

## **BROADCASTING ORDINANCE (Chapter 562)**

### **DIRECTION (Section 24(1))**

To: Health TV Company Limited

Date: 21 July 2020

#### **Interpretation**

In this Direction, unless the context otherwise requires,

“Authority” means the Communications Authority;

“Health TV” means Health TV Company Limited, a holder of the Licence;

“Licence” means the non-domestic television programme service licence issued to Health TV on 6 December 2012 by the Communications Authority pursuant to the Broadcasting Ordinance (Cap. 562);

“Licensee’s Proposal” means the same as defined in Condition 1.4.1 of the Licence;

“Ordinance” means the Broadcasting Ordinance (Cap. 562); and

“Service” means the non-domestic television programme service which Health TV is authorised and required to provide in accordance with the Licence and any law or Ordinance.

#### **Background**

1. Condition 10.1 of the Licence provides that, unless Health TV’s compliance is waived by the Authority, Health TV shall comply with the Licensee’s Proposal, including statements and representations regarding the Service provided by Health TV.

2. Under Condition 1.4.1 of the Licence, the Licensee's Proposal means all statements and representations made to the Authority and the Government by or on behalf of the Licensee in its application for the Licence.

3. In accordance with the Licensee's Proposal, Health TV launched a 24-hour channel in February 2013 but it has been suspended without the Authority's approval from 30 November 2018 to date.

4. Having considered the circumstances of the case and the representations of Health TV dated 24 April 2020, 12 May 2020, 30 May 2020 and 1 June 2020, the Authority considers that Health TV is in breach of Condition 10.1 of the Licence for its failure to provide the Service in accordance with the Licensee's Proposal from 30 November 2018 to date.

5. Taking into account the nature, duration and seriousness of the breach and the representations made by Health TV, the Authority has decided that Health TV be seriously warned to observe more closely Condition 10.1 of the Licence.

6. Section 24(1) of the Ordinance empowers the Authority to issue directions in writing to a licensee requiring it to take such action specified in the notice as the Authority considers necessary in order for the licensee to comply with any requirement under, among others, a prescribed Ordinance or any licence condition applicable to it.

### **Direction**

7. The Authority, in exercise of its power under section 24(1) of the Ordinance, hereby **directs** Health TV to –

- (a) fully resume the Service with the broadcast of a channel of 24-hour programmes as soon as possible and in any case not later than 31 August 2020 and to maintain the Service as required by the Licence at all times thereafter; and
- (b) provide all the necessary equipment, facilities and related information to the Authority as the Authority may require for

the purpose of assessing whether Health TV complies with this Direction.

Failure to comply with this Direction may result in the Authority imposing further sanctions on Health TV.

8. Pursuant to section 24(3) of the Ordinance, this Direction will be published on the Authority's website at [www.coms-auth.hk](http://www.coms-auth.hk).

(Chaucer Leung)  
for Communications Authority  
21 July 2020