

Communications Authority press release

The following is issued on behalf of the Communications Authority:

This press release summarises the decisions of the Communications Authority (CA) following its 94th meeting held in April 2020:

Requirement for free TV licensees to broadcast locally-produced children's programmes temporarily relaxed

The CA announced today (April 20) its decision to temporarily waive, for a period of six months from May 1 to October 31, 2020, the requirement relating to children's programmes broadcast on the integrated Chinese channels of domestic free television programme service (free TV) licensees being wholly of Hong Kong origin. The total broadcasting hours of children's programmes to be provided by a licensee will remain unchanged.

Pursuant to the relevant licence condition in the free TV licences, unless otherwise approved by the CA, a licensee is required to broadcast a maximum of two hours daily of children's programmes on each of the integrated Chinese and English channels (Note), of which not less than 30 minutes daily of such programmes on the integrated Chinese channels are to be wholly of Hong Kong origin ("wholly of Hong Kong origin" requirement).

On March 6, 2020, the CA received a request from HKTVE for waiving the "wholly of Hong Kong origin" requirement related to the children's programmes on the grounds of the disruption to the availability of human resources and facilities for TV programme production caused by the outbreak of COVID-19. The CA recognises the challenges faced by broadcasters regarding their operations for TV programme productions. A reduction in local production activities following the waiver would also be in line with the Government's advice on social distancing and thus lower the chance of transmitting the disease during the course of TV programme production. That notwithstanding, the CA is mindful that under the present situation, with children staying home following suspension of schools and closures of other public places, demand for children's programmes will be high.

In view of the above, the CA decided to waive the "wholly of Hong Kong origin" requirement related to children's programmes for the next six months with the total broadcasting hours of children's programmes to be provided by a licensee remaining unchanged.

Breach of licence conditions by One TV Media Global Limited (One TV)

The CA decided that One TV, a "non-domestic television programme service" (non-domestic TV) licensee, has breached Conditions 10.1 and 26 of its non-domestic TV licence by failing to provide a non-domestic TV service for a substantial period between July 31, 2019 and February 26, 2020, to

provide and maintain adequate standby equipment and necessary repairs or replacements to avoid or minimise service interruption, and to comply with its channel roll-out plan in accordance with its Licensee's Proposal. Taking into account the circumstances of the case and One TV's representations, the CA decided that One TV should be seriously warned to observe the relevant licence conditions more closely. The CA also approved One TV's revised channel roll-out plan of launching its remaining five channels progressively between October 2020 and October 2022.

One TV's non-domestic TV service was suspended on July 31, 2019, due to operational issues. After service resumption on January 10, 2020, there were further service interruptions up to February 26, 2020, caused by ageing equipment. Separately, One TV is only broadcasting one programme channel currently and has failed to provide a total of six channels by May 2018 in accordance with its Licensee's Proposal.

Broadcast complaints

The CA considered two complaint cases in respect of broadcasters' non-compliance with the Generic Code of Practice on Television Programme Standards (TV Programme Code) and the Generic Code of Practice on Television Advertising Standards (TV Advertising Code):

(a) complaints against the television programme "Pentaprism" broadcast on RTHK TV31 & 31A channels of Radio Television Hong Kong (RTHK) on November 20, 2019. The CA took the view that the complaints in respect of accuracy, incitement of hatred, fairness and factual content of personal view programmes were substantiated and decided that RTHK should be seriously warned to observe more closely the relevant provisions in the TV Programme Code; and

(b) complaints against television programmes "30 Minutes Meals" broadcast in August and September 2019 on Hong Kong Open TV of Fantastic Television Limited (Fantastic TV). The CA decided that the complaints were justified and that Fantastic TV should be advised to observe more closely the relevant provision in the TV Advertising Code on indirect advertising.

Details of the above cases are at
www.coms-auth.hk/filemanager/en/content_713/appx_20200420a.pdf.

Management and operations of Fantastic TV

The CA received allegations made by a former employee of i-CABLE Communications Limited (i-CABLE) regarding the involvement of i-CABLE in the management and operations of Fantastic TV. Having taken into account the relevant facts and circumstances, Fantastic TV's representations as well as the advice from the external legal adviser of the CA, the CA concluded that there is insufficient evidence based on which it can be reasonably inferred that i-CABLE and its associates exercised control of Fantastic TV or otherwise interfered with the management and operations of Fantastic TV in

contravention of the provisions of the Broadcasting Ordinance and the licence of Fantastic TV. Further details are at www.coms-auth.hk/filemanager/en/content_713/appx_20200420b.pdf.

Note: HK Television Entertainment Company Limited (HKTVE) and Television Broadcasts Limited (TVB) are required to broadcast two hours daily of children's programmes on each of the designated integrated channels (viz. ViuTV, ViuTVsix, Jade and Pearl) while Fantastic Television Limited (Fantastic TV) is required to broadcast one hour daily of children's programmes on each of the designated integrated channels (viz. Hong Kong Open TV and Hong Kong International Business Channel). The requirement regarding Fantastic TV is less onerous as compared with HKTVE and TVB given its use of fixed network for transmission of free TV service versus the use of spectrum by HKTVE and TVB for transmission of service.