whether in printed or in electronic form, and the programme schedule it sends out for publication.

Programme Content Information

8. In addition to the programme classification advice, an aural and visual statement must be given at the start of the programme describing the principal elements which have contributed to the classification and indicating their intensity and/or frequency (e.g. "strong violence", "frequent coarse language", etc.). The information should be clearly worded so that viewers can make informed choices about what to watch and whether their children should be allowed to watch. The statement should be in a readily legible typeface and should remain visible for at least

five seconds. The licensee should make reasonable efforts to include the information in the licensee’s programme guide, whether in printed or in electronic form, and the programme schedule it sends out for publication.

Programme Promotions

9. Programme promotions for “PG” or “M” programmes should not contain anything unsuitable for children when they appear in the family viewing hours and at other times when large numbers of children and young viewers might be expected to be watching television.

DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Advisory Announcement

10. A programme or channel intended for viewing solely by adults should be clearly labelled as such. Where a channel is exclusively devoted to adult material and the character of the channel is clearly advertised as such, the channel is not subject to the requirement to label an individual programme.

11. Any programme containing material which is unsuitable for children or is likely to disturb some audience should carry an advisory or cautionary announcement together with a descriptive statement of problematic content. The announcement and descriptive statement should be shown at the start of or immediately before the programme. The wording of a descriptive statement should be clear, factual and contain the necessary information to alert viewers of material which may disturb or offend them.

11A. The licensee may be deemed to have complied with the requirement of paragraph 11 for channel(s) acquired for direct re-transmission provided that the conditions listed below are satisfied:

- (a) For a thematic channel with programmes that are similar in nature (e.g. music videos, sports, fashion television and nature documentaries), but excluding drama and movie channels, the licensee should inform viewers of the nature of the channel by displaying an icon/labelling for the whole channel for at least four seconds in every clock hour, and at the switch of the channel for at least four seconds. The icon/labelling employed should be one that is familiar to Hong Kong audience (e.g. “PG” for parental guidance recommended, “M” for mature audience).
- (b) For a channel showing drama series and movies, labelling for individual drama and movie programme is required. The icon/labelling as mentioned in paragraph 11A(a) above should be displayed at the start of the movie or drama programme for at least four seconds.

11B. The licensee will be exempted from the requirement to provide a descriptive statement on the problematic content of a programme broadcast on a channel acquired for direct re-transmission provided that an advisory or cautionary announcement has been displayed in the form as described in paragraph 11A(a) or 11A(b) above.

12. The licensee should make reasonable efforts to carry the advisory or cautionary announcement in its on-air promotions and/or promotional programmes, and/or to include the information in its programme guide, whether in printed or in electronic form, and/or the programme schedule it sends out for publication.

Promotional Material for Adult Programmes or Channels

13. Promotional material for a programme or a channel showing material of an adult nature should be scheduled so as to be consistent with the nature of surrounding programmes, having regard to the likely audience of such programmes. Such promotional material should not be permitted on a channel targeting children and in or adjacent to a programme targeting children. Such promotional material included in or adjacent to a programme other than an adult programme should not include excerpts or other material that is not suitable for persons under 18 years of age.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

General

14. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraphs 1 and 2.

Subscription Services in Hong Kong

15. The licensee must comply with paragraph 10 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

16. The licensee must comply with the rules set out in paragraphs 10 to 13 above.

Services Intended for Hotel Guests and Other Special Interest Groups

17. The licensee should ensure that any programme which may contain material unsuitable for children is preceded by a notice in the following form, or a notice to the like effect:

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

Chapter 9 Accuracy, Impartiality and Fairness

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. News programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality. Impartiality does not require editorial staff to be unquestioning; nor is it necessary for all sides of an issue be devoted the same amount of time. But it requires reporting to be dispassionate and give viewers an even-handed account of events.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Accuracy

1A. The licensees shall make reasonable efforts to ensure that the factual contents of news, current affairs programmes, financial programmes, personal view programmes, documentaries, programmes adopting an investigative style of reporting, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests are accurate.

Impartiality

General

2. The licensees must ensure that due impartiality is preserved as respects news programmes and any factual programmes or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes which are dealt with separately under paragraph 17 below). Factual programmes are non-fiction programmes which are based on material facts. They can take the form of news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting.

3. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme or programme segment. Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes or programme segments under concern should not be slanted by the concealment of facts or by misleading emphasis.

4. In achieving due impartiality, the term “due” is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme or programme segment. Due impartiality does not mean that “balance” is required in the sense of equal time or an equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgement will always be called for by the licensees.

5. A programme host should encourage the widest possible airing of views. He/She should also be alert to the danger of unsubstantiated allegations being made by participants in live programmes. Where necessary, the programme host should correct the factual errors to the best of his/her knowledge.

Impartiality Over Time

6. Although it is desirable, it is not always possible for principal opposing viewpoints to be reflected in a single programme or programme segment. Sometimes a series of programmes or programme segments may be considered as a whole. At other times, a narrower range of views may be appropriate within individual programmes or programme segments. This is an issue which calls for editorial judgement based on particular circumstances. In achieving impartiality over time, it is not always necessary to ensure that in a single programme or programme segment all sides have an opportunity to speak.

News

7. Presentation of news should observe the following rules:
- (a) Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be presented in such a manner as to avoid unnecessary alarm.
 - (b) Pictorial representation of news should be carefully selected to ensure fairness and should not be misleading or sensational.
 - (c) Commentary and analysis should be clearly distinguished from news.
 - (d) When the presence of television cameras provokes incidents that would not otherwise have occurred, news editors and producers should make every effort to eliminate “manufactured” incidents or to reveal them for what they are.
 - (e) Correction of factual errors should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme. In some circumstances it may be appropriate for a statement to appear in print.
 - (f) No bona fide news programmes comprising local or international news item may be sponsored. No advertising matter should be offered as news or included in the contents of a news programme or newsreel.

Potential Conflict of Interest of Programme Presenters

8. The licensee shall devise and institutionalise within three months from promulgation of the Code a mechanism whereby its presenters of news programmes and factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong are required to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee must then exercise its editorial judgement and decide whether:

- (a) the relevant programme presenter(s) should refrain from taking part in discussion of issues over which he/she may have conflict of interest; or
- (b) a disclosure announcement of the existence of a relevant commercial agreement should be made at the time of broadcast of the programme material.

The licensee shall receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee shall inform the complainant and the CA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website. Paragraph 8 does not apply to acquired programmes or channels which are not produced by the licensee.

Fairness

General

9. The licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

Reporting of Court Cases

10. Programme items which are based on extracts of court proceedings or other matters of public record must be presented fairly and accurately. In particular the reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would be likely to prejudice a fair trial, and the following should be avoided:

- (a) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
- (b) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
- (c) any comment relating to the character or conduct of the accused; and

- (d) any comment or report which tends to impair the impartiality of the court.

Dramatised “Reconstructions”

11. Dramatised “reconstructions” in factual programmes which seek to reconstruct actual events should be carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

Interviews

12. Where proposed interviewees are unable or unwilling to accept an invitation to participate in a factual programme, references to the missing participants should be made in a detached and factual manner. Care should be taken to ensure that their views are not misrepresented.

13. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees.

14. Licensees should not misrepresent the views of interviewees by broadcasting a previously recorded interview and presenting it as the interviewees’ current views. Viewers should be informed of the date the interviews were conducted where necessary.

Right of Reply

15. Licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organizations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

16. Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticized should be given an appropriate and timely opportunity to respond.

Personal View Programmes

17. “Personal view programmes” are programmes in which the person providing the service and/or the programme hosts and/or, sometimes, individual contributors put forward their own views. “Person providing the service” refers to a licensee and persons exercising control of a licensee as defined in section 1(6) of Schedule 1 to the Broadcasting Ordinance (Cap. 562)^(Note 1). The following rules

^(Note 1) Under section 1(6) of Schedule 1 to the Broadcasting Ordinance (Cap. 562), a person exercises control of a licensee if—

- (a) he is a director or principal officer of the licensee;
- (b) he is the beneficial owner of more than 15% of the voting shares in the licensee;
- (c) he is a voting controller of more than 15% of the voting shares in the licensee; or
- (d) he otherwise has the power, by virtue of any powers conferred by the memorandum or articles of association or other instrument regulating that licensee or any other corporation, to ensure that the affairs of the licensee are conducted in accordance with the wishes of that person.

apply to all personal view programmes and segments of factual programmes containing personal view content on matters of public policy or controversial issues of public importance in Hong Kong:

- (a) The nature of a personal view programme must be identified clearly at the start of the programme, for example, by an announcement in the following terms, “This programme only reflects the personal views of the programme host(s) and/or the individual contributor(s).” The above announcement should be suitably modified for a personal view programme which contains the views of the person providing the service.
- (b) Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.
- (c) A suitable opportunity for response to the programme should be provided in the same programme, in the same series of programmes or in similar types of programmes targeting a like audience within an appropriate period.
- (d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

18. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

19. The licensee must comply with the rules set out in paragraphs 2 to 17 above.

Services Intended for Hotel Guests and Other Special Interest Groups

20. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.

Chapter 10 Privacy

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

General

1. The rights of individuals to privacy should be respected in all programmes. Complaints about programme invasion of privacy can arise from the gathering of material or from the way an individual is treated in the programme itself. In obtaining material for a programme, the licensees must ensure that the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) are observed. The licensees shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.

Scenes of Extreme Suffering and Distress

2. Licensees should be sensitive to the possibility of causing additional anxiety or distress when interviewing, filming or recording people who are already extremely upset or under stress. People in a state of distress should not be put under pressure to provide interviews. Normally funerals may only be covered with the permission of the family.

Interviewing of Children

3. Children should not be questioned to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgement.

Reporting of Sexual Offences Against Children

4. Reporting of sexual offences against children should avoid identification of the child.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. This chapter does not apply to this category of television programme service.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

6. The licensee must comply with the rules set out in paragraphs 1 to 4 above.

Chapter 11 Indirect Advertising

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

1. Indirect advertising in television programmes refers to the mingling of programme and advertising material^(Note 1) 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. The type of indirect advertising where licensees receive payment or other valuable consideration for exposure or use of products/services within a programme is referred to as “product/service sponsorship” (it is also commonly referred to as “product placement”). 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 this chapter, distinctions must be maintained between advertisements and programmes.

General Rules

1A. As a general rule, with the exception of news programmes, current affairs programmes^(Note 2), children’s programmes, educational programmes^(Note 3), religious service and other devotional programmes, indirect advertising in programmes is permitted.

For the avoidance of doubt, product/service sponsorship will be subject to the rules stipulated in paragraph 2A of Chapter 9 of the Generic Code of Practice on Television Advertising Standards.

1B. Indirect advertising in all programmes must comply with this Code; the Generic Code of Practice on Television Advertising Standards; the licence conditions and the laws of Hong Kong.

2. Unless permitted by this chapter, the placement of advertisements should be confined to advertising breaks. Exceptions may be made in the following circumstances –

(Note 1) For the purpose of this chapter, the terms “advertisement” and “advertising material” adopt the definition as detailed in Chapter 2 of the Generic Code of Practice on Television Advertising Standards.

(Note 2) Product/service sponsorship is allowed in current affairs programmes provided that the licensee should exercise care in the choice of sponsor so as to safeguard the credibility and integrity of such programmes (paragraph 14 of Chapter 9 of the Generic Code of Practice on Television Advertising Standards).

(Note 3) For the purpose of this chapter, “educational programmes” adopt the definition as in paragraph 13 of Chapter 9 of the Generic Code of Practice on Television Advertising Standards (i.e. 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). “Children’s programmes” and “current affairs programmes” shall have the meaning set out in the Annex to this Code.

- (a) it may be necessary in a news or factual programme to include a reference to or extract from a particular advertisement. This should give it no greater prominence than is necessary to make the required point; or
- (b) a television programme may refer to or use extracts from advertisements provided that the choice and range of advertisements are subject only to the editorial requirements of the programme. In particular, they may in no circumstances be influenced by advertising considerations.

Acquired Programmes

2A. Except for the specific programme genres specified in paragraph 1A above, indirect advertising in acquired programmes^(Note 4) is permitted, provided that –

- (a) the licensee does not receive any payment or other valuable consideration in return for the inclusion of indirect advertising in the acquired programme; and
- (b) an announcement containing the wording “The following programme contains indirect advertising” is made to clearly inform viewers of the inclusion of indirect advertising in the acquired programme before the programme starts.

For the avoidance of doubt, where the licensee receives payment or other valuable consideration in return for the inclusion of indirect advertising within the acquired programme; or within the acquired programme there is 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)), the sponsorship rules in Chapter 9 of the Generic Code of Practice on Television Advertising Standards will apply.

3. Deleted.

Permitted Services or Channels

3A. (This paragraph was renumbered as paragraph 4A of this chapter. The content of which has been revised and moved to paragraph 4A of this chapter.)

Films and Acquired Programmes Covering Sporting and Other Events

4. The notification requirement applicable to acquired programmes as stipulated in paragraph 2A(b) above does not apply to acquired programmes covering sporting and other events or films made for the cinema, provided that the licensee does not receive any payment or other valuable consideration for including indirect

^(Note 4) “Acquired programmes” mean programmes which are not produced by the licensees. They can be produced locally or overseas.

advertising in the acquired programme or the film made for the cinema. Where the licensee does receive payment or other valuable consideration, the sponsorship rules in Chapter 9 of the Generic Code of Practice on Television Advertising Standards will apply.

Permitted Services or Channels

4A. Services permitted under paragraph 1 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards, or programmes of channels acquired for direct re-transmission provided by the licensee which are permitted under paragraph 2 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards may deviate from the standards set out in paragraphs 1A and 2A of this chapter. 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.

Advertising Time Limit

4B. Unless otherwise specified, indirect advertising permitted under 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).

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. This chapter does not apply to this category of television programme service.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

6. The licensee must comply with the rules set out in paragraphs 1 to 4A above.

Services Intended for Hotel Guests and Other Special Interest Groups

7. This chapter does not apply to television programme services intended for hotel guests and other special interest groups.

Chapter 12 Other Programme Matters

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Contests

1. No fee is payable either in money or money's worth for participation in any contests. Subject to prior approval from the CA, a licensee may deviate from this requirement in respect of a contest for charitable purposes.
2. Any contest included in a programme or in an advertisement must offer an opportunity for all contestants to win on the basis of skill or knowledge and not purely by chance.
3. All rules and conditions of contests, including commencing and closing dates, should be clearly and fully announced at the beginning of the contest, and thereafter adequately summarized on each occasion. The names of winners should be released as soon as possible after the close of the contest. The conditions of all contests must meet the requirements of the laws of Hong Kong.
4. Where a contest is included in a programme which is recorded in advance of the date on which it is shown, the closing date for the contest must be fixed so as to provide a reasonable opportunity for any person viewing the programme to send in an entry before that date. In the case of a continuing contest which closes immediately on receipt of a correct answer, the licensee must ensure the immediate notification of the fact to avoid any waste of time and money by viewers in the submission of entries which no longer have any chance of winning.
5. Where a contest is included in a programme, references to prizes must not be made in such a way as to amount to advertising. Aural or visual references to prizes or acknowledgment of the source of prizes are allowed in contests provided that they are not excessive. However, there must be no promotional reference to any product or service.
6. The presentation of tobacco products as prizes or gifts for contests is not permitted. The presentation of alcoholic liquor as prizes or gifts in isolation for contests is not permitted.

Simulated News Programmes

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

Programme Sponsorship

8. The licensee must comply with the standards on programme sponsorship as set out in the Generic Code of Practice on Television Advertising Standards.

Elections

9. Licensees should observe all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission.

Starting Times and Under-runs

10. Deleted.

Programme Changes

11. Where programmes are not shown in accordance with publicly announced or published programme schedules, the licensee should take reasonable steps to inform viewers of such changes. These steps may include making on-screen announcements at the beginning of the scheduled time of the programmes affected and at other appropriate times when the intended audience of the programme might be watching television. This rule does not apply to video-on-demand programme services and channels acquired for direct re-transmission where in the opinion of the CA the licensee has no control over the scheduling of programmes.

11A. Notwithstanding the rule in paragraph 1 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards (i.e. restriction on the placing of advertising or non-programme material in a programme), announcement of programme changes, regardless whether or not such changes have been publicly announced or published, within a programme in the form of superimposed text is allowed subject to the following rules:

- (a) the superimposed text should not obtrude on viewing pleasure or entertainment. It should be mute and generally placed along one of the margins of the television screen;
- (b) the information provided in the text is restricted to the title of the programme(s) being affected, reference to the change in broadcast date/time, its appropriate programme classification symbol, if any, and the broadcast channel. For the avoidance of doubt, it should not include any advertising material or references to the sponsor(s) of the programme(s) being affected, save and except for the name(s) of the sponsor(s) and his house/trade/brand/product/service name which is/are incorporated into the programme title(s);
- (c) such announcement involving a programme(s) recommended/intended/restricted for viewing by adults only should not be made within programmes targeting children; and

- (d) such announcement in programme(s) or on channel(s) acquired for direct re-transmission may deviate from any of the rules set out in subparagraphs (a) to (c) above provided that the licensee shall take all reasonable steps to ensure as far as reasonably practicable that any deviation should be kept to the minimum necessary.

Programme Segment Duration

12. For dramas and feature films ^(Note 1) broadcast on *domestic free television programme services*, the minimum duration of each programme segment between breaks or between an interval and a break should not be less than 7 minutes. In the interest of better viewing and presentation, the licensee may deviate from this rule in respect of the following programmes:

- (a) dramas and feature films produced by the licensee prior to December 1988; and
- (b) imported dramas and feature films with built-in breaks.

13. Deleted.

14. Notwithstanding paragraph 12, the CA may vary the above duration in the interest of better viewing and presentation.

Non-Programme Material within Programmes

14A. Notwithstanding the rule in paragraph 1 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards (i.e. restriction on the placing of advertising or non-programme material in a programme), the licensees may superimpose on the screen non-programme material within programmes to provide information on local date, time and weather; and information of interest to the public during an emergency situation subject to the conditions that such superimposition should be mute, generally placed along one of the margins of the television screen and should not obtrude on viewing pleasure or entertainment. The above non-programme material in programme(s) or on channel(s) acquired for direct re-transmission may deviate from any of the rules set out above provided that the licensee shall take all reasonable steps to ensure as far as reasonably practicable that any deviation should be kept to the minimum necessary.

Promotional Programmes

15. Deleted.

^(Note 1) For the purpose of paragraph 12, ‘dramas’ include drama series and serials, animated dramas, docudramas, plays, and telemovies; and ‘feature films’ include films produced for theatrical release or distribution purpose.

In-Programme Promotions for Programme(s) in the form of Superimposed Text

15A. Notwithstanding the rule in paragraph 1 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards (i.e. restriction on the placing of advertising or non-programme material in a programme), a promotion for programme(s) in the form of superimposed text within programmes (“in-programme promotion”) is allowed subject to the following rules:

- (a) the superimposition should be mute, generally placed along one of the margins of the television screen, and should not be overly distracting and obtrude on viewing pleasure or entertainment;
- (b) the superimposition should appear not more than once per every 7 minutes within each programme segment or a programme without breaks and that each superimposition should not be more than 10 seconds. For a programme segment or mini-programme of less than 7 minutes in duration, the superimposition should appear only once within each programme segment or mini-programme and that such superimposition should not be more than 5 seconds;
- (c) the superimposition of in-programme promotion is not allowed in news programmes and programmes or channels targeting children;
- (d) in-programme promotion should not be broadcast at the same time with any sponsor identification within programme, save and except for such a sponsor identification for the in-programme promotion itself as permitted under paragraphs 8A to 9 of Chapter 9 of the Generic Code of Practice on Television Advertising Standards;
- (e) the text superimposed on screen should not be split up into different parts appearing at different times within each programme segment or a programme without breaks;
- (f) the text superimposed should be in a readily legible typeface;
- (g) the information provided in the text is restricted to the title(s) of the programme(s) being promoted and other essential broadcast information (including the broadcast date and time, and the broadcast channel(s)), and where appropriate, the programme classification symbol. It should not include any advertising material or references to the sponsor(s) of the programme(s) being promoted, save and except for the name(s) of the sponsor(s) and his house/trade/brand/product/service name which is/are incorporated into the programme title(s);
- (h) in-programme promotion broadcast in programme(s) for family viewing or general viewing must not contain any material unsuitable for children. In-programme promotion for programme(s)

recommended/intended/restricted for viewing by adults only is only allowed in programme(s) of the same programme classification; and

- (i) in-programme promotions in programme(s) or on channel(s) acquired for direct re-transmission may deviate from any of the rules set out in subparagraphs (a) to (h) above provided that the licensee shall take all reasonable steps to ensure as far as reasonably practicable that any deviation should be kept to the minimum necessary.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

Contests

16. When contest is organised in connection with its television programmes or formed part of its television programmes, the licensee should observe the laws and programme standards of the relevant authorities of the intended recipient countries and places.

Programme Sponsorship

17. The licensee must also comply with paragraph 8 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

18. The licensee must comply with the rules set out in paragraphs 1 to 11A, 14A and 15A above.

Services Intended for Hotel Guests and Other Special Interest Groups

19. The licensee must comply with paragraphs 1 to 9, 11A, 14A and 15A above.

Annex

DEFINITIONS OF PROGRAMME TYPES

For the purpose of the domestic free television programme service licence, the various programme types the licensee is required to broadcast are defined as follows:

Arts and Culture Programmes

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

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

Children’s Programmes

‘Children’s programmes’ means programmes which –

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

Current Affairs Programmes

‘Current affairs programmes’ means programmes, or segments of programmes, focusing on social, economic or political issues relevant to Hong Kong, and with detailed analysis or discussion of news stories that have recently occurred or are ongoing at the time of broadcast.

Documentary Programmes

‘Documentary programmes’ means programmes presenting actuality – political, social or historical events or circumstances in a factual and informative manner, often consisting of actual news films and/or dramatic reconstruction accompanied by narration but does not include travelogues and current affairs programmes.

Programmes for Senior Citizens

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

Programmes for Young Persons

‘Programmes for young persons’ means programmes which offer assistance to young people aged 16 to 24 –

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