

**The Legislative Council Panel on
Information Technology and Broadcasting**

**Summary of the Submissions received in response to
the Draft Generic Codes and Draft Radio Codes**

As at 31 October 2000, a total of 41 submissions, including six from organisations and 35 from individuals, were received.

A. Submissions from Organisations

1. *Asia Television Limited (ATV)*

ATV proposes that licensees should be given more discretion on when to provide information for viewers. It agrees that personal view programmes should be identified but considers that the requirement of a half-hourly announcement too restrictive. ATV also suggests that privacy could be addressed in licensees' internal working guidelines rather than in the Code.

2. *Hong Kong Human Rights Monitor*

Hong Kong Human Rights Monitor submits that the present codes contain sufficient safeguards and there is no need to change them. It agrees that programme presenter should declare their interest, and thereafter they can present their own views. It opines that there is no need to identify personal view programmes as the audience can judge for themselves. It highlights the need for a balance between freedom of expression and protection of society in regulating advertisements. It expresses concern about the possibility of the codes being abused and about the appeal mechanism.

3. *Hong Kong Network TV Ltd.*

Hong Kong Network TV Ltd. suggests that licensees should be allowed to deviate from the standards in the codes where compliance is not feasible; and points out that the draft codes have not given clear guidelines on home shopping services.

4. *Office of the Privacy Commissioner for Personal Data (PCO)*

PCO supports the specific reference to Personal Data (Privacy) Ordinance (PD(P)O) in the codes but expresses concern that licensees may have difficulty in understanding the PD(P)O. PCO notes that BA has not addressed the full extent of behaviour cited in the Law Reform Commission's consultation paper on the regulation of media intrusion published in August 1999. PCO also expresses concern that licensees may have difficulties in operating a register on conflict of interest.

5. *Radio Television Hong Kong (RTHK)*

RTHK advocates self-regulation by the industry, especially in relation to impartiality. It expresses concern that programmes may not be easily categorised as personal view or non-personal view programmes, and opines that broadcasters should be left with the flexibility as to how they may identify programmes. RTHK supports the provisions on conflict of interest in principle, but suggests deleting the requirement to keep a register of commercial agreements. RTHK has proposed minor amendments to the provision on interviews and privacy, and has stressed the need to avoid double penalties.

6. *Television Broadcasts Limited (TVB)*

TVB supports the principles behind the proposed provisions and welcome relaxation in the regulation of advertisements. It has proposed minor amendments to the provisions on scheduling. It suggests deleting the additional requirements on programme information, as well as the half-hourly announcement on personal view programmes. TVB also suggests that disclosure of interest and privacy should be dealt with in licensees' own guidelines rather than in the Codes.

B. Submissions from Individuals

Sixteen members of the public express support for the draft Generic Codes. The following points have been covered:–

- (a) The BA's proposals that programme presenters should declare their commercial interests and should comment on public affairs in an impartial manner are supported;
- (b) The provisions on programme information are supported. There are suggestions that the requirement on the display of the classification symbol "PG" should be strengthened in terms of frequency and duration, and that there should be an extension of the Family Viewing Hours;
- (c) There are suggestions that the provision on programme segment duration should be relaxed to allow licensees greater flexibility in packaging acquired programmes. Moreover, new restrictions on the editing of acquired programmes should be introduced to ensure that cuts are done with care and only where necessary to comply with the codes of practice; and
- (d) There is a suggestion that the BA should take immediate action where an advertisement has attracted a large number of public complaints in order to keep the adverse effect of the advertisement to the minimum.

Two members of the public simply express their interests in the draft Codes but have not given any comments on them.

Seventeen members of the public, however, express reservation about the draft Codes. The following points have been raised:–

- (a) The Government should avoid interfering with talk shows because the public are capable of judging the quality of these programmes themselves;
- (b) The Codes may have the effect of curbing freedom of speech and controlling the media;

- (c) The proposals may restrict talk show hosts, who are often critical of the Government;
- (d) The proposal that programme hosts should regularly remind the audience that opinions aired are personal views might cause a nuisance to audiences and is impractical; and
- (e) The wordings of the draft codes are too abstract and may lead to abuse.

Television and Entertainment Licensing Authority

2 November 2000