

Points to Note for Submissions of Views on TV Programmes Provided by Domestic Free Television Licensees

The Communications Authority (CA) is inviting views from members of the public on the quality and variety of television programmes provided by the two domestic free television programme service licensees, namely Asia Television Limited (ATV) and Television Broadcasts Limited (TVB).

In the context of the mid-term review of ATV and TVB's licences conducted in 2010, the CA^{Note} decided to collect public views on the quality and variety of programmes provided by the licensees on a regular basis. Upon receiving the views, the CA will follow up with the licensees as appropriate such that they may ensure their programmes would meet the expectations of the general public.

Members of the public may submit their views in writing to the CA Secretariat **between 18 February and 2 April 2013** by any of the following means-

Post: Office of the Communications Authority
39/F, Revenue Tower, 5 Gloucester Road, Wan Chai
(Attn: Licence Administration Section 2)

Fax: 2507 2219
(Attn: Licence Administration Section 2)

Email: views-freetv@ofca.gov.hk

A summary of the programming and advertising requirements for the licensees is available at [Annex](#) for reference.

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^{Note} The mid-term review was conducted by the former Broadcasting Authority (BA). The CA takes up the functions of the BA since 1 April 2012.

**Views Sought on TV Programmes Provided by Domestic Free Television Licensees—
Summary of Programming and Advertising Requirements for
Asia Television Limited and Television Broadcasts Limited**

I. PROGRAMMING REQUIREMENTS

Broadcast of Specified Types of Programmes

Analogue/Simulcast Digital Services

- 1.1 The licensees shall broadcast on each language service a minimum of two comprehensive news bulletins, each of not less than 15 minutes, between 6:00p.m. and 12:00 midnight.
- 1.2 The licensees shall broadcast a minimum of 60 minutes of documentary programmes each week on each language service between 6:00p.m. and 12:00 midnight. Not less than 30 minutes of the programmes are to be wholly of Hong Kong origin.
- 1.3 The licensees shall broadcast a minimum of two half-hour current affairs programmes each week on each language service between 6:00p.m. and 12:00 midnight. Not less than 30 minutes of the programmes are to be wholly of Hong Kong origin.
- 1.4 The licensees shall broadcast two blocks of children's programmes (for children up to 15 years old): one of a minimum period of 1.5 hours daily between 4:00p.m. and 7:00p.m.; another of a minimum period of 30 minutes daily between 9:00a.m. and 7:00p.m. On the Chinese language service, at least 30 minutes of the children's programmes between 4:00p.m. and 7:00p.m. daily should be wholly of Hong Kong origin. On the English language service, there should be at least two hours of programmes per week with educational values targeting teenagers between 5:00p.m. and 7:00p.m..
- 1.5 The licensees shall broadcast on the Chinese language service a minimum of one half-hour programme per week between 8:00a.m. and 12:00 midnight intended for the education and proper development of young people (aged 16 – 24) in Hong Kong.
- 1.6 The licensees shall broadcast on the Chinese language service a minimum of 60 minutes of programming per week between 8:00a.m. and 12:00 midnight intended for the particular requirements of senior citizens (over the age of 60) in Hong Kong.

- 1.7 The licensees shall broadcast on the Chinese language service a minimum of 60 minutes of arts and culture programmes per week between 8:00a.m. and 12:00 midnight. Not less than 15 minutes of the programmes are to be wholly of Hong Kong origin.

The definition of programme types is at [Appendix](#). The annual reports submitted by the licensees on children's programmes, programmes for young persons, programmes for senior citizens and arts and culture programmes are available at http://ba_archives.ofca.gov.hk/en/press/publications.html.

- 1.8 The licensees shall broadcast on the Chinese language service a minimum of 3.5 hours per week of government programmes (i.e. RTHK programmes).

Analogue/Digital Services

- 1.9 In addition to the programmes requirements at items 1.6, 1.7 and 1.8, the licensees shall broadcast:

- (a) a minimum of 90 minutes per week of government programmes (i.e. RTHK programmes); or
- (b) in any language service in the Cantonese dialect a minimum of 60 minutes of programming intended for the particular requirements of senior citizens (over the age of 60) in Hong Kong and a minimum of 60 minutes of arts and culture programmes per week between 8:00a.m. and 12:00 midnight.

Designated Language

- 1.10 On the English language service only, the licensees may broadcast up to 20% of their programme material in other languages (except in Cantonese) outside the hours of 7:00p.m. to 11:30p.m. and a window of two continuous hours from 7:00p.m. to 11:30p.m. one day per week in other languages (except in Cantonese) with English subtitles. On the Chinese language service only, the licensees are allowed a quota of 10% broadcasting time to broadcast Putonghua programmes with Chinese subtitles.

Subtitling

- 1.11 The licensees shall provide subtitling for all news, current affairs, weather programmes and emergency announcements. On the Chinese language service, Chinese subtitles must be provided for programmes shown between 7:00p.m. and 11:00p.m, and all drama programmes. On the English language service, two hours per week of English programmes with educational value targeting teenagers shall carry English subtitles. The licensees shall also provide English

subtitles for programmes shown between 8:00p.m. and 11:30p.m..

Family Viewing Hours and Information for Viewers

- 1.12 Nothing unsuitable for children shall be broadcast during the family viewing hours, viz. between 4:00p.m. and 8:30p.m. Restriction on the provision of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30p.m.
- 1.13 Programmes which are not generally suitable for viewing by children must be classified into Parental Guidance Recommended (“PG” [家長指引]) or Mature (“M” [成年觀眾]) category.
- 1.14 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.
- 1.15 Programmes classified “M” are recommended for viewing by grown-ups only and should only be shown between 11:30p.m. and 6:00a.m.
- 1.16 Aural and visual advice on the classification of programmes should be given before the start of the programme. Classification symbol signifying the classified category of the programme should also be superimposed on screen.
- 1.17 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.

Accuracy and Impartiality

- 1.18 News shall be presented with accuracy and due impartiality. Correction of factual errors should be made as soon as practicable after the original error.
- 1.19 The licensees must ensure that due impartiality is preserved in factual programmes including documentary and current affairs programmes that deal with matters of public policy or controversial issues of public importance in Hong Kong.

Fairness

- 1.20 Licensees should take care not to distort or misrepresent views of interviewees.

Personal View Programmes

- 1.21 “Personal view programmes” are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The nature of a personal view programme must be identified clearly at the start of the programme.
- 1.22 Opinions expressed in personal view programmes should not rest upon false evidence.
- 1.23 A suitable opportunity for response to the programme should be provided.
- 1.24 Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal views programmes.

Gambling

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

Crime

- 1.26 Criminal activities, when depicted, must be consistent with and reasonably related to plot and character development.
- 1.27 Crime should not be portrayed in a favourable light.
- 1.28 The presentation of criminal techniques in such a way as to be instructional or invite imitation should be avoided.
- 1.29 Scenes containing detailed instructions for, or illustrations of, the use of illegal drugs or harmful devices or weapons are not permitted.
- 1.30 Scenes showing triad ceremonies, rituals, hand signs, etc., and triad expressions not generally accepted in daily language should be avoided.
- 1.31 Glorification of criminals, the power of triads and membership in a triad society should be avoided.

Use of Language

- 1.32 Bad language should not be used in programmes targeting children and likely to be watched by a large number of children and young viewers. Downright offensive expressions and obscene or profane language are prohibited.

Sex and Nudity

- 1.33 The licensees should not include in its programmes 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. The portrayal of sex and nudity needs to be defensible in context and presented with tact and discretion. Explicit or gratuitous depiction of sexual violence is prohibited.

Violence

- 1.34 The depictions of violence, including physical and mental violence, should be relevant and necessary to the development of character, or to the advancement of theme or plot. Violence for its own sake or purely for dramatic attraction is not allowed.

Indirect Advertising

- 1.35 No undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. References to a sponsor and exposure of its product(s)/service(s) within programmes are subject to paragraphs 2.5 and 2.6 of the advertising requirements below.

II. ADVERTISING REQUIREMENTS

Advertising Time

- 2.1 The aggregate advertising time shall not exceed 10 minutes per clock hour between the period from 5:00p.m. to 11:00p.m. each day. At other times, the aggregate advertising time shall not exceed 18% of the total time the service is provided in that period.

Broadcast of Announcements in the Public Interest and CA Publicity Material

- 2.2 The licensees shall broadcast such announcements in the public interest as

required by the Communications Authority (“CA”) provided that such announcements shall not exceed 1 minute in a clock hour on each language service. CA publicity material may be broadcast twice daily during the period from 6:00p.m. to 11:00p.m. for not more than 1 minute on each channel up to a maximum limit of 5 minutes each week.

Designated Language

- 2.3 Advertisements broadcast in languages other than the designated language of the service must carry subtitles in the designated language of that service. A maximum of 50% of the number of advertisements can be broadcast in non-designated languages on the English channels for the period from 7:00p.m. to 11:00p.m; for the period from 11:00p.m. to 7:00p.m. of the following day, the broadcast of non-designated languages advertising on English channel shall count towards the 20% daily maximum time limit allowed for non-designated language programmes on the English language service. No more than two advertisements may be broadcast in non-designated languages on the Chinese language service in any clock hour.

Restrictions on Advertising Materials

- 2.4 Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes.
- 2.5 A sponsored programme must be clearly identified as such.
- 2.6 The licensees may accept title sponsorship, product/service sponsorship, and sponsorship of superimposition of information on local date, time, weather, etc. subject to the basic principle that the sponsor identifications and/or exposure of the product(s)/service(s) within a programme are not obtrusive to viewing pleasure. In addition, the inclusion of the sponsored product(s)/service(s) within a programme should be clearly justified editorially.
- 2.7 News programmes, programmes and announcements broadcast at the direction of the CA, religious service and other devotional programmes must not be sponsored.
- 2.8 All factual claims and best-selling claims should be capable of substantiation.
- 2.9 Advertisements for the following products or services are not acceptable:
- (a) tobacco products;
 - (b) firearms and associated equipment;
 - (c) fortune tellers and the like;

- (d) undertaker or others associated with death or burial (except advertisements for columbaria);
- (e) unlicensed employment services, registries or bureaux;
- (f) organisations/companies/persons advertise for giving betting tips;
- (g) betting (including betting pools);
- (h) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts/hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performance or activities involving sexual behaviour are presented;
- (i) escort and dating services targeting young persons under 18;
- (j) pay per call information services which offer adult material of a sexual nature;
- (k) restricted medical preparations;
- (l) smoking cessation (except nicotine replacement therapy products);
- (m) prevention or treatment for any disease of hair or scalp, except for prevention or treatment of dandruff by means of external applications;
- (n) pregnancy testing and clinical laboratory testing services;
- (o) relief or cure of alcoholism and drug addiction;
- (p) cosmetic surgery and slimming or weight reducing measures involving the use of medical preparations; and
- (q) procurement of miscarriage or abortion.

2.10 Indirect advertising of the unacceptable product or service is unacceptable.

2.11 Liquor advertising should not be included between 4:00p.m. and 8:30p.m. Such advertisements should not be shown in proximity to children's programmes or programmes targeted young persons under 18.

2.12 Advertisements of medical preparations and treatments should not contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

2.13 No advertisement for condoms should be shown between 4:00p.m. and 8:30p.m..

DEFINITIONS OF PROGRAMME TYPES

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

Arts and Culture Programmes

1. '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

2. '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

3. '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

4. '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

5. '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

6. '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.