

G.N. 7513

BROADCASTING ORDINANCE (Chapter 562)

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

Pursuant to sections 3(2) and 3(3) of the Broadcasting Ordinance (the 'Ordinance'), notice is hereby given that the Communications Authority has approved the revised Generic Code of Practice on Television Programme Standards and Generic Code of Practice on Television Advertising Standards (collectively referred to as the 'Codes of Practice') in respect of the requirement for a licensee to secure proper standards for its licensed service with regard to television programme content under section 23(2)(e) of the Ordinance.

The revised Codes of Practice are set out in Annex and shall take effect on 15 December 2023.

15 December 2023

Communications Authority

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

COMMUNICATIONS AUTHORITY

15 DECEMBER 2023

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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). Unless otherwise specified, 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. Programmes/channels acquired from reputable sources on the Mainland for direct re-transmission, delayed transmission or subsequent repeated broadcast may be exempted from complying with the standards stipulated in this Code. In determining whether a programme/channel should be exempted, the contents of the programme/channel in its totality and the factors set out below are relevant

considerations –

- (a) whether the programme/channel promotes positive societal values and virtues;
- (b) whether the licensee does not have editorial control over programming (e.g. a programme/channel acquired for direct re-transmission, delayed transmission or subsequent repeated broadcast and/or without alteration by the licensee);
- (c) whether the licensee does not receive any payment or other valuable consideration in relation to the inclusion of advertising material in the programme/channel; and
- (d) whether the source of the programme/channel is identified clearly by an announcement at the beginning of the programme or through other means so that the viewers could make their own assessment of the information and messages conveyed therein. The licensee may be deemed to have complied with the identification requirement for acquired channel(s) provided that the source of the channel is clearly identifiable as such.

11. 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.

12. 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.

National Security Related Requirements

3. Licensees should especially note that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law") has come into effect in Hong Kong since 30 June 2020. To give full effect to the duties imposed by the National Security Law (in particular Articles 2, 3, 6, 9 and 10 thereof) to safeguard national security, sovereignty, unification and territorial integrity, to effectively prevent and suppress acts and activities endangering national security, and to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law, licensees shall not broadcast any programmes that have the effect or likely effect of inciting, promoting, glorifying, encouraging, endorsing or sympathising with any act or activity endangering national security or otherwise contain any contents which are contrary to the interests of national security. In this connection, licensees shall ensure that the contents of their programmes would not have the effect or likely effect of promoting, encouraging or inciting others to use violence, advocating law breaking, provoking or deepening hatred, discrimination or hostility against the Central Authorities or the Government of Hong Kong Special Administrative Region, different classes, occupations, groups, races and members of the public, arousing others' antipathy or causing offence.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

Decency and Decorum in Production

4. 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

5. 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

6. 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, Smoking Products and Drugs

7. The use of alcoholic drinks, smoking products 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, smoking products and drugs unless an educational point is being

made, or unless in very exceptional cases, the dramatic context makes it absolutely necessary.

8. 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

9. 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

10. Attacks on any established religious faiths or beliefs should not be permitted.

11. 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

12. 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

13. 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

14. Unless otherwise stated below, the depiction of criminal activities should comply with the rules set out in paragraph 6 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, Smoking Products and Drugs

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

Gambling

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

Hypnotism

17. The licensee must comply with the rules set out in paragraph 13 above.

Adult Programmes

18. 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

19. 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

20. 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

21. 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

22. The licensee must comply with the rules set out in paragraph 18 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

23. The licensee must comply with the rules set out in paragraphs 14 to 19 above.

Services Intended for Hotel Guests and Other Special Interest Groups

Crime

24. The licensee must comply with the rules set out in paragraph 20 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 6(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 14(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^(Note 1):-
- (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 four times 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. 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 18 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.

(Note 1) “Children’s programmes” means programmes which are suitable for children up to the age of 15.

Subscription Services in Hong Kong

16. On the safeguards against children's access to adult material, please see paragraph 22 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 include advice or the classification symbols for its classified programmes 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.

12. 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 12(a) above should be displayed at the start of the movie or drama programme for at least four seconds.

13. 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 12(a) or 12(b) above.

14. The licensee should make reasonable efforts to include advice or icon/labelling 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

15. 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

16. 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

17. The licensee must comply with paragraph 10 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 10 to 15 above.

Services Intended for Hotel Guests and Other Special Interest Groups

19. 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

2. 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

3. 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 18 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. For the avoidance of doubt, the due impartiality requirement mentioned above is not applicable to programmes or segments thereof relating to national education, national identity and the National Security Law^(Note 1).

4. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme or programme segment.

(Note 1) This type of content is intended to: (i) provide information on and promote the correct understanding of our nation; (ii) foster a sense of national identity; and (iii) promote the importance of protecting national security in the Hong Kong Special Administrative Region.

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.

5. 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.

6. 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

7. 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

8. 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

9. 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 9 does not apply to acquired programmes or channels which are not produced by the licensee.

Fairness

General

10. 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

11. 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”

12. 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

13. 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.

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

15. 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

16. 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.

17. 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 where practicable.

Personal View Programmes

18. “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 2). The following rules 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

19. 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

20. The licensee must comply with the rules set out in paragraphs 3 to 18 above.

Services Intended for Hotel Guests and Other Special Interest Groups

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

^(Note 2) 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.

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 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 are subject to the rules set out in Chapter 9 of the Generic Code of Practice on Television Advertising Standards.

Simulated News Programmes

6. 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

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

Elections

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

Programme Changes

9. 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.

10. 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

11. 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

^(Note 1) For the purpose of paragraph 11, ‘dramas’ include drama series and serials, animated dramas, docudramas, plays, and telemovies; and ‘feature films’ include films produced for theatrical release or distribution purpose.

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.

12. Notwithstanding paragraph 11, the CA may vary the above duration in the interest of better viewing and presentation.

Non-Programme Material within Programmes

13. 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 not affect the viewing pleasure of an average viewer. 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.

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

14. 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 not be too frequent or distracting that might affect the viewing pleasure of an average viewer;
- (b) the superimposition of in-programme promotion is not allowed in news programmes and programmes or channels targeting children;
- (c) 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;
- (d) 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

- (e) 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 (d) 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

15. 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

16. The licensee must also comply with paragraph 7 above.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

17. The licensee must comply with the rules set out in paragraphs 1 to 10, 13 and 14 above.

Services Intended for Hotel Guests and Other Special Interest Groups

18. The licensee must comply with paragraphs 1 to 8, 10, 13 and 14 above.

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

COMMUNICATIONS AUTHORITY

15 DECEMBER 2023

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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). Unless otherwise specified, 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 advertising 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 the 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 advertising 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 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.

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 programmes and advertising material or consider specific proposals before production. The editorial responsibility lies with the licensees themselves. Advertisers or potential sponsors seeking guidance on the likely acceptability of particular proposals should approach the relevant licensee.

10. 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 advertising included in 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 advertising material, the CA will give consideration to the following factors: -

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

Restrictions on the content, presentation and placement of advertising 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) ***Category of advertisement***

The licensee should exercise care in the inclusion in its licensed service of specific categories of advertisement having regard to the nature of the product or service advertised and the treatment of the product or service in the advertisement. Advertisements for products and services which are of particular concern or sensitivity (e.g. alcoholic beverages, medicines, personal products etc.) are subject to more

stringent restrictions.

(c) ***Time of the day***

The licensee's responsibility for sensitive scheduling of advertisements 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.

(d) ***Target audience***

The provisions in the Code will differ according to the likely composition of the audience to television advertising. The compliance of an advertisement with the Code will be assessed in terms of its probable impact as a whole upon that particular audience who are likely to be exposed to it. Special concern should be given to the interests of children and young viewers. The restriction on the advertisements targeting children is much more stringent than those targeting adults.

(e) ***Circumstances in which the advertisements are shown***

Account should be taken of the circumstances in which the advertisements are shown such as the nature of a channel or a programme in which the advertisement is included or the extent to which the viewer is able to control its reception.

11. Advertisements/advertising material included in programmes/channels acquired from reputable sources on the Mainland for direct re-transmission, delayed transmission or subsequent repeated broadcast may be exempted from complying with the standards stipulated in this Code. In determining whether a programme/channel should be exempted, the contents of the programme/channel in its totality and the factors set out below are relevant considerations –

- (a) whether the programme/channel promotes positive societal values and virtues;
- (b) whether the licensee does not have editorial control over programming (e.g. a programme/channel acquired for direct re-transmission, delayed transmission or subsequent repeated broadcast and/or without alteration by the licensee);
- (c) whether the licensee does not receive any payment or other valuable consideration in relation to the inclusion of advertising material in the programme/channel; and
- (d) whether the source of the programme/channel is identified clearly by an announcement at the beginning of the programme or through other means so that the viewers could make their own assessment of the information and messages conveyed therein. The licensee may be

deemed to have complied with the identification requirement for acquired channel(s) provided that the source of the channel is clearly identifiable as such.

12. Care should be taken in those aspects of television programme services which entail advertisers' involvement in programming or promotional (rather than advertising) time. The Code makes different provisions governing standards in the sponsoring of programmes for different types of licensees.

13. 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.

14. 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. The legal and regulatory requirements cited in the Code are for reference only. It is the responsibility of the licensees to ascertain the applicable and up-to-date legal and regulatory requirements. 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 Definition of Advertisement

1. Advertisement or advertising material means any material included in a television programme service which is designed to advance the sale of any particular product or service or to promote the interests of any organization, commercial concern or individual; whether by means of words, sound effects (including music) and/or of visual presentation and whether in the form of direct announcements, slogans, descriptions or otherwise, as well as any promotional reference in the course of a programme to any products or services.

2. For the purpose of this Code the term advertisement or advertising material does not include:

- (a) station/channel/programme service identifications;
- (b) announcements in the public interest and publicity material as the CA may require to be included in the licensee's television programme service;
- (c) material for the promotion of the licensee's station and/or programme services. For the avoidance of doubt, the promotion of advertisement or advertising material included in a television programme service is advertisement or advertising material for the purpose of counting the aggregate advertising time allowed for domestic free television programme services under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562);
- (d) sponsor identifications (including title sponsorship, front/end sponsor credits, and sponsorship references within programmes) as permitted under Chapter 9 ("Programme Sponsorship") of this Code. For the avoidance of doubt, sponsor identifications in the form of a front or end advertisement or both will count towards the advertising time allowance;
- (e) material connected with charities and public appeals approved by the CA and of which the licensee does not receive payment or other valuable consideration for including in its licensed service;
- (f) incidental or natural references to products or services in the course of a programme which are justifiable in programme context. For the avoidance of doubt, where:
 - (i) the licensee receives payment or other valuable consideration in return for such references; or
 - (ii) such references are for the 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)); or

- (iii) factual aural and/or visual references to prize(s) of a sponsor/donor in connection with contest programmes;

they will be subject to the sponsorship rules in Chapter 9 (“Programme Sponsorship”) of this Code.

Such definition shall extend to the grammatical variations and cognate expressions of such term and the word advertising shall be interpreted accordingly.

Chapter 3 General Advertising Standards

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. Television advertising should be legal, clean, honest and truthful.
2. The content, presentation and placement of all advertising material must comply with the Generic Code of Practice on Television Programme Standards.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Jurisdiction

3. All advertising material must comply with the laws of Hong Kong.

Identification of Advertisements

4. 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 Chapter 9 of this Code or otherwise permitted by the CA, distinctions must be maintained between advertisements and programmes.

5. Any advertisement that adopts a programme style (e.g. documentary, studio interview, cookery demonstration, lifestyle programmes and game shows) should be carefully assessed to ensure that there is no risk of confusion with programme material. Any advertisement adopting a programme style must be flagged as such by superimposing a caption “advertisement” or “advertising magazine” in a clearly legible manner for the entire duration of the advertisement. This rule does not apply to a service or part of a service that comprises home shopping material where the nature of the service or part of the service is, in the opinion of the CA, clearly identified to viewers.

6. Advertisements built into services permitted under paragraph 1 of Chapter 8 of this Code or channels acquired for direct re-transmission permitted under paragraph 2 of Chapter 8 of this Code may deviate from the standards set out in paragraphs 4 and 5 of this chapter.

Good Taste

7. Advertising matter should be presented with courtesy and good taste. Disturbing material such as overly persistent repetition, and words and phrases

implying emergency should be avoided. Every effort should be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears.

Disparagement

8. Advertising matter should contain no claims that have the effect of disparaging competitors, competing products or services or other industries, professions, or institutions.

Truthful Presentation

9. No advertisements may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised or about its suitability for the purpose recommended. The licensee should have his responsibility under this paragraph discharged if he did not know and had no reason to suspect that the claims made were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading. *(For more detailed rules relating to claims, please see Chapter 4 Factual and Best-selling Claims).*

Imitation

10. Advertisements which imitate or approximate unreasonably the name or advertising slogans of competitors to the knowledge of the licensee should not be permitted.

Appeal to Fear

11. Advertisements should not unduly play on fear.

Acceptability of Advertising Matters

12. A licensee shall refuse the facilities of his station where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all legal requirements that applies to the advertiser.

13. A licensee shall refuse to permit the use of advertising matter, or the advertising of products and services, which he has good reason to believe would be objectionable to a substantial and responsible section of the community. *(See also Chapter 5 Unacceptable Products or Services).*

Categories of Programme Carrying No Advertising

14. Advertisements must not be inserted in the course of:

- (a) a religious service or other devotional programme; or
- (b) programmes for schools supplied by the Government as the CA may

require to be included in the domestic free television programme service under the Broadcasting Ordinance (Cap. 562).

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

15. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 4 Factual and Best-selling Claims

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Claims to be Substantiated

1. All factual claims and best-selling claims should be capable of substantiation. Statements should not be used in respect of any products that they are “the best”, “the most successful”, “safest”, “quickest”, or containing any similar use of superlative adjectives unless the truthfulness of such statements is adequately substantiated.

2. Where a factual claim is substantiated by research or testing based on the advertiser’s own assessment or work done at his request, the source and date of the assessment or research should be indicated in the advertisement, or otherwise be provided through a Quick Response (“QR”) code which viewers may refer to, provided that –

- (a) the QR code should provide direct and unfettered access to the relevant information (i.e. source and date);
- (b) the QR code should be displayed on the screen for a sufficiently long duration to enable viewers to scan the code readily; and
- (c) the licensee shall keep a complete record of the relevant information related to the substantiation of factual claims and submit the same to the CA on demand. The record shall be retained by the licensee for not less than 30 days (or such other period as may be determined by the CA) after the broadcast of the advertisement.

3. Best-selling claims are further subject to the following rules:-

- (a) such claims should be substantiated by:
 - (i) independently audited sales figures; or
 - (ii) probability sample surveys which are recognised or endorsed by an industry body or accepted under the industry-wide standards of the relevant trade of the advertisers or are scientifically conducted to ensure that the findings are statistically significant, reliable and valid; and
- (b) best-selling claims should not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement of the category of brand leadership, country, and the time period it covers e.g. “In 1992, Brand X is the No.1 selling _____ (product category) in

Hong Kong”.

4. Superlatives like “most popular”, “most preferred”, “most favoured”, etc., when used in a manner which clearly suggests a number one sales position, should be subject to the same standards governing best-selling claims.

Misleadingness

5. No advertisement may misleadingly claim or imply that the product or service advertised, or any ingredient of it, has some special features or compositions which are incapable of being established.

6. References to the results of research surveys or tests relating to the product or service to be advertised should be presented carefully, so as not to mislead viewers. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics of limited validity must not be presented in such a way as to make it appear that they are universally true.

7. Information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

8. Visual and verbal presentations of advertisements indicating price, price comparisons or reductions or any pricing element must be accurate and must not be misleading by undue emphasis or distortion.

Superimposed Text

9. When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

10. Special attention should be paid to the typeface, letter spacing, line spacing, background or other element of presentation including without limitation the interaction with the background which may render the text blurred or otherwise indistinct.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

11. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 5 Unacceptable Products or Services

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Unacceptable Products or Services

1. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable for inclusion in a licensed service:

- (a) firearms and associated equipment;
- (b) fortune-tellers and the like: this does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui, etc;
- (c) unlicensed employment services, registries or bureaux;
- (d) organisations/companies/persons seeking to advertise for the purpose of giving betting tips;
- (e) betting (including pools): this does not preclude advertisements for lotteries, football and horse race betting which are authorized by or under the Betting Duty Ordinance (Cap. 108), and for horse racing and football betting publications (whether printed or otherwise) and pre-recorded information services (voice or data) on horse racing and football betting provided that the advertisement does not encourage betting or contain any references to betting tips. No advertisements for these items should be shown within or in proximity to children's programmes. In addition, the licensee must ensure that advertisements for the aforesaid lotteries, football and horse race betting should:
 - (i) not be shown between 4:00p.m. and 8:30p.m. each day on *domestic free television programme services* or at times when television programmes, in the opinion of the CA, target young persons under the age of 18;
 - (ii) only target the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
 - (iii) not feature any personality who has particular appeal to children or adolescents;

- (iv) not state or imply praise for those who participate in lotteries/football/horse race betting or denigrate those who abstain;
 - (v) not mislead or exaggerate one's likelihood of winning;
 - (vi) not be instructional in nature or unduly exhort the public to bet;
 - (vii) not feature excessive or reckless betting; and
 - (viii) not present lotteries/football/horse race betting as an alternative to work or a way out of financial difficulties.
- (f) night clubs, dance halls, massage parlours, sauna houses, bath houses or similar establishments in which hosts or hostesses are employed for the primary purpose of attracting or entertaining customers or in which floor shows or other live performances or activities involving sexual behaviour of whatever nature are presented;
- (g) escort services in general and dating services targeting young persons under the age of 18; or
- (h) pay per call information services which offer adult material of a sexual nature. The restriction is not applicable to licensed services restricted for adult viewing.

The above list is not exhaustive. Advertisements for other products or services may be prohibited or restricted under the law or under other parts of this Code (e.g. see Chapter 6 Specific Categories of Advertisement).

Indirect Publicity of the Unacceptable Product or Service

2. An advertisement for an acceptable product or service may be unacceptable if, in the opinion of the CA, a significant effect of the advertisement would publicise indirectly the unacceptable product or service.

3. Where an advertisement for a particular product or service is not allowed in particular hours of the day or on a particular channel(s) or a licensed service or during a programme targeting children and young viewers, an advertisement which has a significant effect of publicising such a product or service should likewise be prohibited in those circumstances.

4. In determining whether the significant effect of an advertisement would publicise indirectly an unacceptable product or service for the purpose of paragraphs 2 and 3 above, the CA shall have regard to the contents of the advertisement and satisfy itself that the advertisement as a whole is clearly intended for the promotion of the acceptable product/service category. Without prejudice to the general discretion of the CA, some relevant factors which may be taken into consideration should include the following:

- (a) whether the advertisement contains any visual or aural reference to the brand name or trade name of an unacceptable product/service or the name of the person/organisation supplying an unacceptable product/service or any logo, trade mark, theme music, slogan or copyline commonly associated with the unacceptable product/service or any advertisement for it;
- (b) whether the trade mark for the acceptable product/service which is being advertised is registered in Hong Kong or any other major markets in the world, or that an application for the registration of the trade mark is pending, or that the common law rights of an unregistered trade mark have been acquired in respect of the product/service;
- (c) whether the proprietor/applicant/licensed user of the registered trade mark or the proprietor of the unregistered trade mark engages in the marketing or manufacturing of the acceptable product/service; and
- (d) the target audience, the arrangement of the delivery and the placement of the advertisement.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 6 Specific Categories of Advertisement

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

1. The licensee should exercise care in the inclusion in its licensed service of certain categories of advertisement having regard to the nature of the product or service advertised, the treatment of the product or service in the advertisement and the likely composition of the viewing audience for the time of day at which they are shown. The following paragraphs set out restrictions on advertisements for products or services which are of particular concern or sensitivity.

Alcoholic Beverages

2. The advertising of liquor or alcoholic liquor (as defined in the Dutiable Commodities Ordinance (Cap. 109)) requires special consideration and is subject to the following conditions:

- (a) such advertising should only target the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- (b) such advertisements should not be shown in proximity to children's programmes; or programmes which, in the opinion of the CA, target young persons under the age of 18;
- (c) for *domestic free television programme services*, the licensee should not include in its licensed service between the hours of 4:00p.m. and 8:30p.m. each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product;
- (d) advertisements which attempt to present drinking as a desirable new experience or which portray drinking as indispensable to popularity and success should not be permitted;
- (e) the presentation of alcoholic liquor as prizes or gifts in isolation for television contests should not be permitted;
- (f) the use of alcoholic beverages or products should not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;

- (g) alcoholic products should not be advertised as similar to or equated with non-alcoholic products, e.g. soft drinks, fruit drinks, etc., which have particular appeal to children or young persons who are under the age of 18;
- (h) advertisements must not suggest that a drink is more preferable because of higher alcohol content or intoxicating effect;
- (i) selection of artistes in alcoholic beverage advertisements should be handled with care and the advertisements should avoid featuring any artiste, personality or celebrity who appears regularly in any children television programmes or who has a particular appeal to children or young persons under the age of 18;
- (j) use of alcoholic beverages or products should not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g. the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- (k) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- (l) advertising should not promote the misuse or abuse of alcoholic beverages;
- (m) advertising should not suggest that drinking is a prerequisite to relaxation. Alcohol should not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance, they must not give any impression that performance can be improved by drink;
- (n) advertising by retail liquor outlets for alcoholic products should adhere to the advertising standards on alcoholic drinks; and
- (o) advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.

3. Generally speaking, drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. In particular, drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, whether or not presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children's programmes. The advertisements must also comply with subparagraphs (a), (b), (d), (e), (f), (g), (h), (i), (j), (l), (m) and (o) of paragraph 2 above.

Smoking Products

4. The licensee must comply with all relevant provisions relating to smoking product advertisements under the Smoking (Public Health) Ordinance (Cap. 371).
5. The presentation of smoking products as prizes or gifts for television contests is not permitted.

Medical Preparations and Treatments

General

6. The licensee should ensure that all medical advertisements conform with the laws of Hong Kong, including without limitation the Undesirable Medical Advertisements Ordinance (Cap. 231).

Medical Preparation

7. The term ‘medical preparation’ means any kind of medicament or other curative or preventive substance and whether a proprietary medicine, a patent medicine or purported natural remedy. It includes:
 - (a) mixtures, powders, tablets, lozenges, or any product to be taken by mouth for therapeutic use;
 - (b) drops or paints, such as eye, ear or nose drops, throat paint, etc.;
 - (c) ointments, creams, pastes or powders for therapeutic use externally;
 - (d) liniments or any product to be rubbed on;
 - (e) injections; and
 - (f) foods which claim to assist ‘regularity’ or other health problems.

Restricted Medical Preparations

8. Advertisements for medical preparations which are included in :
 - (a) Part 1 of Schedule 10 to the Pharmacy and Poisons Regulations (Cap. 138A); or
 - (b) Schedule 1 to the Antibiotics Regulations (Cap. 137A),are not acceptable.

Unacceptable Products or Services

9. Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable:

- (a) smoking cessation: this does not preclude advertisements for nicotine replacement therapy products which are listed in Part 2 of Schedule 10 to the Pharmacy and Poisons Regulations (Cap. 138A) provided that such advertisements are not shown within or in proximity to children’s programmes and that the licensee must ensure that advertisements for nicotine replacement therapy products should:
 - (i) comply with all relevant provisions relating to smoking product advertisements (including any illustration or mentioning of smoking) under the Smoking (Public Health) Ordinance (Cap. 371). Please refer to sections 2 and 14 of Cap. 371 for definitions of “smoking” and “smoking product advertisement”;
 - (ii) not be shown between 4:00p.m. and 8:30p.m. each day on **domestic free television programme services** or at times when television programmes, in the opinion of the CA, target young persons under the age of 18;
 - (iii) make it clear that the advertised nicotine replacement therapy products are aids for smoking cessation^(Note 1);
 - (iv) not claim that:
 - (1) the advertised nicotine replacement therapy products can cure smoking addiction;
 - (2) smoking is made safer whilst the habit is being reduced; and
 - (v) contain the advisory message visually and/or aurally: “Please consult healthcare professionals for more details of the product”.
- (b) prevention or treatment for any disease of hair or scalp, except for prevention or treatment of dandruff by means of external applications ;
- (c) pregnancy testing services;
- (d) clinical laboratory testing services;
- (e) relief or cure of alcoholism and drug addiction;
- (f) cosmetic surgery and slimming or weight reducing measures involving

^(Note 1) It is recognized that it takes determination and perseverance as well as a healthy lifestyle for one to quit smoking successfully.

the use of medical preparations; and

- (g) procurement of miscarriage or abortion.

Impressions of Professional Advice and Support

10. Unless it can be substantiated that professional advice or recommendation has been obtained from an acceptable organisation of the relevant profession (for the purpose of this provision, any organisation acceptable to the Director of Health or the relevant professional body in Hong Kong from time to time and the relevant professional body itself should be deemed to be an acceptable organisation), advertisements containing the following are not acceptable:

- (a) presentations of doctors, dentists, veterinary surgeons, pharmacists, nurses, midwives, or other supplementary medical professionals under the control of the Supplementary Medical Professions Ordinance (Cap. 359) which give the impression of professional advice or recommendations;
- (b) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser; and
- (c) references to approval, acceptance or recommendation of, or preference for, the product or its ingredients or their use by the professions referred to in (a) above.

Appeals to Fear or Exploitation of Credulity

11. No spoken or pictorial representation should be used which dramatises distress or morbid situations involving ailments or sickness or which conveys the suggestion that harmful consequences may result from the product advertised not being used. No spoken or pictorial representation of vivisection should be allowed. No advertisement should contain any matter which would lead persons to believe from the symptoms described that they are suffering from any serious ailment.

Conditions Requiring Medical Attention

12. Advertisements on any product or treatment which claims to cure chronic or incurable ailments or for use in conditions in which self-medication presents a risk are prohibited.

Encouragement of Excess

13. No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of any medical preparation or treatment.

Exaggeration

14. No advertisement may make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established. Statements should not be used in respect of any product or method of treatment that it is 'the most successful', 'safest', 'quickest' or similar use of superlative or comparative adjectives.

General Statements

15. Advertisements should not contain:

- (a) general statements which mislead viewers by omitting essential facts;
- (b) statements directly stating or implying that 'all' of a certain group of diseases will be cured by the preparation; or
- (c) statements directly stating or implying that 'all' diseases are due to a particular cause.

Depiction of Patients

16. Advertisements should not show a patient receiving treatment or under the influence of a drug or hypnosis. The appearance of a patient implying or testifying to the cure of any condition is also not acceptable.

Description of Bodily Functions

17. Graphic or repellent descriptions of bodily functions or matters which are generally considered not acceptable to a wide cross section of society are not allowed.

Derogatory Reference to Physical or Mental Affliction

18. No derogatory reference whether spoken or visual should be allowed for advertising purposes to any physical or mental affliction or deformity. Any reference to such infirmities must avoid bringing ridicule or offence to the sufferers or their families.

Sales Promotions

19. No advertisement for a medical preparation or treatment may contain any reference to a prize competition or promotional scheme such as gifts, premium offers and samples.

Claims Relating to Nutrition or Dietary Effects

20. Claims relating to nutrition or dietary effects of products or services should be handled with care. Advertisements for products and services containing such

claims should comply with the following rules:

- (a) claims of effects or treatment for conditions of health for which qualified medical attention or advice should reasonably be sought are not acceptable. The licensee must also comply with the provisions of the Undesirable Medical Advertisements Ordinance (Cap. 231);
- (b) specific claims for the nutritional value of food must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the food as a whole;
- (c) advertisements for dietary supplements, including vitamins or minerals, must not state or imply that they are necessary as additions to a balanced diet in order to avoid dietary deficiency or that they are the only means to enhance normal good health;
- (d) no advertisements should encourage patterns of behaviour which are prejudicial to health;
- (e) advertisements making nutritional and dietary claims are required to comply with paragraph 10 of this chapter which governs professional advice and support;
- (f) the licensee must ensure that the advertisements which make claims relating to nutrition or dietary effects comply with all relevant legislation including without limitation the Public Health and Municipal Services Ordinance (Cap. 132); and
- (g) no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. The following rules must also be complied with:
 - (i) such advertisements must not be addressed to persons under the age of 18 and containing elements which are likely to be of particular appeal to them such as featuring children or any persons posing as adolescents in the advertisements;
 - (ii) the licensee must obtain sound evidence showing that such products or services are likely to be effective and will not cause harm. The effect of the products or services must be substantiated;
 - (iii) such advertisements must not be directed at the obese or must not use case histories to show that subjects who were or appeared to be obese lose weight and become slimmer after using the product or service advertised;

- (iv) such advertisements must not suggest or imply that to be underweight is acceptable or desirable; and
- (v) advertisements for food products in this category must make it clear that the product can assist weight loss only as part of a calorie controlled diet.

(Note: For the purpose of this rule the Body Mass Index for a normal person is between 18.5 and 25 kilograms/meter² as recommended by the World Health Organisation. Body Mass Index over or under this range would be considered as obese or underweight.)

Personal Products

General

21. Products of personal nature, such as female sanitary products, condoms, deodorants for the genital area, incontinence products, etc., should be presented with care and sensitivity. Depiction of such products must be in good taste and not overly graphic. Advertising of female sanitary products and condoms should be restrained and discreet.

Female Sanitary Products

22. The product itself should not be shown in a manner likely to cause offence and/or embarrassment to the viewers. Close-up shots on the crotch area are unacceptable.

Condoms

23. Advertisements for condoms should be factual only and should not contain any claim that the condom product is capable of giving full protection against the transmission of Acquired Immune-Deficiency Syndrome (AIDS).

24. For *domestic free television programme services*, except with the special permission of the CA, no advertisement for condoms should be shown between 4:00p.m. and 8:30p.m.

Educational Courses

25. The licensee must comply with section 86A of the Education Ordinance (Cap. 279), section 34 of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) and section 3 of the Non-local Higher and Professional Education (Regulation) Rules (Cap. 493B).

Financial Advertising

Legal Responsibility

26. It is the responsibility of the licensee to ensure that advertisements comply with all the relevant legal and regulatory requirements including, but not limited to, the following:

- (a) the Companies Ordinance (Cap. 622);
- (b) the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32);
- (c) the Banking Ordinance (Cap. 155);
- (d) the Insurance Ordinance (Cap. 41) and any other prevailing rules, guidelines, codes, explanatory notes and regulatory instruments relating to insurance products issued by the Insurance Authority (IA);
- (e) the Securities and Futures Ordinance (Cap. 571);
- (f) the Mandatory Provident Fund Schemes Ordinance (Cap. 485);
- (g) the Payment Systems and Stored Value Facilities Ordinance (Cap. 584);
- (h) the Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) Rules (Cap. 581A);
- (i) the codes and guidelines issued by the Securities and Futures Commission (SFC) from time to time^(Note 2); and
- (j) the Rules Governing the Listing of Securities on The Stock Exchange of Hong Kong Limited and the Rules Governing the Listing of Securities on GEM of The Stock Exchange of Hong Kong Limited.

(The list is for reference only and it is the responsibility of the users of this Code to ascertain the applicable and up-to-date legal and regulatory requirements.)

Deposit and Savings Facilities

27. Advertisements for deposit and savings facilities should comply with the following provisions:

- (a) for deposit and savings facilities offered by any licensed bank, any restricted licence bank or any deposit-taking company authorized

^(Note 2) See the official website of the SFC.

under the Banking Ordinance (Cap. 155) :

- (i) the advertisement should not use any terms or expressions indicating that the deposits will be absolutely or completely secure or to the like effect;
 - (ii) the advertisement should not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless it also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be;
 - (iii) no reference should be made to the amount of the nominal or authorized capital of the institution; and
 - (iv) no reference should be made to the total assets of the institution or to the total deposits made with the institution unless at the same time a reference is made to the amounts of the paid up capital and reserves either separately or together; or
- (b) for invitations to make a deposit outside Hong Kong, the advertisement should comply with the requirements specified in the Fifth Schedule to the Banking Ordinance (Cap. 155).

Lending and Credit

28. Mortgage, other lending facilities and credit services offered by licensed banks, restricted licence banks and deposit-taking companies authorized under the Banking Ordinance (Cap. 155) may be advertised. Care should be taken to avoid the public being misled as to the terms of the loan services being advertised.

Review or Advice about the Stock Market or Investment Prospects

29. Subject to paragraphs 30 and 31 of this chapter or unless otherwise permitted (whether expressly or impliedly) under applicable law, no advertisement should contain any review of or advice about the stock market (including securities listed on the stock market), investment prospects, any investment advice or make any reference to specific securities, futures contracts or investment products.

Investment Products

30. Advertisements for investment products requiring authorization by the SFC, including but not limited to unit trusts, mutual funds, investment-linked insurance schemes, pooled retirement funds, Mandatory Provident Fund products and immigration-linked investment schemes, are not acceptable unless these advertisements are authorized by the SFC pursuant to section 105 of the Securities and Futures Ordinance (Cap. 571).

Regulated Activities

31. Advertisements relating to carrying on of any regulated activity (as defined in the Securities and Futures Ordinance (Cap. 571)) should comply with the relevant provisions of the Securities and Futures Ordinance (Cap. 571) (including but not limited to the requirement for the issuer to be licensed by the SFC).

32. Advertisements relating to carrying on of any regulated activity (as defined in the Insurance Ordinance (Cap. 41)) should comply with the relevant provisions of the Insurance Ordinance (Cap. 41) and other relevant prevailing rules, guidelines, codes, explanatory notes and regulatory instruments issued by the IA.

Financial Publications

33. Subject to paragraphs 30 and 31 of this chapter or unless otherwise permitted (whether expressly or impliedly) under applicable law, advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on specific securities or investment products; advertisements for subscription services for such publications must be in general terms and make no reference to specific securities or investment products.

Estimates of the Proceeds of Insurance Policies

34. No numerical examples of the proceeds of insurance policies including but not limited to estimates of future bonus or dividend declarations on participating life insurance policies or estimates of bonus or returns on investment-link insurance schemes should be quoted in any advertisement.

Real Property Advertising

35. No advertisement offering for sale or to let any flat, shop, office or other unit of accommodation in Hong Kong should be accepted:

- (a) in respect of a completed building unless:
 - (i) the advertiser is able to substantiate that the proposed sale or letting does not constitute any breach of the conditions relating to such sale or letting as imposed in the lease conditions affecting the land on which such completed building stands;
 - (ii) the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511); or
 - (iii) such building is subject to the regulation of the Residential Properties (First-hand Sales) Ordinance (Cap. 621);
- (b) in respect of an uncompleted building unless:

- (i) the prior consent of the Director of Lands or any other Government authority relating to such sale or letting as required under the lease conditions affecting the land on which such uncompleted building stands has been given;
- (ii) the developer is able to produce evidence that his solicitor has deposited a statutory declaration under Rule 5C(3)(a) of the Solicitors' Practice Rules (Cap. 159H) in regard to the sale and purchase of the affected real property in the relevant Land Registry where consent as mentioned in (b)(i) above is not required for the sale of units in such uncompleted building (a solicitor's letter certifying that the above condition has been met will be regarded as sufficient substantiation);
- (iii) the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511); or
- (iv) such building is subject to the regulation of the Residential Properties (First-hand Sales) Ordinance (Cap. 621).

Real property advertisements permitted under this paragraph should carry an intelligible visual and/or aural advisory message in the following form or to the like effect:

PLEASE OBTAIN AND REVIEW CAREFULLY ALL RELEVANT INFORMATION RELATING TO THE PROPERTY(IES) BEFORE MAKING ANY PURCHASE DECISIONS AND SEEK PROFESSIONAL ADVICE IF IN DOUBT.

36. No advertisement offering for sale to Hong Kong residents any flat, shop, office or other unit of accommodation in a building or proposed building or any land or any sub-division, share or interest thereof or therein situated outside Hong Kong should be accepted unless the advertiser is an estate agent licensed under the Estate Agents Ordinance (Cap. 511) or the developer or vendor is able to produce the following:

- (a) a letter from a firm of solicitors/attorneys registered and recognised in the country/region where the real property or land is situated confirming that:
 - (i) all the requirements imposed by the local government relating to the development and sale of the real property or land to be advertised have been properly complied with by the developer or vendor; and
 - (ii) the developer or vendor has obtained the requisite consent (if necessary under the local laws) from the local government for the sale of the real property or land to non-residents; and
- (b) a letter from a firm of solicitors who are qualified to practise in Hong

Kong confirming that, to the best of their knowledge and belief, the local firm of solicitors/attorneys providing the confirmation in (a) above is registered in the country/region where the real property or land is situated for the provision of legal advice within that jurisdiction.

Real property advertisements permitted under this paragraph should carry an intelligible visual and/or aural advisory message in the following form or to the like effect:

PLEASE OBTAIN AND REVIEW CAREFULLY ALL RELEVANT INFORMATION RELATING TO THE PROPERTY(IES) BEFORE MAKING ANY PURCHASE DECISIONS AND SEEK PROFESSIONAL ADVICE IF IN DOUBT.

37. No advertisement should be accepted if it contains an invitation to the public to enter into or offer to enter into a regulated investment agreement^(Note 3) in respect of real property or to acquire an interest in or participate in, or offer to acquire an interest in or participate in, a collective investment scheme^(Note 4) in respect of real property, unless the advertisement has been authorized by the Securities and Futures Commission or is exempted under the Securities and Futures Ordinance (Cap. 571).

38. The licensee must ascertain that any descriptions, demonstrations and claims of a specific nature with regard to real property advertisements have been adequately substantiated by the advertisers. In particular,

(Note 3) “Regulated investment agreement” (受規管投資協議) means an agreement the purpose or effect, or pretended purpose or effect, of which is to provide, whether conditionally or unconditionally, to any party to the agreement a profit, income or other returns calculated by reference to changes in the value of any property, but does not include an interest in a collective investment scheme.

(Note 4) “Collective investment scheme” (集體投資計劃) means arrangements in respect of any property-

- (i) under which the participating persons do not have day-to-day control over the management of the property, whether or not they have the right to be consulted or to give directions in respect of such management;

- (ii) under which-

- (A) the property is managed as a whole by or on behalf of the person operating the arrangements;

- (B) the contributions of the participating persons and the profits or income from which payments are made to them are pooled; or

- (C) the property is managed as a whole by or on behalf of the person operating the arrangements, and the contributions of the participating persons and the profits or income from which payments are made to them are pooled; and

- (iii) the purpose or effect, or pretended purpose or effect, of which is to enable the participating persons, whether by acquiring any right, interest, title or benefit in the property or any part of the property or otherwise, to participate in or receive-

- (A) profits, income or other returns represented to arise or to be likely to arise from the acquisition, holding, management or disposal of the property or any part of the property, or sums represented to be paid or to be likely to be paid out of any such profits, income or other returns; or

- (B) a payment or other returns arising from the acquisition, holding or disposal of, the exercise of any right in, the redemption of, or the expiry of, any right, interest, title or benefit in the property or any part of the property.

- (a) no claim may expressly or by implication misrepresent the location, size and value of the real property and the available transport facilities;
- (b) the lowest selling price of a real property should be stated as such and should not give an impression that it is the average price;
- (c) a price being offered to local purchasers only should be stated as such and should not give an impression that it is also being offered to non-local purchasers, if there is a significant difference in the prices; and
- (d) advertisements must not offer any furniture, home appliances or any other goods as “free gifts” unless such items are supplied at no cost or no extra cost to the recipient. The licensee needs to obtain a statement to this effect from the advertiser.

The licensee should have his responsibility under this paragraph discharged if he did not know and had no reason to suspect that the information contained in the advertisement or data supplied by the developer or advertiser were false or misleading and could not, with reasonable diligence, have ascertained that the claims were false or misleading.

Film Advertisements

39. Advertisements for a film which is classified under the Film Censorship Ordinance (Cap. 392) and is intended for public exhibition in Hong Kong, should display the appropriate symbol applicable to the film under that ordinance. In addition, advertisements for films classified under categories other than Category I should carry legible visual and/or aural advisories to the effect that they are not suitable for particular group(s) of persons or approved for exhibition to persons aged 18 or above, as the case may be. (*For placement restrictions on film advertisements, please see paragraph 3 of Chapter 7 Advertising and Children*).

Undertaker and Others Associated with Death or Burial

40. Advertisements for undertaker and others associated with death or burial are acceptable provided that the following conditions are complied with:

- (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.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

41. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 7 Advertising and Children

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

General

1. Particular care should be taken over advertising
 - (a) which is broadcast within or in close proximity to programmes targeting children;
 - (b) which is broadcast in a channel targeting children; or
 - (c) in which children are to be employed.

The Viewing Child

2. No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children, or in the case of *domestic free television programme services*, which large numbers of children are likely to watch, which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

In particular:

- (a) No advertisement may encourage children to take part in any scheme that contains an element of danger to them, e.g. to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc. The licensee should have his responsibility under this subparagraph discharged if he had exercised reasonable effort to ensure that the scheme advertised contain no element of danger to children.
- (b) No advertisement for a commercial product or service is allowed if it contains any appeal to children which suggests in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- (c) No advertisement is allowed which leads children to believe that if they do not own the product advertised they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- (d) No advertisement dealing with the activities of a club is allowed

without the submission of satisfactory evidence that the club is carefully supervised in the matter of the behaviour of the children and the company they keep and that there is no suggestion of the club being a secret society.

- (e) While it is recognised that children are not the direct purchaser of many products over which they are naturally allowed to exercise preference, care should be taken that they are not encouraged to make themselves a nuisance to other people in the interests of any particular product or service. In an advertisement offering a free gift, a premium or a competition for children, the main emphasis of the advertisement must be on the product with which the offer is associated.
- (f) If there is to be a reference to a competition for children in an advertisement, the values of prizes and the chances of winning one must not be exaggerated.
- (g) The true size of the product advertised and any free gift for children should be made easy to judge. Where necessary, they can be shown in relation to some common objects against which their actual scales can be easily judged.

Restrictions on Transmission Time

3. Advertisements for products or services, films and any material which are considered as not suitable for children may not be shown within or in close proximity to programmes targeting children and in the case of **domestic free television programme services**, at times when a large number of children are expected to be watching.

4. Advertisements which are frightening, or provoke anxiety, or which contain depictions of violent, dangerous or anti-social behaviour are not allowed to be shown within or in close proximity to programmes targeting children and in the case of **domestic free television programme services**, at times when a large number of children are expected to be watching.

The Child in Advertisements

5. The appearance of children in advertisements is subject to the following conditions:

(a) *Contributions to safety*

Any situations in which children are to be seen in television advertisements should be carefully considered from the point of view of safety.

In particular:

- (i) Children should not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety; should not be seen playing in the road unless it is clearly shown to be a play-street or other safe area; should not be shown stepping carelessly off the pavement or crossing the road without due care; in busy street scenes should be seen to use zebra crossings in crossing the road, and should be otherwise seen in general as pedestrians, cyclists or passengers, to behave in accordance with the Road Users' Code as published by Transport Department from time to time.
- (ii) Children should not be seen leaning dangerously out of windows or over bridges, climbing cliffs or playing in or near water unaccompanied by adults, or playing irresponsibly on escalators.
- (iii) Small children should not be shown climbing up to high shelves or reaching up to take things from a table above their heads.
- (iv) Medicines, disinfectants, antiseptics and caustic substances must not be shown within reach of children without close parental supervision, nor should children be shown using these products in any way.
- (v) Children must not be shown using fire, matches or any gas, paraffin, petrol, mechanical or mains-powered appliance which could lead to their suffering burns, electrical shock or other injury.
- (vi) Advertising and products advertised must be consistent with generally recognised safety standards. Demonstrations may not depict harmful or dangerous use of product. When children are shown engaging in activities potentially dangerous to them, such activities should be seen being carried out under parental supervision.

Except that in advertisements designed specifically and only to promote safety, it may be acceptable to show children, for that purpose, in dangerous situations.

(b) Good manners and behaviour

Children seen in advertisements should be presented in such a manner as to set a good example of behaviour and manners.

(c) Alcoholic liquor

Children and adolescents should not be permitted to participate in the presentation of advertisements for alcoholic liquor.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

6. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries or places.

Chapter 8 Advertising Breaks

DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

1. Unless permitted under Chapter 9 of this Code or otherwise permitted by the CA, advertising or non-programme material may be placed only at the beginning or end of a programme or in a natural break occurring therein. For the purpose of this Code, “non-programme material” excludes advertising material but includes materials for the promotion of the licensee’s station and programme services and such announcements as the CA may require to be included in the licensee’s television programme services pursuant to the Broadcasting Ordinance (Cap. 562) or the relevant licence. This rule does not apply to a service or part of a service that comprises home shopping material where the nature of the service or part of a service is, in the opinion of the CA, clearly identified to viewers.

2. Advertising materials built into programmes of channels acquired for direct re-transmission which are produced primarily for reception outside Hong Kong or which are produced primarily for reception in Hong Kong on a **domestic pay** or an **other licensable television programme service**, but which do not contribute to any advertising revenue of the licensee may deviate from the standards set out in paragraph 1 where the licensee can demonstrate that compliance is not feasible without interrupting the licensee’s television programme services. 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. The above notification requirement does not apply to an **other licensable television programme service**.

3. Paragraph 2 above does not apply to **domestic free television programme services** unless –

- (a) prior to the launch of the channel to be directly re-transmitted, the licensee has provided a declaration to the CA that the channel is produced primarily for reception outside Hong Kong and does not contribute to any advertising revenue of the licensee. ;
- (b) announcements, which may be in the form of superimposed text, are displayed to adequately inform viewers that advertising materials may be placed within programmes. Such announcements shall be displayed for 15 seconds at the start of each programme and at regular intervals for 15 seconds once every 30 minutes; and

- (c) the aggregate advertising time during advertising breaks of the channel which is to be directly re-transmitted does not exceed the limits set out in section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562).

4. Notwithstanding the provisions of paragraphs 1, 2 and 3, advertising materials built into any channels acquired for direct re-transmission must in all respects comply with the prohibitions or restrictions under the law or under other parts of this Code.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

5. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.

Chapter 9 Programme Sponsorship

GENERAL PRINCIPLES FOR ALL CATEGORIES OF SERVICES

1. A programme is sponsored if it is broadcast in return for payment or other valuable consideration (which includes the programme itself) to a licensee. For the purpose of this chapter –

- (a) a licensee is deemed to have received payment or other valuable consideration for including within that programme any material which is for the 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. A programme includes a part thereof or a programme segment; and
- (b) the term “group of companies” has the same meaning as in section 2(1) of the Companies Ordinance (Cap. 622) i.e. “any 2 or more bodies corporate one of which is the holding company of the other or others”.

2. The principles that underpin the rules in this Chapter are –

- (a) to ensure that licensees maintain editorial control over sponsored programmes and should be responsible for the content of a sponsored programme;
- (b) to protect viewers from surreptitious sponsorship in that sponsored content must be clearly identifiable as such so that viewers can make their own assessment and attach appropriate weight to the content; and
- (c) to ensure that viewing interest and pleasure would not be obtruded.

When interpreting and applying any of the rules in this chapter, the general principles, as set out above, should be borne in mind at all times.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE TELEVISION PROGRAMME SERVICES

General Rules

3. The following programmes must not be sponsored –

- (a) news programmes;
- (b) religious services or other devotional programmes; and
- (c) programmes, publicity material or announcements provided by the Government or the CA, as the CA may require to be included in the licensee's television programme service pursuant to the Broadcasting Ordinance (Cap. 562) and/or the relevant licence.

4. The licensee should not accept any sponsorship in respect of products/services/establishments in any programme in so far as they are not acceptable or restricted for advertising purpose under this Code. However, acknowledgment to such establishments may be included in the end credits of the programme if the context or dramatic veracity requires the programme to include shots of the establishments.

5. Unless otherwise specified, the product/service sponsorship permitted under paragraph 6 of this chapter and sponsor identifications permitted under paragraph 8 of 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). For the avoidance of doubt, sponsor identifications in the form of a front or end advertisement or both will count towards the advertising time allowance.

Product/Service Sponsorship (also commonly referred to as “product placement”)

6. A licensee may include one or more product(s) or service(s) within a programme in return for payment or other valuable consideration provided that –

- (a) their exposure or use is presented in a natural and unobtrusive manner having regard to the programme context and genre, and there is no direct encouragement of purchase or use of product(s) or service(s);
- (b) the sponsor for the product or service featured must be clearly identified in the front and/or end sponsor credits of the programme. The content of the front and/or end sponsor credits must comply with the rules set out in paragraphs 12 to 13 of this chapter;
- (c) an announcement containing the wording “The following programme contains indirect advertising” is made to clearly inform viewers of the inclusion of product/service sponsorship in the programme before the programme starts; and
- (d) the advertising standards set out in other chapters of this Code shall apply to product/service sponsorship where appropriate, including but not limited to the provisions governing substantiation of factual claims and disparagement of competitors.

For the avoidance of doubt, the rule prescribed in paragraph 6(a) above does not apply to the sponsorship of product(s) or service(s) provided by the Government (or a statutory body established by the Government) for the purposes of promoting the

activities and functions of the Government (or the statutory body), or informing and educating the public by means of imparting information which is in the public interest.

7. For the purpose of this chapter, product/service sponsorship refers to the type of indirect advertising^(Note 1) where the licensee receives payment or other valuable consideration for exposure or use of products/services within a programme. Where the licensee does not receive any payment or other valuable consideration for the inclusion of indirect advertising in acquired programmes^(Note 2), the rules in paragraphs 19 to 22 of this chapter will apply.

Sponsor Identification

8. Without prejudice to paragraph 6(b) of this chapter, all sponsorship must be clearly identified in the form of sponsor identifications at the beginning and/or end of the programme and/or within the programme by way of title sponsorship, front and/or end sponsor credits or sponsorship references. The sponsor identifications may include references to a sponsor's name, his house/trade/brand/product/service name, trademark/logo, advertising slogan and attribute of the sponsor, as well as other sponsor's items such as product image, virtual product and QR code which are clearly identifiable as sponsor identifications in terms of presentation or by context.

9. The display of sponsor identifications within programmes are subject to the following basic ground rules –

- (a) sponsor identifications should not contain superlative claims unless they are capable of substantiation, price information and direct exhortations to the viewing public to purchase, rent or use the sponsor's products or services;
- (b) viewers should not be subject to hidden editorial influence; and
- (c) sponsor identification within a programme should not be too frequent or distracting that might affect the viewing pleasure of an average viewer.

10. Sponsor identifications within the meaning of the term under paragraph 8 of this chapter may be inserted into a programme subject to the rules of paragraph 9 of this chapter.

Title Sponsorship

11. Sponsorship of the title of a programme or a programme

^(Note 1) Indirect advertising in television programmes refers to the mingling of programme and advertising material 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.

^(Note 2) "Acquired programmes" mean programmes which are not produced by the licensees. They can be local productions or non-local productions.

segment^(Note 3)/programme feature^(Note 4) is allowed. Sponsor identifications may be incorporated into sponsored programme titles, programme segment titles and programme feature titles (whether visually and/or orally) subject to rules of paragraph 9 of this chapter.

Front and/or End Sponsor Credits

12. Subject to paragraphs 9 and 13 of this chapter, sponsor identifications within the meaning of the term under paragraph 8 of this chapter and contact details (e.g. telephone number, address, fax, website address etc.) may be included in the front and/or end sponsor credits.

13. Front sponsor credits must precede and not be integrated within any part of the programme. End sponsor credits may be integrated with but must not precede the end credits of a programme.

Sponsorship Considerations for Specific Types of Programme

Children’s Programmes

14. Sponsorship of children’s programmes requires special caution and is only permitted, subject to paragraph 9 of this chapter, in the forms of sponsorship of the title of a programme, programme segment or programme feature, and front and/or end sponsor credits. For the avoidance of doubt, sponsor identifications of a children’s programme may include the advertising slogan and attribute of the sponsor but should not include product images, virtual products and QR codes of the relevant product/service of the sponsor. Product/service sponsorship and sponsorship identifications which have the meanings as in paragraphs 6 and/or 10 of this chapter are prohibited.

Educational Programmes

15. The licensee has to ensure that the rules mentioned in paragraph 14 above are also strictly observed in educational programmes. For the purpose of this paragraph, “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.

Current Affairs Programmes

16. Product/service sponsorship, title sponsorship, front and/or end sponsor credits and sponsorship references within programmes are permitted in current affairs programmes. Due to the special nature of these programmes, the licensee should exercise care in the choice of sponsor so as to safeguard the credibility and integrity of such programmes.

(Note 3) An example of a typical programme segment will be a contest segment in a contest programme.

(Note 4) An example of a typical programme feature is a constituent of a contest segment in a contest programme.

Promotional Materials for Sponsored Programmes (“Promos”)

17. Subject to paragraphs 3, 4, 6(a) and (d), 8 to 11 and 14 to 16 of this chapter, product/service sponsorship, title sponsorship and sponsorship references are allowed in promos. A promo may be followed by advertisements announcing the sponsors with the advertisements counting towards the advertising time as allowed under section 11(1) of Schedule 4 to the Broadcasting Ordinance (Cap. 562).

References to Prizes in Contests

18. Subject to paragraphs 6 and/or 9 of this chapter, factual aural/visual references to the sponsor’s provision of the prize(s) not otherwise constituting advertisements are allowed in contests. For the avoidance of doubt, the rules on promos in paragraph 17 above also apply to announcements on television contests.

Unpaid Commercial References Within Programmes

19. The inclusion of unpaid commercial references^(Note 5) within programmes is permitted except for –

- (a) news programmes unless in circumstances whereby it may be necessary in a news or factual programme to include a reference to or an extract from a particular commercial reference. Such reference should be given no greater prominence than is necessary to make the required point; and
- (b) religious service and other devotional programmes.

Unpaid indirect advertising in children’s programmes and educational programmes is not allowed.

20. For the inclusion of unpaid indirect advertising in acquired programmes, licensees are required to make an announcement containing the wording “The following programme contains indirect advertising” to clearly inform viewers of the inclusion of commercial references in the acquired programme before the programme starts.

21. Services permitted under paragraphs 1 and 2 of Chapter 8 of this Code may deviate from the standards set out in paragraphs 19 and 20 of this chapter.

22. Unless otherwise specified, unpaid commercial references permitted under paragraphs 19 to 21 of 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).

^(Note 5) For the purpose of this chapter, “unpaid commercial references” refer to the inclusion of indirect advertising and commercial references within a programme where the licensee does not receive any payment or other valuable consideration in return.

***DOMESTIC PAY TELEVISION PROGRAMME SERVICES AND OTHER
LICENSABLE TELEVISION PROGRAMME SERVICES***

23. Paragraphs 3 to 4, 6 to 12, 14 to 16 and 19 to 20 of this chapter also apply to the licensees, unless otherwise specified.

24. Services permitted under paragraphs 1 and 2 of Chapter 8 of this Code may deviate from the standards set out in paragraph 23 of this chapter.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

25. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.