

## **Summary of Public Views received during the Public Consultation on Review of Television and Radio Codes of Practice**

A total of 50 submissions from the public were received during the consultation exercise conducted by the Communications Authority (“CA”) from 17 July to 16 August 2023<sup>1</sup>. The views collected are summarised below –

### **(A) Sponsorship and Indirect Advertising**

#### **(1) Relaxing Regulation of TV Programme Services**

*Question 1: Do you consider it appropriate to regulate the form of presenting sponsor identifications within television programmes by general, overarching principles, instead of by detailed prescriptions?*

A majority of the respondents agree with the proposal

- TV broadcasters are facing severe challenges from Internet-based media but the latter is subject to more relaxed regulatory controls, resulting in unfair competition. The proposal would help increase the revenue of broadcasters and facilitate production of more programmes of high quality for the benefit of viewers.
- Sponsor identifications should be clearly distinguishable as such and comprehensible to viewers. They should be presented in a natural and unobtrusive manner. They should not be annoying or excessive, nor should they include direct encouragement of purchase.
- Detailed prescriptions would impose restrictions on the extent of the licensee’s ability in programme production and advertising, and have become obsolete.
- It is appropriate to formulate clear guidelines for sponsorship of serious programmes (such as news and programmes of national security) in order to prevent such programmes from accepting sponsorship of unacceptable products.
- Sponsor identifications should not contain superlative claims which are difficult to verify.

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<sup>1</sup> The consultation document is available on the [CA’s website](#) for reference.

- In formulating general principles, reference should be drawn from regulatory principles adopted in other jurisdictions to come up with a more comprehensive framework for safeguarding the interests of consumers.

A minority of the respondents disagree with the proposal

- General principles are not sufficient for meeting various regulatory needs in all circumstances. In contrast, detailed prescriptions would provide comprehensive protections to consumers.
- The proposed amendments and relaxations of the codes might lead to excessive advertising of sponsored products in programmes by TV broadcasters which might affect viewing pleasure.

***Question 2: Do you have any views on the proposal to relax the current restrictions on the display of sponsor references in children's programmes provided that they are acceptable for advertising in children's programmes and such references/announcements are clearly distinguishable as such and comprehensible to a child viewer?***

Fewer respondents agree with the proposal

- The proposal will enable TV broadcasters to increase their revenue and hence produce more children's programmes.
- The sponsor references must be comprehensible to a child viewer and should not affect the mental development of children.

More respondents disagree with the proposal

- As children may not be accompanied by their parents when watching children's programmes, such programmes should not contain too many advertisements to safeguard children from being exposed to undesirable and misleading contents.
- Children, especially those under the age of 12, may not yet be competent enough to recognise advertising messages or visuals. The CA should err on the cautious side and make reference to relevant requirements in other jurisdictions to ensure that children of different age groups are protected.
- Children lack the ability to make judgement. The inclusion of excessive sponsor references will lead to the development of improper consumption concepts and exert pressure on their parents.

- The existing regulation of product placement is sufficient for TV broadcasters to make extra profits and further relaxation in this respect is not justified.

**Question 3:** *Do you have any views on the proposal to relax the regulation of product/service sponsorship for promos on the condition that some general, overarching principles are complied with?*

A majority of the respondents agree with the proposal

- The regulatory control on programme promos can be relaxed in order to increase the revenue of TV broadcasters, except for children's programmes.
- Sponsorships for products/services should be clearly identifiable as advertisements.

A minority of the respondents disagree with the proposal

- The proposal only takes the licensees' interest into consideration but overlooks the concerns of the consumers and the public.
- The lack of clear and specific guidelines on how the general principles would apply in different circumstances may render enforcement impracticable.

## **(2) Relaxing Regulation of Indirect Advertising for Sound Broadcasting Services**

**Question 4:** *Do you consider it appropriate to lift the general prohibition on indirect advertising in radio programmes except for certain types of programmes (viz. news, children, educational and religious service programmes)?*

A majority of the respondents agree with the proposal

- This proposal is on par with the regulation for television programmes. It would increase the revenue of radio broadcasters, which would in turn facilitate production of more programmes of high quality for the benefit of listeners.
- It would provide a more conducive business environment for radio stations to compete fairly with online platforms.
- Indirect advertising should be clearly identifiable as advertisements.

A minority of the respondents disagree with the proposal

- Most of the radio listeners nowadays are senior citizens and students who would be less receptive to product placement, when compared to TV viewers.

***Question 5: Do you have any views on the proposal for adopting general, overarching principles instead of imposing detailed guidelines for regulating indirect advertising in radio programmes?***

A majority of the respondents agree with the proposal

- Product placement nowadays has been generally accepted by members of the public. The proposal provides radio broadcasters with more flexibility in programme production and advertising.
- Indirect advertising should be required to be presented in a natural and unobtrusive manner that would not be perceived as annoying or excessive. Furthermore, there should not be direct encouragement of purchase.
- The lack of a visual component in radio programmes makes it difficult for a listener to tell whether there is indirect advertising. Hence, radio broadcasters should be required to hint at indirect advertising more frequently and obviously.

A minority of the respondents disagree with the proposal

- Unlike TV, sound broadcasting services should be regulated by detailed guidelines.

**(B) Applicability of the Impartiality Requirement on TV and Radio for Programmes Relating to National Education, National Identity and the National Security Law (“NSL”)**

*Question 6: Do you have any views on the proposal to stipulate explicitly in the codes of practice (“CoPs”) that the impartiality requirement is not applicable to programmes on national education, national identity and NSL?*

A majority of the respondents agree with the proposal

- The principle of impartiality is intended to encourage analysis and discussion from various angles. It is only applicable to certain programmes, such as news programmes.
- This type of programmes, as well as programmes on the legal system, should promote law-abiding virtues and positive values for the interests of the nation and the Government, and should not include unsuitable information just for the sake of observing the impartiality requirement.
- The principle of impartiality unnecessarily requires a licensee to include opposing views on every issue. Viewers or listeners would be misled into adopting certain pre-conceived stances and oppose issues/views which are, by nature, irrefutable and are not open to challenge.
- Programmes on national education are intended to establish proper values and instil in the public, from an early age, a patriotic awareness for our nation and Hong Kong. This is a separate issue unrelated to objective analysis.
- In any place (including Hong Kong) where NSL is in force, the basic tenet of “national security” has an overriding effect on other laws and principles, including that of impartiality.
- Many producers, script writers or researchers of TV and radio programmes are indeed one-sided and biased. They only attempt to promote their personal opinions in the name of impartiality and polarize the society.
- The proposal could prevent people from inciting others to make unreasonable complaints against this type of programmes, which might increase the workload of relevant departments.
- The proposal will provide greater certainty for licensees in production of programmes, thereby facilitating the promotion of national education and NSL.

A minority of the respondents disagree with the proposal

- The proposal will lead to one-sided understanding of this type of programmes by the public and hence resulting in prejudices and extremism.
- In the absence of the impartiality requirement, broadcasters with ulterior motives may use such programmes for other purposes.
- The CoPs should clearly define the obligations of the broadcasting licensees in promoting positive values, instead of exempting certain programmes from observing relevant requirements. Once such a precedent is set, more programme genres may be exempted from the impartiality requirement in the future.
- The principle of impartiality should be re-defined, namely, that an “opposing view” which is not based on the rule of law and facts, even if expressed, will not constitute as having complied with the impartiality requirement.
- This requirement is well-established to safeguard a diversity of views and social progress in Hong Kong. Retaining the existing requirement will enable the community to have a comprehensive understanding of NSL.

**(C) Applicability of CoPs to Programmes/Channels Acquired from Reputable Sources on the Mainland for Direct Re-transmission on TV and Radio**

*Question 7: Do you have any views on the proposal to exempt programmes/channels acquired from reputable sources on the Mainland for direct re-transmission from complying with the CoPs?*

A majority of the respondents agree with the proposal

- There should be a list setting out media on the Mainland that are considered reputable in order to safeguard the quality of acquired programmes.
- The proposal can enhance the public’s sense of national identity and help them understand our nation’s developments in different aspects such as military, education and art. It also facilitates the integration of the Mainland and Hong Kong.
- The proposal enables the introduction of more programmes of high quality from the Mainland, thereby offering more programming choices for viewers and boosting the competitiveness of the industry.

A minority of the respondents disagree with the proposal

- Whether a source is “reputable” is a subjective judgement. It is difficult to define “reputable” or implement the proposal.
- On equity grounds, the same level of regulatory control should apply to programmes from the Mainland as well as local productions.
- It will create a lacuna when a programme is under complaint and the CA is incapable of imposing a sanction on the relevant licensee under the existing regulatory framework.
- The proposal promotes the connectivity of Hong Kong with the Mainland but not with the international community.
- Many of the Mainland programmes present one-sided views or remarks, and variety shows are sensational.
- TV broadcasters could reduce the amount of locally produced programmes for cost-saving, which would affect the livelihood of local producers.
- Mainland programmes or channels should be retransmitted and broadcast by Radio Television Hong Kong (“RTHK”).

***Question 8:*** *Do you have any comments on the factors set out in paragraph 28 of the consultation document for determination of whether an acquired programme/channel from reputable sources on the Mainland should be exempt from the CoPs?*

A majority of the respondents agree with the proposal

- The term “reputable sources on the Mainland” should be changed to “China Media Group or Mainland’s local television stations at various levels”. Also, sources of the programmes and the relevant disclaimers should be displayed on the screen or in a voice-over.

A minority of the respondents disagree with the proposal

- The factors set out therein are insufficient for evaluating the credibility and reputation of a media organisation.

## **(D) Claims Relating to Nutrition or Dietary Effect of Products and Services on TV and Radio**

***Question 9:** Do you consider it appropriate to remove the requirements governing the appearance of the person giving testimonial in an advertisement related to weight loss or reduction of body fat?*

### More respondents agree with the proposal

- Whether the person giving testimonial appears to be underweight is a subjective judgement. This type of advertisements should be regulated according to other objective criteria stipulated in the CoPs.
- Removing the requirement would avoid the predicament of enforcement difficulty or inapplicability of existing regulations.
- An advisory message should be added to the end of the advertisements to indicate that the effects of the products/services concerned may vary from person to person.

### Fewer respondents disagree with the proposal

- The CA should enhance this requirement by, for example, stipulating that only those who meet the Body Mass Index (“BMI”) can give testimonials in advertisements.
- Retaining this requirement can prevent the public from risking their health through dieting to meet the prevailing aesthetic standards, which will increase the burden of the Government on public resources.
- This requirement protects consumers from purchasing non-effective or harmful products under the influence of false or exaggerated claims.

### Other comments

- Advertisers should be required to provide open channels (e.g. social media) for users to post messages and comments on the effects of the products/services concerned.



## **(E) Repeat of Children’s Programmes on Free TV**

*Question 10: Do you have any views on the proposal to relax the requirement on repeated children’s programmes to not more than four times in 24 months?*

### A majority of the respondents agree with the proposal

- The requirement may be further relaxed to “not more than six or ten times in 24 months”.
- Children nowadays tend to have more activities. Repeating children’s programmes would give them more chances to watch such programmes.
- This proposal would encourage TV broadcasters to produce programmes of high quality for the benefit of children viewers.

### A minority of the respondents disagree with the proposal

- Free TV is probably the major entertainment source for children from the less privileged background. The proposal might deprive children of their right to watch more new programmes. Furthermore, contents of the repeated programmes might be outdated.
- The proposal might reduce programming choices of children viewers as well as their chance to acquire new knowledge, hence affecting their physical and mental development.
- Following the mid-term review, the total broadcast hours of children’s programmes have already been reduced to 14 hours per week for each broadcaster. As such, TV broadcasters should not be permitted to make use of repeated programmes for the fulfilment of the children’s programme requirement.

## **(F) Classification of Promotional Material on Free TV**

*Question 11: Do you have any views on the proposal to remove the requirement for free TV licensees to provide classification symbols in programme promos?*

### Fewer respondents agree with the proposal

- Removing the requirement will not have significant impacts on viewers, but it can reduce the workload and costs of the broadcasting licensees.

- It would be sufficient for broadcasters to display the classification symbol before the start of and within programmes, as well as in the television programme guide.

More respondents disagree with the proposal

- The existing requirement for broadcasters to provide clear classification symbols in programme promos enables viewers to choose television programmes for their children.

**(G) Factual Claim Substantiated by Research or Testing in TV Advertising**

*Question 12: Do you have any views on the proposal to provide flexibility for TV broadcasters to use QR code as an alternative method of providing access to detailed information on products/services in advertisements where substantiation of factual claims is required?*

A majority of the respondents agree with the proposal

- The proposal would facilitate viewers to obtain detailed information for the services/products concerned.
- An enquiry hotline should be made available for the elderly who are less adept at using smart phones.
- To avoid confusion, the CA should clarify whether the first or the last broadcast of an advertisement should be counted as the start day for the 120-day validity period of the QR code to be maintained by the broadcaster.
- The source and date of a factual claim should be kept and shown together with the QR code in the advertisement, so that the elderly consumers and those who are less tech-savvy could still be informed.

A minority of the respondents disagree with the proposal

- QR codes would affect viewing interest, while the requirement for broadcasters to maintain the QR code valid for 120 days would increase operating costs for the industry.
- It is more time-consuming to scan QR codes than reading texts. Also, the use of QR codes may incur risks on information safety.

### Other comments

- Advertisers should be required to provide open channels (e.g. social media) for users to post messages and comments on the effects of the product/service concerned.

***Question 13: Do you have any views on the proposal for adopting general principles instead of imposing detailed guidelines for regulating the display of QR code (if accepted) in TV advertisements?***

### A majority of the respondents agree with the proposal

- The proposal provides more flexibility to broadcasters.
- QR codes should be required to be clearly visible and displayed on screen for a sufficiently long duration.
- There should be a specified limit on the size and duration of display of QR codes on screen in order to protect viewing interest.

### A minority of the respondents disagree with the proposal

- QR codes should be regulated to ensure that their sources are safe and reliable.

## **(H) Advisory Message Requirement for Real Property Advertising on Radio**

***Question 14: Do you have any views on the proposal to retain the advisory message requirement but allow a shorter version of the message be used on radio?***

### Most of the respondents agree with the proposal

- The shorter version of the advisory message should remind listeners to review carefully all relevant information and seek professional advice before purchasing any real properties for the avoidance of irrational consumption.
- A short and simple advisory message would be easy to understand and remember. There should be a clear disclaimer.
- For ensuring the quality of the advisory message, there should be clear guidelines and templates of the shorter version for licensees' reference.

## Very few respondents disagree with the proposal

- There is no specific comment.

## Other comments

- In advertisements for real properties situated outside Hong Kong, radio and TV broadcasters should be required to clearly indicate in the advisory message whether or not the estate agent of the relevant property is licensed under the Estate Agents Ordinance (Cap. 511).

## **(I) Other Views or Suggestions**

### Other Comments on the CoPs

- Advertisements for health food/products/services, especially the relevant claims, should be regulated to safeguard the health of consumers.
- Guidelines on the use of virtual product endorsers should be issued to the industry.
- Advertisements for products/services targeting the elderly population should be regulated to safeguard their interests.
- Existing television and radio codes of practice should be consolidated into a single piece for the unified regulation of the entire broadcasting sector.
- National security-related requirements should apply to broadcasters in order to prevent young people from being misled by radio/TV programme hosts.
- The applicability of the CoPs should be expanded to cover programmes and advertisements which are broadcast on the official websites of licensed broadcasters.

### Other Suggestions

- Licensed broadcasters should produce animations to promote the NSL and raise the awareness of young viewers of the obligation to abide by the law.
- The legislation should be amended to enable the conveyance of television channels of the Mainland to Hong Kong viewers via airwaves.

- The licensed broadcasters lack the experience of producing programmes relating to national education, national identity and NSL. Therefore, these programmes should be produced by RTHK or the Government and then broadcast by licensed broadcasters in order to reduce their operating costs and risks.