

(a) Superimposition of Programme Change Announcements, Programme Promotional Messages and Information on Local Date, Time, Weather and Emergency Situation within Television Programmes

While the Generic Code of Practice on Television Advertising Standards (“TV Advertising Code”) prohibits the placement of non-programme material within programmes unless otherwise permitted by the BA, the existing Generic Code of Practice on Television Programme Standards (“TV Programme Code”) allows the superimposition of programme change announcements and programme promotional messages within programmes subject to restrictions on presentation and broadcast arrangements to safeguard viewing interest and to protect children. The BA has also granted blanket approval for TV licensees to superimpose on the screen information on time, weather and emergency situations as a general service to viewers.

For *programme change announcements*, the BA, having considered the licensees’ submission to provide for more flexibility in making such announcements and noted the viewers’ general expectation that such announcements should be made timely and adequately, approved the recommendation to remove the restrictions on the broadcast frequency and duration and to relax the positioning of such announcements from either of the top corners to generally along any one of the margins of the TV screen. Pursuant to the above relaxations, the revised provisions have included clarification that such announcements should not include any advertising material or sponsor references save and except for the name of the sponsor and

its product, service, etc. which is incorporated into the programme title concerned. Moreover, programme change announcements involving adult programmes should not be made within programmes targeting children.

For *programme promotional message*, the BA, having regard to the licensees' submission to provide for more flexibility in programme production and promotion and the need to lessen their regulatory burden in providing multi-channel television programme services, approved in-programme promotion -

- (a) to promote more than one programme, which might be broadcast on the same or different channels of the licensee;
- (b) to be placed generally along one of the margins of the television screen; and
- (c) to be superimposed not more than once per every 7 minutes (each not more than 10 seconds) within a segment, and once (not more than 5 seconds) within a segment shorter than 7 minutes.

To protect children, the revised provisions have specified that promotion broadcast in programmes for family viewing or general viewing must not contain any material unsuitable for children, and promotion for adult programme is only allowed in programmes of the same classification.

Regarding the licensees' *provision of information on time, weather and emergency situations* which has been put in practice for many years, the BA considered it necessary to codify such practice and decided to add a provision to the TV Programme Code, allowing TV licensees to superimpose within programmes information on local date, time, weather and emergency situations. For protection of viewing interest, such superimposition shall be mute, generally

placed along one of the margins of the screen, and not obtrude on viewing pleasure or entertainment.

(b) Television Programme Sponsorship

The existing TV Advertising Code allows TV licensees to accept title sponsorship provided that sponsor identification (“sponsor ID”) is clearly made. To identify title sponsorship, the licensees may incorporate a sponsor’s name, trademark/logo, advertising slogan, etc. (“sponsorship references”) into the sponsored title. The display of sponsor ID for title sponsorship is allowed within programmes subject to the rules for protecting viewing interest.

To provide the licensees with more business opportunity and more creativity and flexibility in production and presentation, the BA considered that certain restrictions on sponsorship could be relaxed.

On top of title sponsorship currently allowed, the BA decided to extend the scope of materials within programmes that could be sponsored to include –

- (a) information on local date, time and weather in the form of superimposition;
- (b) in-programme promotion in the form of superimposed text; and
- (c) text message within a travelogue or cuisine programme, or a travelogue or cuisine segment within a magazine programme, providing programme-related information.

To identify sponsorship of the above materials within programmes, the licensees may display the aforesaid sponsorship references alongside the sponsored

material. Such display should be clearly identifiable as a sponsor ID, mute, and generally placed along one of the margins of the screen.

To preserve viewers' interest, the display of in-programme sponsor ID, including that for title sponsorship, is subject to the following rules –

- (a) in-programme sponsor ID should not be overly distracting and obtrude on viewing pleasure or entertainment;
- (b) the sponsor ID appearing in the programme should be limited to one at any one time;
- (c) the size of the sponsor ID should not exceed 5% of the screen; and
- (d) the appearance of in-programme sponsor ID should not be too frequent that viewing pleasure would likely be adversely affected; and
- (e) for domestic free television programme services, the duration of each in-programme sponsor ID should not be more than 15 seconds, with the aggregate total calculated on a pro-rata basis at the ratio of 30 seconds per every 7 minutes in a segment. The aggregate total for a segment shorter than 7 minutes is 15 seconds.

(c) Advertising of Clinics for the Treatment of Hair and Scalp

The existing TV Advertising Code and the Radio Code of Practice on Advertising Standards (“Radio Advertising Codes”) prohibit advertisements for products or services concerned with clinics for the treatment of hair and scalp. Having considered the corresponding restriction in the Undesirable Medical Advertisements Ordinance (Cap. 231) (“UMAO”), the BA approved the proposed amendments to align the restrictions in the Advertising Codes with

that under the UMAO, viz. products or services concerned with prevention or treatment for any disease of hair and scalp are not permitted to be advertised while those concerned with prevention or treatment of dandruff by means of external applications would be permitted.

(d) Claims Relating to Nutritional and Dietary Effects in Advertisements

The TV and Radio Advertising Codes require licensees to ensure that advertisements making claims relating to nutritional and dietary effects will comply with all relevant legislation including but not limited to the Public Health and Municipal Services Ordinance (Cap. 132). As amendments to the Ordinance came into effect recently, new requirements have been imposed on nutrition claims related to prepackaged food in advertisements by any means including TV and radio broadcast. Having considered that the scope of nutrition claims regulated under the revised Ordinance is wider than that (viz. “claims relating to nutritional effects”) in the existing Advertising Codes, the BA decided that revisions should be made to the Codes to reflect the above amendments to the Ordinance.