

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, notice is hereby given that the Communications Authority has approved the following revisions to the Generic Code of Practice on Television Programme Standards and Generic Code of Practice on Television Advertising Standards 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 Broadcasting Ordinance. All the revisions shall take effect on 25 September 2020:—

(I) GENERIC CODE OF PRACTICE ON TELEVISION PROGRAMME STANDARDS

The Code is revised by replacing the word ‘11:30p.m.’ with ‘11:00p.m.’ in paragraph 7 of Chapter 2, paragraph 5 of Chapter 4, paragraph 5 of Chapter 5 and paragraph 8 of Chapter 6.

(II) GENERIC CODE OF PRACTICE ON TELEVISION ADVERTISING STANDARDS

The Code is revised:—

(a) by replacing paragraph 36 of Chapter 6 with the following paragraph:—

‘36. 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) of the Solicitors Practice Rules 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.;

- (b) by replacing paragraph 37 of Chapter 6 with the following paragraph:—

‘37. 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
 - (iii) (deleted)
- (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.;

- (c) by replacing the word ‘claims’ with ‘claim’ in paragraph 39(a) of Chapter 6;
- (d) by replacing the word ‘overseas’ with ‘non-local’ in paragraph 39(c) of Chapter 6;
- (e) by adding the following paragraph and footnote after paragraph 2C of Chapter 9:—

‘Sports Events Programme Sponsorship

2D. Sponsorship of sports events^(Note 4) programmes is allowed for the display of the 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 alongside and/or next to any clock or scoreboard or other information which is relevant to the sports events, or near the margin of the screen in case of showing of such information during such time when the sports events are

taking place, subject to the rules set out in paragraphs 8B and 9 of this chapter.

(Note 4) For the purpose of paragraph 2D:

- (a) sports events refer to matches of physical sports in local or international sports games or competitions and related events which include coverage of the marching-in of players, spectators and overview of the venue, prize presentation ceremonies, winners and their celebrations at the venue;
 - (b) programmes covering sports events include live, delayed live (i.e. an event that is broadcast after its commencement), re-run and highlight programmes on sports events but exclude commentaries and/or other supporting programmes broadcast outside the time when the sports events are taking place; and
 - (c) licensees are only permitted to have in-programme sponsorship references in re-run and/or highlight programmes on sports events under paragraph 2D if the sports event has been broadcast as a live or delayed live event and the sponsorship references in such re-runs or highlights must not deviate from the permitted sponsorship references already inserted in the live or delayed live events programmes.’;
- (f) by replacing the words ‘2B, 2C and 8B’ with ‘2B, 2C, 2D and 8B’ in paragraph 6 of Chapter 9;
 - (g) by replacing the words ‘2B and 2C’ with ‘2B, 2C and 2D’ in paragraph 8B of Chapter 9;
 - (h) by adding the words ‘for title sponsorship/sponsorable material within programmes as permitted under paragraphs 2B and 2C of this chapter’ after ‘the duration of each sponsor identification’; and deleting the word ‘and’ at the end, in paragraph 8B(d)(ii) of Chapter 9;
 - (i) by adding the words ‘as permitted under paragraphs 2B and 2C of this chapter’ after ‘sponsorable material’ in paragraph 8B(d)(iii) of Chapter 9 and replacing the full stop ‘.’ with ‘; and’;
 - (j) by adding the following subparagraph after paragraph 8B(d)(iii) of Chapter 9:—
 - ‘(iv) in addition to the title sponsorship and sponsorable material permitted under paragraphs 8B(d)(ii) and (iii), the sponsor identification as permitted under paragraph 2D of this chapter within a programme segment or programme without breaks of 7 minutes or more in duration appearing each time should not exceed 1 minute, and the aggregate duration may be calculated on a pro-rata basis at the ratio of 1 minute per every 7 minutes. For a programme segment or mini-programme of less than 7 minutes in duration, the duration of sponsor identification within each programme segment or mini-programme should not exceed 1 minute in aggregate; and’;
 - (k) by replacing the words ‘8B(d)(ii) and (iii)’ with ‘8B(d)(ii), (iii) and (iv)’ in paragraph 8B(e) of Chapter 9;
 - (l) by replacing superscript ‘(Note 4)’ in paragraph 8B(e)(i) of Chapter 9 with ‘(Note 5)’ and superscript ‘(Note 5)’ in paragraph 8B(e)(iv) of Chapter 9 with ‘(Note 6)’;
 - (m) by re-numbering the two footnotes to paragraph 8B(e) of Chapter 9 as ‘(Note 5)’ and ‘(Note 6)’ respectively;
 - (n) by replacing the two references of ‘paragraphs 2B, 2C and 8B’ in paragraph 9 of Chapter 9 with ‘paragraphs 2B, 2C, 2D and 8B’;

- (o) by replacing the words ‘paragraph 2C’ with ‘paragraphs 2C and 2D’ in paragraph 12 of Chapter 9;
- (p) by replacing the words ‘2A, 2B, 2C, 8B and 9’ with ‘2A, 2B, 2C, 2D, 8B and 9’ in paragraph 15 of Chapter 9;
- (q) by replacing the words ‘2B, 2C and 8B’ with ‘2B, 2C, 2D and 8B’ in paragraph 16(a) of Chapter 9;
- (r) by replacing paragraph 20B of Chapter 9 with the following paragraph:—

‘20B. Unless otherwise specified, the programme sponsorship (including product placement), sponsor identifications, references to sponsors and sponsorship references within sports events programmes permitted under 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). The CA may also allow exemption of advertising materials inserted in non-sports live events programmes as well as the delayed live, re-run and highlight programmes of such events as approved under paragraph 1 of Chapter 8 of this Code from the advertising time limit.’; and
- (s) by replacing the words ‘paragraph 2C’ with ‘paragraphs 2C and 2D’ in the second sentence of paragraph 21 of Chapter 9; and adding the words ‘, as well as other sponsor’s items such as product image, virtual product and QR Code allowed for sports events programmes’ after ‘contest programmes’ in the same paragraph.