

# **Public Consultation on the Review of the Restriction on Broadcast of Advertisements for Undertaker and Others Associated with Death or Burial**

## **PURPOSE**

The Communications Authority (“CA”) is conducting a review of the restriction on the broadcast of advertisements for undertaker and others associated with death or burial in television programme and sound broadcasting services. Members of the public are invited to give views and comments on the issue in writing.

## **BACKGROUND**

### **The Case for Review**

2. At present, the codes of practice governing television and radio advertising provide that advertisements for undertaker and others associated with death or burial, except for advertisements for columbaria which are in compliance with the relevant presentation and scheduling requirements, are not acceptable for inclusion in a licensed service.

3. The CA has received views from the public in the context of the renewal of domestic free television programme service licences in 2014 that the restriction on advertisements for funeral services could be relaxed provided that they do not make reference to death and terror. There are also comments from the broadcasting licensees that in view of changing social and cultural values, the current restriction should be lifted, so that the viewing public can be better informed of the services relating to after-death arrangements.

### **Overseas Practices**

4. In major jurisdictions such as the United Kingdom and Australia, there is no provision prohibiting broadcast of advertisements for burial or death-related services. In Singapore, advertisements for death-related and undertaker services are allowed between 11 p.m. and 6 a.m., subject to some restrictions on presentation. As such, relaxation of the restriction on advertisements for undertaker and burial services is consistent with the practices adopted in major jurisdictions.

## PROPOSAL

5. In view of the foregoing and in line with the general direction to relax the current regulatory regime, the CA proposes to lift the general prohibition on advertisements for undertaker and others associated with death or burial, subject to the following conditions on presentation and scheduling as a safeguard to protect the interests of the audience<sup>1</sup> –

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

### Applicability of the Proposal

6. Currently, the prohibition under review applies to domestic free, domestic pay and other licensable television programme services<sup>2</sup>, as well as sound broadcasting services. In line with the existing practice, the proposal would apply to both television programme and sound broadcasting services.

## INVITATION OF VIEWS AND COMMENTS

7. The CA invites views and comments from members of the public on the proposal set out in this Consultation Document. All views and comments should be made in writing and should reach the CA Secretariat on or before **28 April 2018** through any of the following means –

By Post: Communications Authority Secretariat  
20/F, Wu Chung House  
213 Queen's Road East  
Wanchai, Hong Kong  
(Attn: Special Duty Division – Consultation on Codes Review)

By Fax: 2507 2219  
(Attn: Special Duty Division – Consultation on Codes Review)

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<sup>1</sup> The proposed conditions on presentation and scheduling are the same as those applicable to advertisements for columbaria which are allowed for broadcast.

<sup>2</sup> The other licensable television programme service licensees provide television programme services in hotel rooms in Hong Kong.

By e-mail: [consultation-cop@ofca.gov.hk](mailto:consultation-cop@ofca.gov.hk)

8. Written views and comments received will be referred to the CA and its Broadcast Codes of Practice Committee for consideration. The CA and its Broadcast Codes of Practice Committee reserve the right to make public any submissions in whole or in part and disclose the identity of the source. Any material claimed to be confidential should be clearly marked. The CA would take such marking into account in making its decision on whether to release the material or not.

9. For enquiries, please send e-mail to [consultation-cop@ofca.gov.hk](mailto:consultation-cop@ofca.gov.hk) or call the Special Duty Division at 2961 6456 or 2961 6309.

10. For the avoidance of doubt, all the views expressed in this Consultation Document are for the purpose of discussion and consultation only. Nothing in this Consultation Document represents or constitutes any decision made by the CA. The consultation contemplated by this Consultation Document is without prejudice to the exercise of the powers by the CA under the Communications Authority Ordinance (Cap. 616), the Broadcasting Ordinance (Cap. 562), the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) or any subsidiary legislation.

Communications Authority  
28 March 2018