

Editorial Policies and Processes of Radio Television Hong Kong

**Radio Television Hong Kong
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1. BACKGROUND

I. The unique role of Radio Television Hong Kong

1.1 Radio Television Hong Kong (RTHK) is a government department as well as a wholly government funded public service broadcaster (PSB) in Hong Kong.

1.2 RTHK is a government department under the policy purview and housekeeping oversight of the Commerce and Economic Development Bureau (CEDB). The Director of Broadcasting (DoB) is the controlling officer for Head 160 – Radio Television Hong Kong. Under the Public Finance Ordinance (Cap. 2), a controlling officer shall be responsible and accountable for all expenditure from any head or subhead for which he is the controlling officer, and for all public moneys and Government property in respect of the department or service for which he is responsible.¹ As specified in the Controlling Officer's Report, RTHK aims to inform, educate and entertain the general public through the provision of high-quality radio and TV programmes, as well as new media services.

1.3 RTHK and its staff are subject to all applicable government rules and regulations, including those on financial control, human resources management and procurement matters.² Moreover, RTHK is also subject to monitoring mechanisms applicable to government departments, including but not limited to those relating to the Ombudsman, the Audit Commission and the Independent Commission Against Corruption.

1.4 As a PSB, RTHK is required to fulfill the public purposes and mission under the Charter of RTHK (the Charter). RTHK not only provides distinctive content and services for a broad spectrum of audiences, but also caters to the needs of minority interest groups, with a view to enhancing social cohesion. RTHK promotes understanding of our community, our nation and the world through accurate and impartial news, information, perspectives and

¹ A controlling officer may, in accordance with Cap. 2, incur expenditure and authorise expenditure to be incurred against any provision shown in any subhead for which he is the controlling officer.

² In particular, under Cap. 2, if, at any time, it appears to the Financial Secretary (FS) that any person who is or was employed as a public officer has improperly incurred expenditure at the time of such employment (e.g. expending on unauthorised production of programmes), the FS may surcharge the person such sum as he may determine.

analyses; and promotes understanding of the concept of “One Country, Two Systems” and its implementation in Hong Kong. RTHK seeks to inform, educate and entertain the public through which we elevate citizen participation and enhance social cohesion.

1.5 RTHK enjoys editorial independence at the corporate level. DoB, as the Editor-in-chief, is responsible for making the final editorial decisions in RTHK and is accountable for editorial decisions taken by RTHK programme producers. As the head of department, DoB has both an internal role as well as an external one. Internally DoB needs to manage the department and its operation as a PSB efficiently and effectively in terms of finance, resources, staff and programmes. Externally DoB has to engage different stakeholders to support RTHK’s public purposes and mission. These two roles are complementary to one another.

II. The Charter of Radio Television Hong Kong

1.6 In August 2010, the Government promulgated the Charter at **Annex 1**. This provides the mandate for RTHK’s role as a PSB. The Charter specifies the public purposes and mission of RTHK as follows –

1.7 RTHK is to fulfill the following **purposes** –

- (a) sustain citizenship and civil society. This involves –
 - (i) promoting understanding of our community, our nation and the world through accurate and impartial news, information, perspectives and analyses;
 - (ii) promoting understanding of the concept of “One Country, Two Systems” and its implementation in Hong Kong; and
 - (iii) engendering a sense of citizenship and national identity through programmes that contribute to the understanding of our community and nation;
- (b) provide an open platform for the free exchange of views without fear or favour. This involves the provision of a wide range of programmes for public participation and expression of views, and provision of a platform to support and facilitate community

participation in broadcasting, including the administration of a Community Broadcasting Involvement Fund³;

- (c) encourage social inclusion and pluralism. This involves the provision of programmes with diversity of programming coverage, universality of reach and sensitivity to the pluralistic nature of Hong Kong and the world. The objective is to enhance public understanding and acceptance of the cultural, linguistic, religious and ethnic diversity both in the local community and beyond;
- (d) promote education and learning. This involves stimulating interest in a wide range of subjects, and providing information and resources to facilitate lifelong learning at all levels and for all ages; and
- (e) stimulate creativity and excellence to enrich the multi-cultural life of Hong Kong people. This involves the production, commission and acquisition of distinctive and original content for public broadcast. There should be active promotion of public interest, engagement and participation in cultural activities, and its programming and other corporate policies and practices should foster creativity and nurture talent.

Mission and Editorial Principles

1.8 RTHK will provide to Hong Kong people editorially independent, professional and high-quality radio, television and new media services. Specifically, the **mission** of RTHK is to –

- (a) inform, educate and entertain members of the public through multi-media programming;
- (b) provide timely, impartial coverage of local, national and global events and issues;
- (c) deliver programming which contributes to the openness and cultural diversity of Hong Kong;

³ Currently known as the Community Involvement Broadcasting Service (CIBS). It provides financial support for community groups (e.g. ethnic minority groups, non-governmental organisations, etc.) to actively participate in broadcasting and content productions. RTHK would administer the CIBS, in consultation with the RTHK Board of Advisors, to encourage community organisations to bid for resources for producing television and radio programmes, and would arrange to broadcast these contents on RTHK's channels.

- (d) provide a platform for the Government and the community to discuss public policies and express views thereon without fear or favour; and
- (e) serve a broad spectrum of audiences and cater to the needs of minority interest groups.

1.9 The Charter requires RTHK to adhere to the following **editorial principles**:

- (a) be accurate and authoritative in the information that it disseminates;
- (b) be impartial in the views it reflects, and even-handed with all those who seek to express their views via the public service broadcasting platform;
- (c) be immune from commercial, political and/or other influences; and
- (d) uphold the highest professional standards of journalism.

Editorial Independence

1.10 As with all large media organisations, RTHK enjoys editorial independence at the corporate level.

1.11 DoB, as the Editor-in-chief, is responsible for ensuring that a system of editorial control in accordance with RTHK's Producers' Guidelines is in place to provide accurate, impartial and objective news, public affairs and general programming that inform, educate and entertain the public.

1.12 RTHK introduced a new editorial management mechanism in March 2021. An Editorial Meeting (EM)⁴ attended by the DoB and senior management of RTHK has taken up the editorial responsibility to review contentious programmes before their production and/or broadcast. In addition, RTHK has also introduced a clearer referral mechanism for production staff to

⁴ The Editorial Meeting commenced its operation in March 2021, with DoB as the Chairman and membership comprises Deputy Director of Broadcasting, Assistant Director (Radio & Corporate Programming), Assistant Director (TV & Corporate Businesses), Controller (TV), Controller (Radio), Controller (Production Services), Departmental Secretary and Head/Corporate Communications & Standards. The terms of reference of EM are –

- (a) to devise programme strategies of radio, television and new media services under RTHK;
- (b) to ensure editorial and programme standards of RTHK programmes in accordance with the RTHK Charter, the RTHK Producers' Guidelines and the Communication Authority's codes of practice on programme standards;
- (c) to nominate RTHK programmes for local, the Mainland and international awards and festivals; and
- (d) to explore collaboration opportunities with government bureaux/departments and non-governmental organisations.

submit programme plans to the EM for review at the early stage of planning, such that the EM could more proactively participate in and guide the production, thereby ensuring that the programmes comply with the Charter and the Producers' Guidelines.

1.13 As the Editor-in-chief, DoB is responsible for making the final editorial decisions in RTHK and is accountable for editorial decisions taken by RTHK programme producers. Individual production units should proactively make use of the “upward referral” system for consulting RTHK management⁵ on important and contentious issues.

Institutional Relationship with CEDB and the RTHK Board of Advisors

1.14 The Charter also prescribes RTHK's relationship with the CEDB and the RTHK Board of Advisors (BoA), as well as the Communications Authority (CA)'s role in regulating RTHK's programme content through complaints handling.

1.15 In short, RTHK is accountable to CEDB on policy and housekeeping matters, to CA on compliance with broadcasting regulatory standards and, most importantly, to the public. Besides, RTHK receives regular advice from BoA on editorial principles, programming standards and quality of programming, and on complaints against these matters. Nonetheless, RTHK upholds editorial independence, which means that editorial and programming decisions ultimately rest with RTHK.

III. The Producers' Guidelines

1.16 The Producers' Guidelines is a public statement of RTHK's values and standards and how we expect our programme makers to achieve them. The whole set of Producers' Guidelines is founded on the belief that “there can never be editorial autonomy without responsibility, freedom without restraint”. The Producers' Guidelines was promulgated in 1998 and last updated in 2015 following a review. It is a document which evolves over time.

⁵ “RTHK management” and “RTHK senior management” generally refer to Directorate officers in RTHK.

1.17 In the course of preparing this document, we have incorporated contents on editorial matters from the Producers' Guidelines.

IV. Codes of Practice issued by the Communications Authority

1.18 In addition to the Producers' Guidelines, RTHK is also required to comply with the Generic Code of Practice on Television Programme Standards and the Radio Code of Practice on Programme Standards issued by the CA. These codes set out the general programme standards on TV and radio programme production that licensed broadcasters as well as RTHK should observe. RTHK also abides by other codes of practice applicable to broadcasters regarding advertising and technical standards.

1.19 RTHK has given an undertaking in the Charter that unless otherwise approved by the CA, we shall comply with the relevant codes of practice issued by the CA. In short, we are answerable for any breaches of the codes.

1.20 Major programme standards of the CA's Generic Code of Practice on Television Programme Standards and Radio Code of Practice on Programme Standards are summarised at **Annex 2**. Full version of the codes of practice issued by the CA can be found at the CA's website (https://www.coms-auth.hk/en/policies_regulations/cop_guidelines/broadcasting/index.html).

2. THIS DOCUMENT

2.1 This document aims to set out RTHK's editorial policies and to provide guiding principles on how to implement them. This document also sets out clearly the editorial processes of different types of productions, with the aim of assisting RTHK programme makers to better fulfill the public purposes and mission of RTHK as a PSB, and the responsibilities of RTHK as a government department.

2.2 *Who should read this document?* The editorial policies hereby promulgated apply to all RTHK programmes⁶ whether made internally by RTHK staff⁷, Category II service providers or contracted/commissioned service providers (including successful applicants of Community Involvement Broadcasting Service (CIBS)).

2.3 All personnel who are engaged by RTHK for programme production have a bearing on our corporate branding and will have to observe the editorial policies and guiding principles in this document. All "programme makers"⁸, i.e. RTHK staff, Category II service providers as well as contracted/commissioned service providers who are involved in the production of programmes or contents broadcast or published by RTHK, should read this document and be conversant with our editorial policies. All contracts with

⁶ Except for directly relayed channels such as RTHK Radio Channel 6 and TV 33.

⁷ The term "RTHK staff" refers to civil servants and contract staff (including Non-Civil Service Contract, Post-retirement Service Contract, Non-Civil Service Contract (Programme), and Departmental Contract Staff Category I).

⁸ Throughout this document, "programme makers" has the same meaning referred to in paragraph 2.3.

Category II service providers⁹ and contracted/commissioned service providers should reflect their undertaking to abide by these policies. In summary, all production personnel, both front-end and back-end, will have to rigorously observe the policies and guiding principles articulated in this document, failing which may result in disciplinary action.

2.4 Notwithstanding the requirement in paragraph 2.3, we acknowledge that some Category II service providers, who may be a guest presenter for a current affairs programme, a pianist performing in a music show or extras in a drama, are only engaged for a one-off event. It is incumbent upon the RTHK Executive Producer who engaged this service provider to, depending on the nature of the programme (e.g. a current affairs programme vs a music performance), brief this service provider on the gist of our editorial policies as appropriate.

2.5 This document offers broad guiding principles and highlight relevant cases for illustration purpose. In the light of the ever-evolving media landscape, this document may not be able to capture each and every scenario. We therefore expect our staff to consult their supervisors and make use of the “upward referral” mechanism to seek guidance as appropriate. The advice of EM should be sought whenever the situation warrants.

⁹ The contract between Category II service provider and RTHK has specified that –

- The service provider is expected to behave in the same way as full-time civil servants in respect of attendance, diligence at work, courtesy to both the public and colleagues, honesty in all dealings, avoidance and declaration of conflict of interest, appropriate handling of confidential information, obedience to RTHK staff as well as observance of Government regulations and departmental instructions in force where applicable.
- The service provider shall be liable to disciplinary sanctions (including verbal warning, written warning, suspension from work without payment and termination of contract with forfeiture of all rights and benefits under the contract) on grounds of misconduct or upon criminal conviction.
- The service provider shall, among other provisions, abide by all rules which may from time to time be made by DoB and notified to the service provider for the regulation and conduct of rehearsals, tests or recordings; carry out all reasonable instructions given by DoB; and observe RTHK’s production practices, guidelines and standards, be it documented or not, in programme-making. The departmental Producers’ Guidelines have reflected RTHK’s established editorial practices and standards for the production of programmes.
- The service provider and any of his/her agent shall declare in writing to RTHK any conflict or potential conflict of interest between the personal and/or financial interests and his/her duties in connection with his/her contract. In the event that such conflict or potential conflict of interest is disclosed in a declaration, the service provider and any of his/her agent shall mitigate as far as possible or remove the conflict or potential conflict of interest so disclosed.
- The service provider and any of his/her agent shall not engage in any work or employment other than in the performance of the contract, with or without remuneration, which could create or potentially give rise to a conflict of interest between their personal and/or financial interests and his/her duties in connection with the contract.

2.6 ***How to make use of this document?*** RTHK programme makers should familiarise themselves with the editorial culture in RTHK before embarking on a programme. If you are a new recruit, we suggest you read the whole document as part of your induction training. If you are an existing staff or collaborator who has been with us for some time, we suggest you first take a look at the “Content” page to have an overview of the coverage of this document and then go through the checklist below to see how much you know about the editorial essentials. Then you can cross-check your understanding by reading specific sections or the whole document as appropriate. Please feel free to discuss the contents of this document with your section heads and division heads any time before and during your production. The EM is also here to provide guidance.

Checklist on understanding of editorial policies and processes of RTHK

- the relationship of RTHK’s role of being a department vs a PSB
- the meaning of editorial independence and the operation and clearance protocol of EM
- which public purpose and mission of the Charter your programme comes under
- the editorial values of RTHK
- the gist of the 13 editorial policies of RTHK and their relevancy to the programme(s) you are working on
- the editorial processes of different programmes and your role under the two-tier clearance system
- the “upward referral” mechanism and the mandatory referral requirements

2.7 ***Ongoing journey for RTHK.*** This document articulates the editorial values RTHK embodies and we expect our programme makers to put them into practice through their productions across different platforms. This is an ongoing journey and we are in this together to serve our community.

2.8 The RTHK management would track the implementation of the policies and processes and to provide maximum support to our programme makers. We will also update this document as and when necessary, and in the light of practical experience.

2.9 Apart from this document, programme makers should comply with other Programme Circulars of RTHK which may be issued and updated from time to time.

3. EDITORIAL VALUES

3.1 **As a government department, RTHK fulfills the public purposes and mission of a PSB, and it must respect and uphold the constitutional order and “One Country, Two Systems”.** China is a unitary state. According to the constitutional structure of China, power comes from the central authorities. The system of people’s congress is China’s political system. The Hong Kong Special Administrative Region (HKSAR) was established by a Decision made by the National People’s Congress (NPC) in accordance with the Constitution. The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (Basic Law) was also adopted by the NPC. The HKSAR was empowered to discharge its duties by the NPC through the Basic Law. The “One Country, Two Systems” principle is unique in the world and Hong Kong’s continued prosperity and stability is dependent on its successful implementation. Sovereignty and territorial integrity are our country’s core interests. HKSAR is an inalienable part of the People’s Republic of China (PRC). It is the duty of all Hong Kong citizens to safeguard national interests and respect the constitutional order. The conduct of RTHK’s governance and its programmes should reflect its understanding of this overriding principle.

3.2 Against the overriding principle set out above, RTHK embraces and is guided by the following **editorial values** when making our editorial decisions –

- A. **Accuracy** – We aspire to be the most trusted media organisation in Hong Kong and achieving accuracy in our reporting is a prerequisite. Accuracy is particularly important in quality journalism. Accuracy should never give in to speed.
- B. **Fairness and Balance** – It is our commitment to produce programmes which assemble a fair presentation of facts and significant points of view; and we pledge a fair, ethical and balanced treatment of issues, people and institutions. Our programme contents neither oversimplify complex situations nor camouflage or distort straightforward facts. All our production personnel should never allow their personal interests/feelings, political beliefs/stance or other activities to affect their handling of a programme.

- C. **Impartiality** – We aim to achieve due impartiality in our editorial stance according to recognised standards of objective journalism. We are honest and will not intentionally mislead our audience. We are free from obligation to any interest groups. Through fair presentation of diverse viewpoints, we foster rational and constructive debates of current issues.
- D. **Inclusion** – We encourage social inclusion and celebrate cultural diversity. We truly believe that as a PSB we could play a bigger role than our commercial counterparts in fostering diversity and inclusion. We will dedicate programmes catering to the needs of minority interest groups with a view to making their voices heard and deepening public understanding and acceptance of the cultural, linguistic, religious and ethnic diversity.
- E. **Innovation** – We encourage creation of new content and programmes that stimulate creativity and excellence to enrich the multi-cultural life of Hong Kong people. We will keep injecting new vitality into our existing programmes to bring fresh appeal to our audiences. We will not rest on our laurels and always strive to stay ahead of the game in public service broadcasting. We also embrace new production means and technologies and welcome collaboration opportunities with other partners.

4. EDITORIAL POLICIES AND GUIDING PRINCIPLES

To ensure fulfilment of the public purposes and mission set out in the Charter and compliance with the standards stipulated in the codes of practice issued by the CA, we have pulled together a set of editorial policies and guiding principles to keep all programme makers aware of our corporate expectations and highlight the pitfalls requiring attention. The following editorial policies are basic to content production, and therefore apply to any material produced, whether it is for television, radio or new media.

4.1 “One Country, Two Systems”

Our Policy

4.1.1 The Government of the People’s Republic of China resumed the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the PRC has decided that upon China’s resumption of the exercise of sovereignty over Hong Kong, a HKSAR will be established in accordance with Article 31 of the Constitution of the PRC, and that under the principle of “One Country, Two Systems”, the socialist system and policies will not be practised in Hong Kong.

4.1.2 In accordance with the Constitution of the PRC, the NPC has enacted the Basic Law.

4.1.3 The NPC authorises the HKSAR to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law. The HKSAR’s executive authorities and legislature are composed of permanent residents of Hong Kong. The HKSAR remains a free port, a separate customs territory and an international financial centre and may, on its own, using the name “Hong Kong, China”, maintain and develop relations, and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.

4.1.4 The HKSAR is an inalienable part of the PRC. HKSAR bears the constitutional responsibility to safeguard national security.

4.1.5 All RTHK staff, whether civil servants or government staff appointed on non-civil service terms, have made the declaration to uphold the Basic Law, bear allegiance to the HKSAR of the PRC, be dedicated to their duties and be responsible to the Government of the HKSAR (HKSARG).

4.1.6 The Charter prescribes that RTHK is to, among other things, promote the understanding of the concept of “One Country, Two Systems” and to engender a sense of citizenship and national identity through programmes that contribute to the understanding of our community and nation.

Guiding Principles

4.1.7 The Constitution of the PRC and the Basic Law form the constitutional basis of the HKSAR. As the fundamental law of the country, the Constitution of the PRC, with supreme legal status and the highest legal authority, is applicable throughout the territory of the PRC, including the HKSAR. The Basic Law, which was formulated in accordance with the Constitution of the PRC, provides for the system of the HKSAR and enjoys the legal status of constitutional law. In short, the Constitution of the PRC is the root and origin of, and gives the legislative backing and source of power for the Basic Law. RTHK should observe the constitutional order, institutions and systems of the PRC and the HKSAR.

4.1.8 When considering and handling editorial matters and issues involving “One Country, Two Systems”, RTHK must not confine itself only to the perspective of the HKSAR and it must also take into consideration that Hong Kong is part of the country. This is particularly relevant when we deliver programmes in accordance with section 4(a) of the Charter to engender a sense of citizenship and national identity and to contribute to the understanding of our community and nation.

4.1.9 ***Programmes on Mainland Affairs and Taiwan*** – Sovereignty and territorial integrity are solemn issues and RTHK must identify itself with national interests. Programme makers should pay particular attention to the following aspects –

- (a) *One-China principle* – HKSARG handles Taiwan-related matters in Hong Kong in accordance with the Basic Law, the One-China principle and the Basic Principles and Policies of the Central Government regarding the Handling of Taiwan-related Matters in Hong Kong (i.e. “Qian’s Seven principles”) (**Annex 3**).
- (b) Pursuant to the Preamble of the Constitution of the PRC, “*Taiwan is part of the sacred territory of the People’s Republic of China. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.*”
- (c) RTHK has to comply with the current policy on nomenclature with regard to Taiwan. Taiwan is part of China. Under no circumstances should Taiwan be referred to as a country or perceived as one. RTHK must be mindful of One-China principle when producing programmes and under no circumstances should its programme undermine or be perceived to undermine this principle.
- (d) We should always refer to the prevailing policy and government circulars for proper use of expressions or references in relation to HKSAR and other parts of China (including Taiwan). Programme makers should also refer to the proper use of expressions as stipulated in RTHK Circular(s).

Box 4.1.1 Past ruling of the CA

In a 30-minute TV documentary, the narrator and the interviewees used such terms as “**兩國邦交**” (“diplomatic relations between the two countries”) and “**斷交**” (“break off diplomatic relations”) when referring to the former relationship between Burkina Faso/the Republic of Malawi and Taiwan. The use of such terms suggested that Taiwan was a sovereign state capable of establishing formal diplomatic relations. This was inaccurate, thereby constituted a clear breach of the relevant provision in the CA’s codes of practice governing accuracy.

4.1.10 Defence and Foreign Affairs – Defence and foreign affairs are not matters for HKSARG. RTHK must be mindful of our country’s stance on defence and foreign relations when producing programmes that might touch upon such aspects and under no circumstances should our programmes undermine or be perceived to undermine such national policies. Where other

national policies (e.g. energy policy or financial reform policy, etc.) are covered or touched upon in our programmes, programme makers should make sure that we accurately present such policies with no distortion.

Box 4.1.2 “One Country, Two Systems”

The Convener of the former Hong Kong National Party (its operation was later prohibited under the law) was invited to speak on “Hong Kong nationalism” in an event. RTHK decided that as a public service broadcaster, RTHK would not allow itself to be used as a platform for promoting “Hong Kong independence” and the said speech should not be broadcast live.

4.1.11 ***National Security*** – RTHK is obligated to comply with all laws in force in Hong Kong, and to observe the constitutional duty and legal responsibility of the HKSAR to safeguard national security.

4.1.12 The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Hong Kong National Security Law) establishes and improves the legal system and enforcement mechanisms for the HKSAR to safeguard national security.

4.1.13 Article 2 of the Hong Kong National Security Law provides that *“the provisions in Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions in the Basic Law. No institution, organisation or individual in the Region shall contravene these provisions in exercising their rights and freedoms.”* Articles 1 and 12 of the Basic Law stipulates that the HKSAR is an inalienable part of the PRC and shall be a local administrative region of the PRC which shall enjoy a high degree of autonomy and come directly under the Central People’s Government.

4.1.14 Article 3 of the Hong Kong National Security Law specifies that *“the Central People’s Government has an overarching responsibility for national security affairs relating to the Hong Kong Special Administrative Region. It is the duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duty accordingly. The executive authorities, legislature and judiciary of the Region shall effectively prevent, suppress and impose punishment for any act*

or activity endangering national security in accordance with this Law and other relevant laws.”

4.1.15 Article 6 of the Hong Kong National Security Law also provides that *“(i)t is the common responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People’s Republic of China. Any institution, organisation or individual in the Hong Kong Special Administrative Region shall abide by this Law and the laws of the Region in relation to the safeguarding of national security, and shall not engage in any act or activity which endangers national security.”*

4.1.16 Provisions of the Hong Kong National Security Law especially in relation to the responsibility of the media include –

- Article 9 *“The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the Hong Kong Special Administrative Region shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.”*
- Article 10 *“The Hong Kong Special Administrative Region shall promote national security education in schools and universities and through social organisations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law.”*

4.1.17 RTHK has an obligation to safeguard national security. Among other things, it is RTHK’s responsibility to –

- (a) ensure that both the operation of RTHK and its staff abide by the laws of Hong Kong, including the Basic Law and the Hong Kong National Security Law, at all times;

- (b) effectively prevent and suppress any act or activity endangering national security in accordance with the Hong Kong National Security Law and other relevant laws under Article 3 of the Hong Kong National Security Law;
- (c) safeguard the sovereignty, unification and territorial integrity of the PRC in accordance with Article 6 of the Hong Kong National Security Law;
- (d) support/implement the directions given and the measures taken by the HKSARG in safeguarding national security, and the prevention of terrorist activities in accordance with the provisions of Article 9 of the Hong Kong National Security Law; and
- (e) assist in the promotion and public communication relating to the work of the HKSARG on safeguarding national security, in order to raise the awareness of the public of national security and of the obligation to abide by the law in accordance with Article 10 of the Hong Kong National Security Law.

4.1.18 RTHK should be aware of the above obligations and under no circumstances should our programmes provide a platform to encourage, incite, promote, glorify, endorse or sympathise with any act or activity endangering national security or otherwise contain any contents which are contrary to the interests of national security. Programmes produced or broadcast by RTHK must not contain contents which promote or incite others to use violence, advocate lawbreaking (including the Hong Kong National Security Law), provoke or deepen hatred, discrimination or hostility towards the Central People's Government or HKSARG, different classes, occupations, groups, races and members of the public, arouse others' antipathy or cause offense. Revolting or offensive languages are also prohibited.

4.1.19 All programme makers should be vigilant to the portrayal, depiction or treatment of any act or activity which may constitute or is likely to cause the occurrence of an offence endangering national security¹⁰; or which may

¹⁰ Offences endangering national security include not only those offences stipulated in the Hong Kong National Security Law but also offences of that nature under other laws of Hong Kong, (e.g. the offences of treason and sedition under section 2 and sections 9 and 10 of the Crimes Ordinance (Cap. 200) respectively), etc.

otherwise be contrary to the interests of national security (e.g. any programme which is objectively and reasonably capable of being perceived as encouraging, inciting, promoting, glorifying, endorsing or sympathising such act or activity). When considering the effect of the programme on audiences, programme makers should have regard to their duties to prevent and suppress any act or activity endangering national security, and the common responsibility of the people of Hong Kong to safeguard the sovereignty, unification and territorial integrity of the PRC, and avoid any programmes the likely effect of which may be contrary to the interests of national security.

4.1.20 The depiction of violent acts which may amount to an offence endangering national security (such as terrorist activities under Articles 24 to 27 of the Hong Kong National Security Law), or violent acts which may cause serious disruptions to public order (such as riot, arson, criminal damage) should not be permitted in a programme if such depiction in the programme could have the likely effect of encouraging or inciting the commission of similar kinds of the criminal or violent acts depicted. The EM should have regard to all matters relating to the manner of depiction, such as the level of details of depiction, length of depiction, overall arrangement of the programme, whether the depiction purports to be based on or adapted from real-life events as opposed to fictitious events, whether the programme contains any biased presentation of viewpoints, etc.

4.1.21 Programme makers must be cautious in contacts with foreign or external governments or authorities/related institutions, political organisations or illegal organisations¹¹ and should avoid any such contacts that may constitute a conflict or may reasonably be suspected to conflict with his/her official duties.

¹¹ Including an individual who is a member of the institution or organisation, or is under the direction, control, etc. of the institution or organisation.

4.2 Accuracy

Our Policy

4.2.1 RTHK programmes must be accurate and strive to establish the truth. In presenting our programmes we provide context and background to help our audience understand the complex intricacies behind different issues.

4.2.2 Being accurate is of paramount importance to RTHK. Even when under pressure (e.g. when other media organisations have broken a story), we still place a premium on accuracy over speed. A broadcast will only be made when the story has been fact-checked and double-checked.

4.2.3 The ability to provide truths lays the foundation for establishing authoritativeness and credibility. This is especially challenging in today's social media landscape where fake news and disinformation are prevalent. Recent studies about misinformation and disinformation reveal that lies are much stronger stories than truths. False news spreads farther, faster, deeper and more broadly than truths; and that more people see fake news, the more they believe in it.¹² As Hong Kong's only PSB, RTHK owes the public a duty to disseminate only accurate information and to debunk false news/falsehoods where necessary.

4.2.4 Much as we try to avoid errors at all times, in case we do make mistakes, we are committed to correcting them as soon as practicable. That said, this "*we will correct it*" commitment should not be an excuse for us to risk reporting an untrue, unverified or half-baked story in the first place.

Guiding Principles

Quoting from source

4.2.5 Programmes should avoid relying on only one source. Factual matters need to be checked and checked again. Programme makers should be honest and open about what they do not know after all possible efforts have been made.

4.2.6 Materials provided by Category II service providers and contracted/commissioned service providers will have to meet the same high

¹² Vosoughi, S., Roy, D., & Aral, S. (2018). The Spread of True and False News Online.

standard of accuracy. Material that we did not gather ourselves should be attributed.

Quoting from print or other media

4.2.7 It is important to distinguish between first and second-hand sources. An error in one report can easily be recycled in another. Material already broadcast and newspaper cuttings can get out-of-date quickly or simply be wrong.

4.2.8 We should be very careful when quoting from other media including social media. Fact-check is compulsory. The fact that more than one media outlets have reported on a same story does not mean it is accurate. Besides, we need to make sure that we do not conveniently subscribe to other organisations' editorial thinking without our own thorough analysis. A general rule of thumb is that claims, allegations, material facts and other content that cannot be corroborated should normally be attributed. Be alert that timestamps on certain social media platforms can be altered.

4.2.9 The reliability of news agency reports varies according to the agency, the bureau and the reporter. It is good practice to run stories from agencies that have established their journalistic reputation and credibility over the years.

4.2.10 Always watch out for biases in media narratives due to geopolitical reasons.

4.2.11 Where a story originated from a foreign source and widely quoted by the local media is subsequently proved to be false or inaccurate, we should, when reporting on further developments, so inform our audience. Where possible, we should check whether the original source has issued any clarification or admission of error, or made nil response, and relay such information to the audience too.

Data journalism

4.2.12 Data journalism presents a challenge for accuracy. We need to be careful with reporting on statistics and their interpretation. We must contextualise the statistics to ensure accurate reporting. We should quote from official, reputable or first-hand source whenever possible. We should be very

careful when we use data to draw conclusions – cherry-picking and connecting studies to mount a case could undermine accuracy and impartiality. (Also see section on “Impartiality”)

4.2.13 ***Public opinion surveys:*** prior to broadcasting the results of any survey, programme makers are expected to obtain all necessary information on the methods used, as well as the main results of the survey. Surveys that are not conducted according to recognised standards do not provide valid results nor reliable information.

4.2.14 In broadcasting the results of surveys, we should give prominence to the actual data over interpretations of that data. Whenever practicable we should include the following information: the name of the person or organisation conducting the survey and, where relevant, the political party affiliation, the name of the sponsor, the population surveyed, the size of the sample, the period during which the survey was conducted, the response rate and the margin of error.

4.2.15 ***Statements of opinion:*** special care must be exercised in the presentation, whether live or pre-recorded, of statements gathered through interviews with randomly selected persons, such as convention delegates or the audience of a phone-in programme. Comments gathered this way must be presented for the sole purpose of illustrating the range and texture of popular opinion.

4.2.16 Care must be taken not to suggest that such presentations reflect the distribution or weight of opinion in the community on one or another side of a question. Similarly, while the contents of the comments may be summarised, care must be exercised in giving any numerical tally of comments received on either side of a topic.

4.2.17 ***Opinion polls commissioned by RTHK:*** opinion polls commissioned by RTHK, acting alone or jointly with other organisations, must not compromise due impartiality on the matters researched nor imply an RTHK stance on the subject matter. Any proposal to commission an opinion poll on matters of public policy or on controversial subjects in any other area should be referred to an Assistant Director (AD) or above.

4.2.18 *Online and Telephone votes*: online and telephone voting are sometimes used to interact with our audience and provide an effective method for registering their support for specific choices. However, it should be borne in mind that these votes are not scientific polls and should clearly be reported as such. Great care must be exercised in reporting such votes.

Omission of facts

4.2.19 Sometimes accuracy can be compromised by the omission of relevant facts. This applies to news/current affairs programmes and social media content. Where TV production is concerned, the omission of footage from certain parts of a media scene, or the non-selection of certain footage to illustrate the diversity of public sentiment could impact on the accuracy and impartiality of a programme. (Also see section on “Impartiality”)

Box 4.2.1 Past ruling of the CA

Accuracy in news

The message “COVID-19 Situation / Government to distribute reusable face masks / Citizens who have not registered online / may collect at post offices” was intermittently displayed on screen on a news channel in June 2020 for 6 days, but in fact collection for masks at post offices had not yet started at the time the message was shown. The wording of the message was misleading, and the prolonged display of the message (i.e. six consecutive days) suggested that the broadcaster concerned failed to make reasonable efforts to ensure accuracy of the factual contents of news, a breach of the relevant provisions in the CA’s codes of practice governing accuracy in news.

Box 4.2.2 What did the EM say...

Accuracy and Impartiality

A current affairs programme featuring contentious student activities should holistically cover the major and essential facts so that viewers could have an understanding of the background and circumstances leading to the issues discussed. There should not be any concealment of facts or misleading emphasis. Although the CA’s codes of practice do not require equal time or equal lines to be devoted to each view in the programme, RTHK as a public broadcaster should at least allow principal and relevant views to be presented in an even-handed manner so as to facilitate viewers to make an informed decision.

Box 4.2.3 Accuracy in live content

Live content can present particular challenges when it comes to maintaining accuracy.

In many cases, there is little opportunity for verification when a live interview, live talkback on radio or live coverage of an event includes purported statements of fact.

Our editorial standards recognise this, which is why the focus is always on what is reasonable in the circumstances.

There are a range of particular steps content makers can take to ensure accuracy when broadcasting or publishing live content:

- **Prepare.** Content makers should research the likely topics of conversation before any live material is run, to familiarise themselves with the basic facts and be in the best possible position to challenge, question or correct any inaccuracies when they come up.
- **Question.** Be prepared, during live content, to ask questions, challenge interviewees on anything which sounds doubtful or contested, and seek additional information on sources and supporting evidence.
- **Update, replace and correct.** If inaccurate information is included in live content, then be prepared to fix the problem at the earliest opportunity. Timely corrections or the inclusion of more accurate information as soon as it comes to hand will demonstrate the Australian Broadcasting Corporation (ABC)'s commitment to getting it right.

Extract from ABC's Editorial Guidance Note

Withstanding legal scrutiny

4.2.20 Accuracy is often more than a question of getting the facts right. All the relevant facts should be weighed to get at the truth of what is reported or described. If an issue is controversial, relevant opinions as well as facts may need to be considered. An item may be legally contentious and its accuracy must be capable of withstanding scrutiny in a court of law.

Use of language and music

4.2.21 It is not sufficient that we get our facts right. We must use language fairly. That means avoiding exaggeration.

4.2.22 The use of audio-visual effects, dramatic lighting or staging, or other artificial effects can subtly affect the impression left with the audience on an issue or a person. RTHK programme makers must exercise care not to use such techniques with a view to manipulating the audience or to distorting the reality.

4.2.23 Always consult the EM if in doubt.

Box 4.2.4 News, Current Affairs and Information Programmes

News, current affairs and information programming are highly competitive areas in contemporary broadcasting. Public demand for these services is high and the speed and complexity of their dissemination has increased. Utmost care is needed at all stages while gathering as well as presenting such programmes.

Journalistic Principles

We operate on the premise that the public has a right to know all relevant facts and significant points of view. In pursuing these aims, editorial staff will be enterprising in perceiving, pursuing and presenting issues which affect society and the individual. Following principles apply:

- Every reasonable effort must be made to ensure that the content of programmes is accurate, impartial and balanced to meet recognised standards of objective journalism. This requires editorial staff not to allow their professional judgement to be influenced by pressures from political, commercial or other interests or their own bias.
- Demonstrable errors will be corrected in a form most suited to the circumstances.
- Impartiality does not require editorial staff to be unquestioning; nor should all sides of an issue be devoted the same amount of time.
- Fairness will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance. The requirement may not always be reached within a single programme or news bulletin, but will be achieved within a reasonable period.
- Editorial staff will respect legitimate rights to privacy of people featuring in the programmes.
- Editorial staff will not be obliged to disclose confidential sources which they are entitled to protect at all times. However, this is not a legal right and a court may order editorial staff to reveal identities (see section on “Sources of information through legal means”).
- While recording telephone conversations, either for note-taking or broadcast purposes, consent is normally required of the person or persons who are being recorded. This means informing them at the outset.
- Door-stepping is only permissible if it is for bona fide news gathering purposes, otherwise it may be construed as harassment or invasion of privacy.
- Interviewees must be dealt with in a fair way. Unless there are special and legitimate considerations of confidentiality programme makers should be open about their plans and honest with anyone taking part in a programme.

Correcting mistakes

4.2.24 When a factual error does occur, it is important to admit it clearly and frankly. Putting it right promptly can be an important element in making an effective correction.

4.2.25 Where we may have broadcast a defamatory inaccuracy, legal advice should be sought about the wording of a correction. An appropriate correction may help in our defence of a court action; an inappropriate one could exacerbate the defamation.

Use of library material

4.2.26 It is important not to use library material of one event to illustrate another in such a way as to suggest the audience is witnessing something it is not. Identify the library material clearly when used. Audiences must never be misled about what they are seeing or hearing. The copyright of any library material should be checked again.

Checking recorded or repeat programmes

4.2.27 Programmes recorded some time before transmission or being repeated must be checked to make sure they have not been overtaken by events. In some cases, a preceding announcement may be appropriate. In others, the alteration or excision of some material may be required.

4.3 Public Interest

Our Policy

4.3.1 As a PSB, RTHK pledges to uphold the core values of editorial independence and impartiality. We take public interest as the basis of our work. We share the values and missions of public broadcasters around the world, namely universality, diversity, independence and distinctiveness of programming.

Guiding Principles

4.3.2 We produce programmes which are relevant to our audiences and in accordance with the Charter. We inform, educate and entertain our audiences with a focus on providing public value. Leveraging on our editorial independence, we have a responsibility to contribute to an informed citizenship.

4.3.3 Our programmes are free for and accessible by all segments of the society through multi platforms, without thresholds. We provide a platform for the Government and the community to discuss public policies and express views thereon without fear or favour.

4.3.4 “Public interest” in itself is an encompassing concept. For example, programmes explaining the benefits of mass vaccination could be as in the public interest as a documentary criticising the flaws of a social policy. In the same vein, programmes specially catered for certain ethnic minority groups are as important as acquired drama series that are meant for the mass population.

4.3.5 Every controversial government policy touches upon different stakeholder interests and these are often in conflict with one another. Conservation vs housing is a typical example. RTHK programme makers should always be open minded and take a macro and balanced view when presenting different public interests.

4.3.6 National interest is an essential part of public interest. PSBs around the world are generally tasked with helping to build and advance a sense of national identity and culture, and with supporting social cohesion. RTHK is no different.

4.3.7 “In the public interest” should not be taken as “of interest to the public”. We should not confuse the two. Intrusion is not justified by satisfying the curiosity of the public. We must respect people’s privacy – only putting private information into the public domain where the public interest outweighs an individual’s legitimate expectation of privacy. (Also see section on “Privacy”)

4.4 **Credibility**

Our Policy

4.4.1 RTHK aspires to be the most credible source of news and public information for the Hong Kong community. RTHK is a PSB but not a spokesman of the Government. As the only PSB in Hong Kong, our reputation hinges on our credibility which in turn depends on our ability to maintain balance and objectivity in our output.

4.4.2 RTHK enjoys editorial independence and programme autonomy under the Charter. The Editor-in-chief is guided by the professional advice of the directorate Programme Officers when making editorial decisions.

4.4.3 Credibility is the most essential attribute of a good media organisation. Credibility is dependent not only on qualities such as accuracy and fairness in reporting and presentation, but also upon avoidance by both the organisation and its journalists of association or contacts which could reasonably give rise to perceptions of partiality. Credibility is built up over time and we have to be constantly on guard to retain the trust that the community has placed in us.

Guiding Principles

4.4.4 RTHK practises responsible journalism which requires our journalists to be truthful and accurate in their reporting. We verify the authenticity of quotations and statements asserted as facts, and we provide a fair opportunity of comment or rebuttal to those who may be affected by a report.

4.4.5 The proliferation of digital and new media has given rise to reporting from a “personal” rather than “third party” perspective in some media organisations. RTHK does not subscribe to such a practice. We should watch out for such growing preference for comment and opinion over hard news.

Box 4.4.1 The Current Media Scene

By taking a close (and rather harsh) look at the [media] profession, we identify its five main faults:

1. Blurring the line between opinions and facts
2. Prioritising simple narratives above complicated truths
3. Being excessively negative
4. Forgetting context and the needs of irregular news customers
5. Unchecked bias

Extract from European Broadcasting Union News Report 2018

4.4.6 Our impartial and fair handling of news and current affairs must not be compromised by any conflict of interest, real or perceived. (Also see section on “Conflict of interest”)

4.4.7 We live in a society where the social media is ubiquitous. Any netizens can publish their stories as news or offer critiques on any current affairs, but not all of them are credible. This is where PSB comes in. RTHK offers a shared multi-platform media space where the interpretation of an issue is based only on evidence, covering a wide spectrum of relevant viewpoints. We may be critical but never personal; our questioning and analysis may be pointed but always rational. We are always balanced and comprehensive in our reporting and we do not advocate.

4.4.8 According to the European Broadcasting Union News Report 2018, in social media the loudest voices rule. Posts with the strongest comments are preferred by the algorithms, making posts that have no reactions, or much more nuanced standpoints, disappear in the stream. This can give the impression that the public debate is very fierce and negative, while the nuanced crowds in the middle are neglected. Because of the social media, the public tend to hear more noises from the extremes and could unknowingly seeing different stakeholders as winners or losers. Obviously, this black-and-white treatment of an issue is oversimplification of the truth.

4.4.9 RTHK, as a PSB, must beware of such polarisation of views and always remind ourselves not to forget the “middle ground”. We should leverage on our status as a PSB to benefit our audiences with balanced and objective reporting. Our PSB credentials enable us to provide a civilised platform where opposing viewpoints as well as those of the silent majority are presented logically and articulately.

4.4.10 We expect our programme makers to uphold their professionalism, honesty, integrity, sound judgement, common sense and open mindedness at all times.

4.5 **Impartiality**

Our Policy

4.5.1 In a world prevalent with polarised views and advocacies, the value of impartiality as our editorial policy is more pronounced than it has ever been.

4.5.2 As a PSB, RTHK should aim to reflect the diversity of opinion in society and be enablers of open debate on current issues. We are guided by the media ethics of offering our audience enough material to form an informed view of a matter.

4.5.3 Those working for RTHK have an obligation to ensure that RTHK's editorial decisions are not influenced by any personal interest or bias. We must retain the trust of the audiences we serve and maintain RTHK's reputation and impartiality.

Guiding Principles

4.5.4 The guiding principles for RTHK programme makers will always be that the programmes we broadcast are accurate and impartial according to recognised standards of objective journalism. DUE IMPARTIALITY remains our core value. It requires programme makers to show open-mindedness, fairness and a respect for the truth. We must not allow our professional judgement to be influenced by pressures from political, commercial or other sectional interests or by our personal bias.

4.5.5 Our duty is to inform, explain, dissect complex issues, present public views as is and the rationales behind. Hence, all programme makers should not have a pre-determined stance on issues being discussed, and should always be aware of and manage their own personal opinions and biases.

4.5.6 It is essential that those engaged in the production of news and current affairs programmes make no public statements which could be interpreted or perceived as bias on politics or public policies or other controversial issues. All programme makers, when exercising their professional judgements, must back them up with evidence.

4.5.7 RTHK's news and current affairs programmes are no equivalents of op-ed articles and editorials in the paper media. RTHK's audience should not be able to tell the personal views of the front- and back-end team of our programmes.

4.5.8 Our mission is to offer the public an enlightened, informed and unbiased account of issues that enable them to form their own views. Our programmes appeal to the audiences' intelligence and thinking.

4.5.9 Notwithstanding the opposing views of different parties, our treatment of all interviewees should be respectful and reasonable in the eyes of a disinterested third party.

4.5.10 RTHK is not unique in laying stress on DUE IMPARTIALITY. All established broadcasters throughout the world place similar emphasis on it. In Hong Kong, the CA's codes of practice, which are applicable to RTHK and other broadcasters, stipulate that every current affairs or documentary programme dealing with controversial issues of public importance must attempt to be impartial.

4.5.11 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.

4.5.12 There are generally more than two sides to any issue and impartiality in factual programmes cannot be achieved simply by a mathematical balance, i.e. a crude form of balance in the sense of equal time or an equal number of lines in the script being devoted to each view.

4.5.13 DUE IMPARTIALITY also does not require absolute neutrality on every issue of public concern or detachment from such fundamental principles as freedom, human rights, democracy, and the rule of law – principles which are essential to a just and open society. We will be failing in our duty if in the attempt to upset no-one, to disturb no institution, we limit the comprehensiveness and open examination of issues and events.

4.5.14 Despite the above, RTHK should in general not engage in any advocacies or campaigns. RTHK staff should not normally associate

themselves with any campaigning body, particularly if it backs a particular viewpoint in certain issue or policy, unless RTHK is a sponsoring or participating organisation of such campaigns (e.g. Operation Santa Claus or regional disaster relief projects). The news and current affairs presenters should not front campaign bodies as this could compromise the RTHK's reputation for impartiality.

4.5.15 In trying to achieve DUE IMPARTIALITY, the following standards apply:

- Programme makers will avoid any conflict of interest in the performance of their duties.
- Fairness will be sought through the presentation as far as possible of principal relevant viewpoints on matters of importance. This requirement may not always be reached within a single programme or news bulletin, but will be achieved within a reasonable period.
- Impartiality does not require programme makers to be unquestioning, or for RTHK to give all sides of an issue the same amount of time. Editorial values and judgements will be the guiding criteria in reaching decisions.
- In serving the public's right to know, editorial staff will be enterprising in perceiving, pursuing and presenting issues which affect the community and the individual.

4.5.16 It cannot be emphasised strongly enough that the overriding principle in all programming areas must always be that we report or reflect equitably relevant facts and significant points of view; that we deal fairly and ethically with persons and institutions, issues and events.

4.5.17 Fairness means that we should strive for accuracy and truth in our reporting, and not to slant a story such that a reader will draw the programme makers' desired conclusion. (Also see "Use of language and music" under the section on "Accuracy").

Box 4.5.1 Programme Editing Has to be Impartial

The editing process must result in the true reflection of what was originally seen and heard. Editing, the abbreviation of recorded visual, audio or written material, is an essential technique and one of the most demanding in journalism because of the time limitations imposed by radio and television production and the need to be concise and clear. It would be impractical to expect the whole of reality in an edited programme. What in fact results from selection and editing is a compression of reality, a slice of reality – which must nonetheless reflect the essential truth without distortion.

The following are important guidelines for editing interviews:

- Questions and answers must not be edited so as to change the original meaning, or distort the sense of the original meaning, or distort the sense of the original interview as a whole.
- Answers to a question given in one context must not be edited into another.
- In cases where the editing process requires re-asks, reactions or cut-aways, the nature and intent of the original response must be preserved.
- A programme must not appear to be a discussion between people when it was not recorded as such.

News

4.5.18 News is to be presented with due accuracy and impartiality and in context. Reporting should be dispassionate, wide-ranging and well-informed. News programmes should offer viewers and listeners an intelligent and informed account of issues.

Current Affairs Programmes

4.5.19 Current Affairs Programmes with Audience Participation: Care must be taken to maintain the principles of fairness and integrity by securing a broad range of views. Presenters of programmes involving discussion may take part in debate on-air and must always treat participants in a fair manner.

4.5.20 A programme may choose to explore any subject, at any point on the spectrum of the debate, so long as there are good editorial reasons for doing so. It may choose to test or report one side of a particular argument. However, it must do so with fairness and integrity. It should ensure that contentious views are signalled as such and opposing views are not misrepresented.

4.5.21 Here it is worth mentioning current affairs programmes with audience participation (e.g. phone-in programmes) and the role the hosts of these programmes play or ought to play. When the programmes were first introduced by us, the idea that listeners might be given the chance to air their views and to criticise was considered not only undesirable but even dangerous.

4.5.22 Attitudes changed as the community became more open and overcame their inhibition to question authority or to voice complaints. Today, the popularity of current affairs programmes with audience participation is proof that they are part of everyday life in Hong Kong. The role of the hosts of these programmes is also evolving as public attitudes change. Instead of being passive and merely acting as on-air telephone operators, they have to be demonstrably inter-active.

4.5.23 On-air personalities are expected to contribute to the discussion in current affairs programmes with audience participation. Using their journalistic knowledge and judgement, they may question, comment, challenge or criticise to stimulate the debate, bring out new insights, and generally encourage the widest possible airing of views. There is no place, however, for personal bias or prejudice. Programme hosts must always treat the subject matter and their callers fairly.

Box 4.5.2 What did the EM say...

Impartiality

In a 30-minute current affairs programme focusing on the business of Legislative Council, the programme host, in the narration on the decision of National People's Congress (NPC) on Improving the Electoral System of the Hong Kong Special Administrative Region, had not provided any background leading to NPC's decision and had added her personal views while concluding the programme. EM considered that her personal views expressed would mislead the audience into believing that such views were the corporate viewpoints of RTHK. Also, the lack of the aforementioned background information had failed to give audience a full picture of the entire issue and this had prevented them from forming an independent and informed opinion of their own. In fulfilling our role "to inform", there should not be omission of relevant facts. Failure to do so would fall short of the high standards of objective journalism.

Impartiality and Conflict of Interest

A current affairs programme exploring the viability of internet media companies in Hong Kong should cover a wide spectrum of players in the field so as to enable viewers to have an overview of the internet media landscape. Featuring only a couple of selected organisations facing financial difficulties runs the risk of painting a one-sided picture as well as creating the effect of soliciting support/consideration for the entities concerned. It is of utmost importance that RTHK should beware of conflict of interest (actual or perceived) when producing and presenting such programmes, with a view to upholding the integrity of its programmes.

Personal view programmes

4.5.24 Personal View Programmes are programmes in which programme hosts and individual contributors put forward their own views. They allow the public direct access to air their views and to question public figures. They include phone-in programmes in which callers express their own views.

4.5.25 Presenters should treat participants in a fair manner by providing suitable opportunity for response. Facts must be respected and opinions expressed, however partial, should not be based on false evidence.

4.5.26 The nature of a personal view programme or segment on matters of public policy or controversial issues of public importance must be identified clearly at the start of the programme to comply with the code issued by the CA.

4.5.27 Personal view programmes may not measure up to the impartiality requirement applicable to news programmes, current affairs programmes and documentaries, etc. in the strictest sense. This however does not obviate our obligation to apply a high level of journalistic standards to personal view programmes. In particular, there is no room for misleading or inaccurate contents, hate speech, or any materials which could be considered to be denigrating or insulting to any person(s) or group(s). The moderator (RTHK staff or one who is engaged by RTHK for the task) of such programmes, in particular if they are live programmes, will, insofar as the circumstances permit, have to skillfully intervene to counter-provide the correct information or to stop the continuation of hate speech. In the event that the guest speakers deliberately veer off course to make political statements or remarks irrelevant to the subject under discussion, the moderator will have to interject and lead the discussion back on track.

Box 4.5.3 Past ruling of the CA

Accuracy in personal view programme

In a 5-minute personal view programme, the host commented on the Police's enforcement actions and tactics inside two universities. The broadcaster had failed to put in reasonable efforts to ensure that the factual contents used in the programme were accurate; and to gather information from different sources with a view to verifying the veracity of the serious accusations made by the host. Also, very strong epithets were used to demonise the actions of the Police, while scant efforts were made to substantiate those serious allegations. The relevant remarks distorted information or without justifications, were highly likely to provoke hatred against the Police. The programme was in breach of the relevant provisions governing accuracy, factual contents of personal view programmes, incitement of hatred and fairness as set out in the CA's codes of practice.

Box 4.5.4 Hate Speech

Journalists play a critical role in building and contributing to peace and harmony within society.

Hate speech tends to be related, but not limited to, individuals or groups who can be categorised by race, religion, sexuality, country of origin, gender, political affiliation, residential location, cultural identity, disability and age.

Guidelines

1. Maintain good journalistic values; accuracy, accountability, and building trust, are three important factors in maintaining good journalism.
2. Understand what constitutes hate speech content and how best to identify it through the use of tools such as the Ethical Journalist Network's Five Point Test for Hate Speech.
3. Differentiate between facts, fiction, and opinion. Ensure to cross check statements made by experts and analysts. These may be presented as 'facts' that might mislead the public and generate hate speech.
4. Be mindful of the language you use when reporting. Provide context; be aware of semantics, phrasing, and avoid stereotypical references.
5. Be aware of hate speech embedded within linguistic codes across different cultures.
6. Ensure the contextual relevance of the story when identifying an individual as a member of a particular group of society.
7. Avoid stereotyping, generalisation, judgment or labelling, based on race, sexual orientation, religion, gender, and political affiliation.
8. Avoid partisan views, especially when covering election campaigns.
9. Be aware of political agendas that use hate speech for political gains.
10. Consider your own physical and psychological safety when reporting on terrorism.
11. Avoid publishing graphic or visual content depicting hate.
12. Establish moderation processes to monitor feedback and comments across all media platforms, including those that are 'live'.
13. Refrain from reproducing hate speech across multiple platforms.
14. Critically assess the content of social media posts before rushing to report on or share them.
15. Moderate comments on social media in the aftermath of the terrorist attack, to avoid inciting further acts of terror.

Extract from Public Media Alliance (2019). Reporting Hate Speech, Terrorism and Violence – Guidelines for journalists and media workers in South East Asia.

Personal platform programmes

4.5.28 RTHK regularly invites individuals to present their personal point of view on topical issues. In the case where one guest is accommodated at one time on a personal platform programme, diversity is achieved over time by coverage of a wide range of topics with speakers from various backgrounds. In making the selection we should go for commentators, analysts and individuals whose background qualifies them to give expert or relevant opinion. Their credentials should be stated to help viewers and listeners appraise the views being expressed.

4.5.29 RTHK staff should normally not present personal platform programmes.

Information, education and entertainment programmes

4.5.30 In carrying out our mission to “inform, educate and entertain” members of the public, RTHK produces different programme genres ranging from news to music appreciation to acquired cultural and drama programmes etc. One would not expect a strait-jacketing application of the impartiality rule to all programme genres. There will be programmes which are largely informational and educational in nature versus those that create a platform for communication and exchange of opposing views on public policies. Where such programmes debate matters of public policy or controversial issues of public importance, we should make reasonable efforts to present the programmes in an impartial manner. As for dramas, they are basically fictional in nature, hence even if they touch upon certain social or public policies, one would not expect them to strictly adhere to the impartiality rule. The same applies to programmes which are basically designed to amuse and entertain the audience.

Programme series

4.5.31 There are two types of series:

- A number of programmes where each programme is clearly linked to the other/s and which deal with the same or related issues. In this case, the programmes may achieve impartiality over an entire series, or over a number of programmes within a series.

- Where a number of programmes are broadcast under the same title, but where widely disparate issues are tackled from one edition to the next. In this type of series, due impartiality should normally be exercised within each individual programme.

Right of reply

4.5.32 When a programme reveals evidence of inequity or incompetence, or where a strong critique of an individual or institution is laid out, those criticised should be, or should have been (as is normally the case in documentary productions), given an opportunity to respond. However, there may be occasions when this is not possible (for example for legal reasons) in which case the section head concerned should be consulted. It may also be appropriate to consider whether an alternative opportunity should be offered for a reply at a subsequent date.

Box 4.5.5 Past rulings of the CA

Fairness and right of reply

An infotainment programme featured the sales disputes between an interviewee and a pay TV service provider. The programme portrayed the service provider in a negative manner and the broadcaster failed to provide any evidence in support of the allegation raised against the service provider. It had not exercised due diligence in avoiding unfairness to the service provider or presented all material facts fairly. The programme contained a damaging critique of the service provider but had not given it an appropriate opportunity to respond. Hence, the programme was in breach of the relevant provisions in the CA's codes of practice governing fairness and right of reply.

Fairness and right of reply, accuracy, impartiality

A factual programme which discussed the issues relating to the grant of free TV licences was misleading in the presentation of information on one of the three licence applicants (including its financial capabilities, programming plan, coverage rate, etc.). The overall presentation was slanted by the material omission/concealments of facts and by misleading emphasis, rendering a cumulative effect of projecting a biased impression against and was unfair to the applicant. It also amounted to containing a damaging critique of the applicant, which was capable of affecting its reputation, without giving the party an appropriate and timely opportunity to respond. Determined to be a serious breach of relevant provisions in the CA's codes of practice governing impartiality, accuracy, fairness and right of reply.

Box 4.5.6**Dos and Don'ts for Current Affairs Programmes, Documentaries,
Personal View Programmes dealing with Controversial Issues of Public Importance**

DO	DON'T
<ul style="list-style-type: none">• Check accuracy of factual information. For those important information, check and check again• Seek balance of principal relevant viewpoints as far as possible in current affairs programmes and documentaries• Avoid unfairness to individuals or organisations featured in programmes• Allow those being criticised an appropriate and timely opportunity to respond if the programme reveals evidence of iniquity or contains a damaging critique• Express a sufficiently broad range of views on the issue concerned in any series of personal view programmes• Provide suitable opportunity for response to a personal view programme in the same programme/series• Issue clarifications, corrections or apologies, if necessary, to rectify any inconsistencies, contradictions or mistakes	<ul style="list-style-type: none">• Omit important or essential facts in programmes• Accept uncritically information of unverified or secondary sources, in particular those relating to or in support of crucial or serious allegations/criticisms• Slant the programme by concealment of facts or by misleading emphasis• Present, discuss or report court cases in such manner that would likely to prejudice a fair trial• Edit or shorten recorded interviews in such a way that may distort or misrepresent the views of interviewees• Compromise the standards and quality of a programme because of a tight production schedule or a self-imposed deadline

4.6 Public Order***Our Policy***

4.6.1 We observe the “One Country, Two Systems” principle being implemented vide the Basic Law in HKSAR and the rule of law.

4.6.2 Maintaining public order is important in contributing to the continued prosperity and stability of Hong Kong. No one is above the law and RTHK must not condone or glorify unlawful acts.

4.6.3 Our programmes must not instigate or be seen to instigate the public to participate in acts against the law.

4.6.4 Violence must not be exploited on radio or television. It is our policy not to portray violence, except where its depiction is an essential fact of the reality being portrayed.

Guiding Principles

A. Reporting crime and anti-social behavior

4.6.5 When we handle crime stories, we need to think carefully about why we are reporting them, how we are reporting them, and the context in which we are reporting them.

4.6.6 Be alert to the overall proportion of time spent on covering crime, in particular violent crime, and to the possible cumulative effect of that coverage.

4.6.7 Think carefully about the accuracy and suitability of language when reporting crimes. Crime is dramatic enough when it is described factually. There is no excuse for hyping it with colourful language. Avoid cliches and unnecessary adjectives.

4.6.8 Be particularly scrupulous when dealing with criminals, both active and convicted. Follow referral procedures when interviewing a criminal.

4.6.9 Interviewing witnesses or potential witnesses also needs to be handled carefully. Witnesses must not be paid for interviews. Care is required when interviewing witnesses in a forthcoming trial to ensure that our conduct in no way interferes with the course of justice. There is also the possibility that such witnesses might commit contempt.

4.6.10 In real life, crime is not glamorous. We must not make it so.

4.6.11 Never portray criminals as victims.

4.6.12 The recording and broadcasting of criminal activity will not normally amount to encouragement or incitement. However, we should take care that criminal acts are not sympathised, justified or glamorised by our narrative.

4.6.13 In cases where potential law-breaking or civil disobedience form part of a current news story or public policy debate, RTHK must consider both the responsibility to reflect the debate or events fully and accurately and the obligation not to broadcast material likely to encourage or incite crime. Context and explanation will be critical.

4.6.14 We need to be cautious in reporting and producing programmes on fugitives, suspects and convicted persons, including those who are suspected of breaching Hong Kong National Security Law (such as those using media to incite others in committing offence under the Hong Kong National Security Law).

Box 4.6.1 Programmes involving fugitives & spreading of seditious contents

A special live programme on the postponement of the Legislative Council election was broadcast in July 2020. The programme was subsequently uploaded onto RTHK's website and other social media platforms. Soon after this programme was uploaded onto RTHK's social media platforms, one of the interviewees of this live programme was wanted by the Police for violating the Hong Kong National Security Law after he fled to the United Kingdom. Having considered the need to be cautious in spreading seditious messages of fugitive who is suspected of breaching the Hong Kong National Security Law, the senior management of RTHK decided to adopt a prudent approach to remove the programme from its web archive.

B. Demonstration and other public order

4.6.15 Developments of demonstration and public order events can be affected by media reporting. Therefore, in the event of riotous activities in demonstration and public order events, care should be taken in covering both the riotous activities as well as the response by the law enforcement agencies (LEAs). We should be mindful of the limitation of the lack of a real-time omniscient coverage. The editorial values of Accuracy, Fairness and Impartiality apply to both news and other related programmes. RTHK, being a government department as well as a PSB, supports the rule of law at all times.

4.6.16 Organisers and the Police often quote differential figures of crowd sizes. It is our duty to report both figures.

4.6.17 News coverage in the run-up to a demonstration or public order event requires careful handling so that we would not be seen as promoting it.

4.6.18 When covering public order events, reporting teams should bring along their reporter or RTHK credentials for easy identification. Reporting teams should also pay attention to police instructions and keep a distance from the centre of a clash.

4.6.19 Many public events are planned and conducted largely with media coverage in mind. Protests and demonstrations are no different. Demonstrators have increasingly sought media coverage by prominently positioning themselves at large or important public events. These actions quite often have an impact on the media's plans for coverage. Following guidelines should be observed:

- Reporting teams should be wary of persons or groups who are clearly performing for the cameras or microphones.
- Reporting teams must not make any suggestions or requests to demonstrators which could lead to the staging of events.
- Reporting teams should inquire into and report on the identity of the organisers, the purpose of the demonstration and the number of participants.
- When a planned public event is disturbed by a demonstration, the event itself should still receive the coverage it deserves.
- The decision to broadcast a report must be based on the importance of the event, protest or demonstration rather than on the sounds and images it provides.

C. Terrorist and siege situations

4.6.20 These are serious public order situations which may involve hostage taking, bombing or mass injuries and loss of life. RTHK should cooperate with the authorities and sensitive handling of the reporting is required. The EM should be closely informed of such developments and it will provide editorial advice as appropriate.

Hi-Jacking, Kidnapping, Hostage-taking and Sieges

4.6.21 Reporting on kidnapping, hostage-taking and acts of terrorism raises complex problems and places heavy responsibility on broadcasters.

4.6.22 When human lives are at stake as a result of hostage-taking, kidnapping or any other terrorist act, we must ensure that our actions do not further endanger the lives of the hostages or interfere with efforts of the authorities to secure their release. We must guard against being manipulated by the hostage-takers. The following guidelines also apply:

- Any direct communication from terrorists/hostage takers which contains information about current or contemplated acts of terrorism should be reported immediately to the duty editor who must inform the police.
- No live or recorded statement by or interview with a terrorist/hostage taker may be broadcast without authorisation from the section head or AD.
- Statements or demands by terrorists/hostage takers should only be broadcast in a way to avoid the danger of manipulation.
- Telephone or other direct contact with hostages or terrorists/hostage takers or both of them should only be undertaken if, in the judgement of the duty editor, such activity does not clearly interfere with the authorities' communications or further jeopardise the safety of hostages.

Box 4.6.2 Terrorism

We understand terrorism as any action or strategic intention to cause death, serious bodily harm and widespread fear to civilians for ideological and political reasons.

Guidelines

1. Differentiate between terrorism and a criminal act of violence.
2. Maintain journalistic values of impartiality, fairness, and accuracy when reporting on acts of terror.
3. Seek appropriate training prior to engaging with covering acts of terror.
4. Avoid publishing photographs or broadcast images of acts of terror that have the potential to cause public panic and revive traumatic experiences.
5. Avoid providing a platform to those propagating and glorifying violence based on political ideologies.
6. Give justice to victims of terror acts and allow time to report on their legitimate grievances.
7. Try to avoid irrelevant religious and political attribution including the use of images of religious symbols when identifying perpetrators of terrorist attacks.
8. Distinguish between ‘alleged’ or ‘suspected’ perpetrators of terrorist attacks when reporting upon their arrest.
9. Seek multiple opinions to avoid contributing to a polarisation of existing political conflict.
10. Consider your own physical and psychological safety when reporting on terrorism.
11. Protect the identity of children and family members of the perpetrators of terror.
12. Follow-up on the aftermath of terrorist attacks and try to tackle the complexity of the situation.
13. Objectively consider the credibility of sources before presenting them as ‘experts’.
14. Critically assess the content of social media posts before rushing to report on or share them.
15. Moderate comments on social media in the aftermath of the terrorist attack, to avoid inciting further acts of terror.

Extract from Public Media Alliance (2019). Reporting Hate Speech, Terrorism and Violence – Guidelines for journalists and media workers in South East Asia.

Bomb Warnings

4.6.23 News organisations sometimes receive telephone warnings from people claiming to have planted bombs. It is essential that areas where such

calls are most likely to be received (newsroom, switchboards, studios) understand that the absolute priority is to pass information received to the emergency services.

4.6.24 The procedure to follow is therefore for anyone receiving such calls to pass on the information immediately to the duty editor who must promptly inform the police.

4.6.25 Some bomb warnings will prove to be hoaxes. We do not normally report incidents which turned out to be hoaxes unless they had a serious and evident effect, such as causing major traffic jams.

D. Violence

4.6.26 Screen violence upsets many people and, in excess, it can be accused of desensitising viewers. Most audiences expect any violence to serve a moral or a social point. In news programmes, use of pictures or sound of violence should be based on normal judgement of newsworthiness and reporting value, together with proper regard for the reasonable susceptibilities of audiences to the detail of what is broadcast. Some basic principles are:

- The dead should be treated with respect and not shown unless there are compelling reasons for doing so.
- Close-ups should generally be avoided.
- Do not concentrate unduly on the bloody consequences of accidents, disasters or acts of violence.

4.6.27 In dramas, special care is required in the depiction of violence, particularly in an abusive (sexual or otherwise) context. In programmes for children, violent acts of easy imitation by children or violence in the home between characters resembling parents, or towards characters or pets with which the child can sympathise, should be avoided.

Box 4.6.3 Violence

We understand violence as behavior involving psychological and physical harm inflicted on individuals, or groups, on the basis of their political affiliation, race, ethnicity, religion, gender, sexual orientation, disability, age, social class, financial status, and state of origin.

Guidelines

1. Consider expressing solidarity with fellow journalists who are subject to violence as a consequence of their journalism.
2. Acknowledge the impact of live coverage of acts of violence, as this may trigger further acts of violence.
3. Abstain from reporting personal opinion, unverified information and claims, when reporting violence.
4. Be careful and accurate when using terminologies and graphic images related to violence.
5. Secure your own safety; no story is worth your life.
6. Exercise impartial reporting by not providing, either witting or unwitting, support for those perpetrating violence.
7. Veer away from focusing on the specific tragic aspects of an incident.
8. Understand that violence and abuse might be part of a long-standing social problem, that might cause further trauma.
9. Be impartial and try to get all sides of the story when reporting on political violence.
10. Respect the privacy of victims by asking consent to interview and provide detailed information on the topics that will be covered in any interviews with them.
11. Understand and respect the complexity of issues related to race, ethnicity, religion, and culture, as well as state of origin.
12. Be mindful and show empathy when interviewing vulnerable people including women, children, and people with disability that have been subjected to violence.
13. Consider protecting the identity and other personal information of victims and immediate family members when reporting violence against children and vulnerable people.
14. Be mindful of protecting the identity and other information that might lead to the suspects, and their immediate family members, when reporting incidents of children who are in conflict with the law.
15. Acknowledge the rights of people with different sexual orientation to privacy and dignity.
16. Adhere to impartial and accurate reporting when covering violence committed by government agencies, including police and the military.
17. Aim to consult all stakeholders, including people that are affected, when reporting environmental issues.
18. Protect the privacy and identity of the victims when reporting violence triggered by illegal money lending.

Extract from Public Media Alliance (2019). Reporting Hate Speech, Terrorism and Violence – Guidelines for journalists and media workers in South East Asia.

4.7 **Conflict of Interest** (incl. outside activities, on other media platforms)

Our Policy

4.7.1 A media organisation thrives on credibility and RTHK, being a PSB, is no different. Any programme maker who has a conflict of interest will risk damaging RTHK's reputation and bringing our impartiality into doubt, hence weakening our credibility in the long run.

4.7.2 This policy is relevant to both financial and political journalism.

4.7.3 Our audience must be able to trust the integrity of our programmes. Our viewers and listeners should be confident that editorial decisions are made only for good editorial reasons. The outside activities of programme makers must not improperly influence, or be thought to influence RTHK programmes.

4.7.4 Frontline people like presenters and reporters can be in the most obviously sensitive positions. But conflicts of interest can arise with anyone who has responsibility for the content and/or style of a programme: editors, producers, scriptwriters, directors and researchers.

4.7.5 Whenever conflict of interest occurs, anyone in question should report to their supervisors. The supervisors should exercise their editorial judgement and decide whether the reporting person should continue to perform his or her duties after declaring such conflict, or refrain from taking part in the programme.

4.7.6 RTHK should be satisfied that all programme makers are free from inappropriate outside commitments. These rules apply equally to freelance or contract personnel as well as to staff. Responsible supervisors should supervise their subordinates in this regard.

Guiding Principles

External/personal activities

4.7.7 The external activities of people involved in making or presenting RTHK programmes has the potential to risk damaging RTHK's editorial integrity and its reputation as a trustworthy PSB. This risk extends to people

who have regular roles in RTHK output and as a result are associated with RTHK.

4.7.8 External activities which may give rise to a conflict of interest include, but are not limited to –

- public expression of opinion
- political activities
- writing commitments
- public appearances
- regular contribution to third-party output
- giving media training

The list above is not exhaustive and each case will be considered in its own merits, depending on the nature of the programme, the circumstances under which a conflict might occur and the role of the programme maker concerned, etc. The outside activities of programme makers must not improperly influence, or be thought to influence RTHK programmes.

4.7.9 RTHK does not seek to restrict the private activities of our programme makers on the social media. We adopt a common sense approach. Depending on one's role in the production chain and the visibility/importance of that position, personal activities on the social media might render perception of association with RTHK. One should always act responsibly on the social media and bear in mind that we have a "public identity" arising from our work in/with RTHK. The higher the seniority and visibility of one's role in RTHK the more prudence we expect from his/her conduct in the social media world. The overriding guiding principle is that one's private activities on the social media must not compromise or be seen to compromise the editorial independence and impartiality of RTHK or otherwise bring RTHK into disrepute.

4.7.10 All programme makers must be sensitive to the possibilities or potential for conflicts of interest. Any real or potential conflict of interest should be declared to the respective AD at an early stage. ADs should consider if such conflicts can be eliminated and if not, decide whether that particular staff should continue to be engaged for the programme. The same principle applies to ADs and above. Management should be consulted where appropriate.

4.7.11 While it is intrinsically the responsibility of individual programme makers to declare their conflict of interest, those in the supervisory roles should ensure due reporting by their teams of production staff.

Outside work

4.7.12 The Civil Service Regulations have clear rules on civil servants taking up outside work and there is an established departmental mechanism for processing such applications. RTHK staff should seek approval from the Departmental Administration Unit for any outside work.

4.7.13 Permission may be denied if it is considered that the outside work will conflict with programme responsibilities or affect RTHK's credibility.

4.7.14 Notwithstanding that Category II service providers are not civil servants, they are required to declare any external employment (such as writing columns or blog posts for external publications or other media platforms) or other activities prior to the commissioning of the project which might constitute an actual or potential conflict of interest with their RTHK duties. Where a conflict of interest is found to exist, the responsible AD should consider declining or discontinuing the employment/engagement forthwith. Management should be consulted where appropriate.

Acceptance of Advantages

4.7.15 Acceptance of advantages can create both real and perceived conflict of interest which may harm our reputation and credibility. RTHK staff must not solicit or accept advantages except those for which general or special permission has been given under section 3 of the Prevention of Bribery Ordinance (Cap. 201). As far as acceptance of advantages is concerned, RTHK staff should pay particular attention to the Acceptance of Advantages (Chief Executive's Permission) Notice, Civil Service Bureau Circulars No. 9/2009 on "Civil Service Code", No. 3/2007 on "Acceptance of advantages offered to an officer in his private capacity", No. 4/2007 on "Advantages/entertainment offered to an officer in his official capacity and gifts and donations to a department for the benefit of staff", No. 2/2004 on "Conflict of interest" and Civil Service Regulations (i.e. CSR 444) on acceptance of advantages.

4.7.16 Category II service providers must not, except with the permission of RTHK, solicit or accept any advantage as defined in the Prevention of Bribery Ordinance (Cap. 201) in relation to the business of RTHK. The Category II service providers and any of his/her agent must not solicit or accept any excessive hospitality, entertainment or inducements which would impair their impartiality to the business of RTHK. Furthermore, Category II service providers and any of his/her agent must not offer any advantage to any staff of RTHK in relation to the business of RTHK.

4.7.17 Acceptance of advantages (including free service and favour) by public officials resulting in serious abuse of office may also constitute Misconduct in Public Office (MIPO), a common law offence. For the purpose of MIPO, a public officer is a person who is vested with powers, duties, responsibilities or discretions which he/she is obliged to exercise or discharge for the benefit of the general public.

4.7.18 In order to ensure that the editorial content and operation of RTHK are not affected by foreign/external political or commercial factors, no matter in the process of programme production or in their personal capacities, RTHK staff, Category II service providers and contracted/commissioned service providers engaged by RTHK must not receive instructions from, or be subject to control by, foreign or external governments or authorities/related institutions, political organisations or commercial institutions, and must not accept advantages from these parties without necessary permission or approval obtained under the established mechanism.

Finance and Investment Information Programmes

4.7.19 The main purpose of finance and investment information programmes is to provide accurate and updated market information to our audience. Investor education is promoted by delivering credible information and analysis by authoritative sources such as public institutions, academics and experienced analysts. It is not the purpose of these programmes to influence the performance of the market or the investment decisions of the audience in any fashion.

4.7.20 Care must be taken to avoid any conflict of interest. Producers and presenters are forbidden to accept benefits of any kind for making references to

investment or financial products on these programmes. They should also not take advantage of their position to obtain information for their own activities. Any guests making commentaries should disclose details of their investments relating to the comments offered in the programme. Programme staff should also keep themselves abreast of the latest relevant Securities and Futures Commission code.

4.7.21 Programme makers should not use for their own profit any privileged information or financial information they receive in advance of its general publication, nor should they pass such information to others. They should not promote, or give the impression of promoting, any business or financial service in the finance and investment information programmes.

4.8 Fairness to Interviewees

Our Policy

4.8.1 We pledge to deal with our interviewees in a fair, impartial and courteous manner. The litmus test is whether, in the eyes of a disinterested third party, we are treating our interviewees fairly.

4.8.2 Interviews conducted by RTHK should be critical but respectful. Our editing seeks to clarify the opinions and views of the people we interviewed.

Guiding Principles

4.8.3 Programmes should be based on fairness, openness and straight dealing. From the start, programme makers should be as clear as they can be about the nature of the programme and its purpose. Unless there are special and legitimate considerations of confidentiality they should be open about their plans, and honest with anyone taking part in a programme. Under normal circumstances interviewees have a right to know –

- what the programme is about.
- what kind of contribution they are expected to make.
- whether their contribution is to be live or recorded. They should not be given a guarantee that their contribution will be broadcast, but nor should we normally record a substantial contribution unless we expect to use it.

4.8.4 When a prospective interviewee declines to give any interview at all on a matter of public interest and the audience's reasonable expectation might be to hear counter arguments put or allegations answered, the producer should be prepared to say something to the effect that "Mr (or Mrs) X was invited to appear on the programme, but declined". A reason for the refusal should also be given whenever it is available. Techniques like "the empty chair" to indicate a refusal to participate should generally be avoided.

4.8.5 Sometimes pictures and/or voice may need to be disguised. However, when anonymity is necessary producers must make it effective.

4.8.6 As a general rule, the consent of the interviewee should be sought when broadcasting a telephone conversation. For surreptitious recording, producers should follow established referral procedures.

4.8.7 There will be times that we need to edit the recorded interviews. Programme makers should remember that we edit with a view to enhancing the communication of views by the interviewees, enriching the programme content and focusing on the topic chosen for discussion in the programme. Always check whether our editing will result in distortion of what has been said in the extended interview, and whether we have edited the sound bites or video footage to fit a particular personal editorial stance.

Box 4.8.1 Interviewing

Interviews are a vital tool of radio and television journalism. Sometimes brief news interviews aimed at producing sound bites are largely a matter of asking the interviewee a question that prompts the telling of a story or the voicing of an opinion. In some programmes away from the news agenda, interviews may take a conversational or unstructured form. However, where interviews are on matters of controversy, it is important for editors, researchers and interviewers to approach them thoughtfully and in an even-handed way. They may be aggressive, but always well-mannered and never rude whatever the provocation.

Purpose of Interviews

- An interview should have a clear purpose. It should be particular to a given interviewee and to a point in time. Beware of inviting people to appear simply because they are major players in a running news story, without a clear and cogent idea of what we want to find out from them.
- Interviews can describe or explain; they can convey complaint or test argument, often moving from one to the other. Interviewers need to respond appropriately – to prompt, challenge, or sometimes say nothing.
- Our interviewing should be well informed. That may require knowledge of the interviewee's previously expressed views. An interview is more likely to break new ground if the present position is summarised, and the interviewee discouraged from repeating well known positions. We should usually be looking for new information.

Dealing with Interviewees

- It is important that interviewees understand why they are being invited for interview, what subjects they are going to be asked about, the context of the programme, and the sort of part they will play in it. It will not usually be proper to submit details of actual questions in advance, nor to give any undertaking about the precise form of questions. In the event that an interviewee refuses to give an interview unless questions are rigidly agreed in advance, programme makers must consider carefully whether it is appropriate to proceed at all.

Conducting interviews

- Interviewees should be given a fair chance to set out their full response to the questions. However, interviewers have to contend increasingly with interviewees who are skilled at filibustering, using an interview as a platform and avoiding its proper purpose. Interruption may be justified but it needs to be well-timed and not too frequent. It is less likely to discomfort the audience if it comes naturally and after the interviewee has made his or her main point – or has manifestly failed to make it. A brisk pace by the interviewer encourages economic and pointed answers.
- Evasion should be exposed. This should be done coolly and politely - if necessary by repeating the question and explaining to the interviewee why the previous answer did not address it. Long-winded questions that contain obvious assumptions are more easily evaded or challenged than pointed questions that require a response.

Interviews that inform and explain

- Not all interviews will be challenging. Some are designed to inform, explain or entertain. The techniques appropriate to this purpose are different. People interviewed as eye-witnesses or as experts may need to be encouraged rather than challenged.

Interviewing our own journalists

- It is entirely right to call upon our own journalists to express their judgement based on their knowledge of a subject, but entirely inappropriate to ask them about things of which they cannot be sure, or on which they can only speculate.

4.9 Taste and Decency

Our Policy

4.9.1 RTHK programmes should be in good taste, that is to say, they should respect and reflect the generally accepted values in society regarding such matters as vulgarity, profanity or sexual behaviour. Where matters of taste are concerned, care must be taken not to cause offence to the audience. It is fundamental to be always mindful of the community standards of taste and decency which may evolve over time. We should exercise great care and sensitivity to preserve decency and decorum in production having regard to the prevailing bounds of acceptability.

Guiding Principles

4.9.2 There will be occasions when in reflecting reality it would be inappropriate to excise certain uses of language or depictions of violence or sexuality which normally would be avoided. To do so would be to deny our audiences access to certain events which may contribute materially to an understanding of the world in which they live.

4.9.3 In exceptional cases, when participants use offensive language in a live programme, the presenter should stop them immediately. Some undesirable expressions, which have been absorbed into daily language, may be employed with discretion, if the use is defensible in terms of programme context. If in doubt, producers should check with the Corporate Communications and Standards Unit.

4.9.4 Explicit scenes of nudity or eroticism must not normally be used. They are acceptable only if it is clear that they are essential to the information being conveyed in the programme and that such information is itself important enough to warrant broadcast. Such scenes must never be emphasised or used primarily to shock or for sensation.

4.9.5 Scenes of suffering are to be used only when necessary to an understanding of information important to the public. Discretion is necessary in showing harrowing sights and, if used, they should not be prolonged unnecessarily. Private grief may sometimes have a legitimate programme

purpose but must not be exploited for sensational effect and personal privacy must be respected.

4.9.6 Should a programme contain material which may be disturbing to some segments of the audience, and particularly children, because of scenes of violence, sexual behaviour, or language, cautionary announcements before or during the programme should be used. However in the case of television productions, care must be taken to comply with the CA's policy on family viewing hours which applies to programme broadcast between 4:00 p.m. and 8:30 p.m.

4.9.7 The portrayal of, and reference to, smoking, drunkenness and addiction to drugs and narcotics should be limited to the plot and characterisation. They should be avoided altogether in children's programmes.

4.9.8 We should not include in our programmes any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the audience.

4.9.9 For programmes involving broadcast of songs and pre-recorded materials in particular, every reasonable effort should be made to ensure that no material containing explicit language is included. All the songs and pre-recorded materials should be vetted against explicit language prior to broadcast. Unless the circumstances so require and with the consent of the channel heads or the subject Principal Programme Officers (PPO), presenters are prohibited to broadcast songs or materials that are downloaded directly from the Internet. Executive Producers have the responsibility to brief and remind all concerned programme makers to strictly observe the requirements and review all pre-recorded content before broadcast. For live programmes, Executive Producers should monitor the programmes and take immediate action to rectify the situation if necessary.

Box 4.9.1 Past rulings of the CA

Indecent material, unsuitable for children

A radio broadcaster aired a light-hearted talk show in evening hours, in which two hosts discussed in detail matters relating to excretory organs and made jokes about sexual activities. The hosts' remarks were clearly of bad taste and crass and had failed to handle the discussion on sex with sensitivity, which was unacceptable for broadcast during a timeslot when young people might be listening. A serious breach of the relevant provisions in the CA's codes of practice.

Bad language in song

A song with foul expressions was broadcast in an English music programme. The expressions in question were blatantly offensive and unacceptable for broadcast and hence, the programme was in clear breach of the relevant provision in the CA's codes of practice governing language.

Bad language in live talk shows

- (1) A host uttered a Cantonese foul expression twice in a live talk show broadcast at late night. The host was not aware of the gaffe before other hosts reminded him and he later made an apology but without specifying what he was apologising for. The expression was blatantly offensive and unacceptable for broadcast at all times, and it was in clear breach of the relevant provision in the CA's codes of practice governing language.
- (2) In a light-hearted morning talk show livecast, a programme host uttered a Cantonese foul expression cursorily following the broadcast of the programme's promo. The host concerned made apologies for his utterance of the foul expression and explained that he forgot to turn off his microphone when he had a conversation with other hosts in private, and that it was unfortunate that part of their conversation was broadcast inadvertently. The expression in question was clearly audible in the programme. It was a downright offensive expression which was unacceptable for broadcast at all times. It was in clear breach of the relevant provision in the CA's codes of practice governing language.

4.10 Privacy

Our Policy

4.10.1 We respect the privacy of all individuals. We uphold the highest standards of journalism in our news reporting and programme production.

Guiding Principles

4.10.2 The rights of individuals to privacy should be respected in all programmes.

4.10.3 However, in order to provide information which relates to a person's performance of public duties or about other matters of public interest, disclosure of personal data may be justified when there are reasonable grounds to believe that the broadcasting of the data concerned is in the public interest. Nonetheless, for any collection and handling of any information and programme materials, it must be ensured that the provisions of the Personal Data (Privacy) Ordinance (PDPO) (Cap. 486), are always observed.

4.10.4 On the rare occasions that secret cameras or hidden microphones are to be used (e.g. making of a consumer programme or the recording of a crime or anti-social behaviour), referral procedures should be followed. The responsible programme maker should seek the endorsement of the respective AD.

4.10.5 Where drones need to be deployed for programme production, the responsible programme maker should also seek the endorsement of the respective AD and ensure that such deployment is in compliance with the requirements stipulated in the relevant legislation.

4.10.6 In covering accidents, disasters and disturbances, balance needs to be struck between full accurate reporting against the obligation to avoid causing unnecessary distress or anxiety. People in a state of shock must not be pressurised to give interviews against their wishes. We must also show compassion when depicting trauma so as not to add needlessly to the distress of people who already know of their loss. Surreptitious recording of identifiable people in grief or under extreme stress, for instance in hospitals,

requires special consideration. Normally funerals may only be covered with the permission of the family.

Recording telephone calls

4.10.7 We should make it a practice to seek permission to record telephone conversations relating to journalistic work whether they are for note-taking or broadcast purposes, or both. Such permission should be sought in advance rather than in the middle or end of a conversation. On occasions, there will be justifiable grounds why the practice cannot be followed:

- There is prima facie evidence of crime or serious wrong doing.
- The programme maker can show why an open approach would be unlikely to succeed.
- It is in the public interest.
- If surreptitious telephone recording is necessary, reporters and producers should seek permission from the immediate supervisor for note-taking purpose while they should seek further permission from the section head for broadcasting such a recording.

Door-stepping

4.10.8 In journalistic work, there are occasions on which a reporter confronts and records a potential interviewee without prior arrangement either in public or sometimes on private property. This is known as door-stepping.

4.10.9 People who are in the news must expect to be questioned and recorded by the media. Questions asked by reporters as public figures come and go from buildings are usually part of legitimate news gathering, even if the questions are sometimes unwelcome.

4.10.10 Door-stepping should generally be a last resort. It could be justified under the following circumstances:

- The investigation involves crime or serious anti-social behaviour, or is of great public interest.
- The subject has failed to respond to a repeated request to be interviewed, has refused an interview on unreasonable grounds, or has a history of such failure or refusal.

Media scrums

4.10.11 When a person suddenly features in a news event it may be proper for reporters and news crews to go to his private home to try to secure pictures and interviews.

4.10.12 In such cases, it is important that the combined effect of legitimate newsgathering does not become intimidating or unreasonably intrusive. We must not force our way into premises or harass people with repeated telephone calls or repeated knocks at their doors.

Re-visiting past events

4.10.13 Programmes intending to examine past events involving trauma to individuals must think through ways of minimising the distress that might be caused to surviving victims or to surviving relatives in re-telling the story. So far as is reasonably practicable, surviving victims or the immediate families of the dead people who are to feature in the programme should be informed of the plans. Failure to do this may be deemed a breach of privacy, even if the events or material to be used were once in the public domain. The programme should proceed against the objections of those concerned only if there is a clear public interest.

Doxxing

4.10.14 Although normal news activities, where the disclosure of personal data is made by a reporter for the sole purpose of news activity and the reporter has reasonable grounds to believe (and reasonably believes) that the publishing or broadcasting of the personal data is in the public interest, should not constitute doxxing, care should be taken not to commit the offence of doxxing.¹³

¹³ The Personal Data (Privacy) (Amendment) Bill 2021, which embodies the doxxing-related offences, was passed on 29 September 2021. (For the precise statutory provisions, readers may wish to read the latest version of PDPO.)

Collecting personal data by lawful and fair means

4.10.15 The PDPO provides that personal data shall be collected by means which are lawful and fair in the circumstances of the case.

4.10.16 The means of collection is unlawful if it is prohibited under any law.

Box 4.10.1 Obtaining information by unlawful means

A TV documentary featuring controversial issues of public importance contained information which was obtained through unlawful means. The producer of the programme was later found guilty of making a false statement in the process of gaining access to such information from a government database. The programme was subsequently removed from the broadcaster's web archive.

(Note: The producer of the programme professed in her social media page that she would file an appeal against the court ruling.)

4.10.17 An obvious example of personal data being collected by unfair and, depending on the circumstances, also unlawful means is personal data obtained through deception or coercion.

4.10.18 Another example of unfair collection of personal data is where reporters adopted systematic surveillance and used long-focus lens cameras to take photographs of the activities of celebrities at their homes from a secluded location.

Phone-in programmes

4.10.19 The rule of confidentiality also applies to callers to phone-in programmes. We need to obtain the consent of the caller before revealing his/her name and telephone number to anyone inquiring. Alternatively, we may pass on the inquiry to the caller and leave it to him/her to respond directly. Producers should refer upwards if they encounter difficulties in dealing with requests to divulge information about callers.

4.11 Confidentiality

Our Policy

4.11.1 It is an offence for the programme makers (be they civil servants, contract staff or service providers engaged by RTHK for programme production) to publish information protected by the Official Secrets Ordinance (Cap. 521). This includes: security and intelligence, defence, crime and special investigation, international relations, and the prevention or detection of offences (including interception of mail and telephone calls and confidential official exchanges between governments and with international agencies). The information must have originated from public servants or government contractors and have been disclosed without lawful authority. Programme makers risk prosecution if they make a damaging disclosure of information in these areas without lawful authority.

4.11.2 Any information classified as confidential should be handled cautiously and properly. Editorial decisions are classified as confidential and should not be disclosed to outside parties.

Guiding Principles

4.11.3 No programme maker is allowed to disclose information that is only of relevance to our organisation. These include contents under production and materials not yet released/broadcast, editorial decisions (and the deliberation process leading to such), administrative, financial and staff management decisions which are all internal matters. Any leakage of confidential information amounts to a breach of professional ethics and government rules and the relevant RTHK staff will be subject to disciplinary actions.

4.11.4 All footages and recordings, be they broadcast or not, produced by programme makers are intellectual properties of RTHK, unless otherwise specified in individual contracts. Unauthorised release or sharing with outsiders is prohibited. Depending on circumstances, it could constitute a criminal liability.

4.12 Sources of Information through Legal Means

Our Policy

4.12.1 RTHK considers the protection of its news sources to be important.

4.12.2 We accept that important information is sometimes only available through a confidential source or through off the record discussions. If the confidentiality of sources were not respected as a matter of principle, it would inhibit the free flow of information.

4.12.3 Protection of sources, however, is NOT a legal right. The law gives some recognition to the importance of journalistic confidence, but it gives precedence to the interests of justice. In the event of a conflict between the two, the courts may order journalists to divulge the sources and may hold in contempt anyone who refuses to do so. Management will try its best to secure proper legal advice; but in the end, to reveal a confidence or defy a court and take the consequences is a personal decision for a journalist. The consequences can be extremely serious and may include a prison term. It is essential for journalists not to enter into undertakings of confidentiality lightly or without considering the possible consequences.

4.12.4 **Cheque book journalism** – As a matter of policy, RTHK will not enter into financial competition for access to sources of news. Our task is to gather information freely given.

Guiding Principles

4.12.5 Editorial staff will not be obliged to disclose confidential sources which they are entitled to protect at all times. However, this is not a legal right and a court may order editorial staff to reveal identities.

4.12.6 Programme makers should never misrepresent their RTHK identity when gathering news and programme information.

4.12.7 We should obtain information through legal means only. We aim to attribute information to its source.

4.12.8 Where a source seeks anonymity, we should not agree without first considering the source's motive and any alternative attributable sources.

4.12.9 Programme makers should always verify the source of information and the bona fide of the identity of the persons interviewed and hosting press events.

4.13 **Legal Liabilities** (intellectual property, libel, etc.)

Our Policy

4.13.1 RTHK as an institution and all our staff have to observe the laws of Hong Kong.

4.13.2 All programme makers have a duty to ensure our production complies with the CA's codes of practice.

4.13.3 We are obligated to comply with all the regulations and guidelines in connection with elections issued by the Electoral Affairs Commission (EAC) and other guidelines relevant to the governance of RTHK issued by the Centre.

4.13.4 Should there be any legal enquiries on content-related issues, including but not limited to national security, copyright, defamation, privacy, use of national anthem, national flag and national emblem, reporting crimes, contempt of court, legal rights of anonymity and all other types of programming and reporting restrictions, the concerned production team should report to the respective AD who would seek a steer from EM as appropriate.

4.13.5 The proper source of legal advice is the Department of Justice (DoJ). RTHK staff should refrain from consulting other external legal advice without seeking authorisation from AD and DoJ.

Guiding Principles

A. Copyright Laws

4.13.6 The laws of copyright protect and reward creators and authors of original work. For copyright details, please refer to the Copyright Ordinance (Cap. 528). Copyright exists in a wide range of creative works, for example:

- Literary works: including scripts, novels, poems, essays, letters, song lyrics or newspaper articles.
- Dramatic works: including plays, operas, screenplays, pantomimes, dance and mime.
- Musical works: including classical and pop music.
- Artistic works: including paintings, photographs, sculpture and any graphic work, irrespective of artistic quality.
- Sound recordings: including gramophone records, CDs, audio cassettes, digital files and any other sort of recording of sounds.
- Any recording that can produce a moving image: film, video tapes, video discs, digital files and any other sort of recording of images.
- Broadcasts: including radio, television and satellite television.
- Cable programmes: including cable television and internet protocol television (IPTV).
- Published editions: publishers of literary, dramatic and musical works have a separate copyright in the typographical arrangement of their published editions.

4.13.7 Each element of a complex work will be protected as a separate work in its own right. A film production may be made up of the following separate copyright works:

- The novel on which it is based.
- The screenplay.
- The incidental music.
- The film itself as a whole.

4.13.8 Therefore, film producers must acquire sufficient rights in the other works which will form part of their film production so that they may exploit their films for the purposes for which they are intended.

4.13.9 In addition, there are often related rights. For example, performers have the right to prevent unauthorised recordings of their performances except where the recordings are made for private and domestic uses or where the consent of the performers to the exploitation of his performance is obtained. Another example is moral rights which include the right to be identified as author or director of a work, where the right has been established.

Duration of Copyright

4.13.10 The general rule is that copyright lasts until 50 years after the creator of the work dies. However, there are variations to this depending on the type of work.

4.13.11 For literary, dramatic and musical works, copyright expires at the end of the period of 50 years after which the author dies.

4.13.12 For sound recording, copyright expires at the end of the period of 50 years from the year in which the sound recording was made or was released, published or played in public or broadcast.

4.13.13 For film, copyright expires at the end of 50 years after the key creatives (director, author of screenplay, or dialogue and composer of music) whoever is last to die.

4.13.14 For broadcasts and cable programmes, copyright expires at the end of 50 years after the broadcast was made or the programme was included in a cable programme service.

4.13.15 For typographical arrangement of published editions, copyright expires after 25 years when the edition was first published.

Copyright infringement

4.13.16 By broadcasting a work without the permission of the holder of the copyright, a broadcaster is liable for copyright infringement. The ideas expressed in the work are not protected by copyright; it is the mode of expression that cannot be “substantially” copied without written permission.

4.13.17 Some extracts of copyright works can be used without consent if they are deemed to be “insubstantial” part of the whole work. “Substantial” in this context relates much more to the quality of what has been taken than to the quantity. Even a few bars of music may be a substantial part of a musical work if they constitute a recognisable reproduction of an essential part of the melody. On the other hand, a mere summary of the plot of a novel, or of the general development of a work, will not be considered an infringement.

Exceptions

4.13.18 Under the “fair dealings” rule, it is also possible to broadcast excerpts from an original work for the purposes of criticism or review or reporting current events. In the case of fair dealing for the purpose of criticism or review, it must be accompanied by a sufficient acknowledgement.

4.13.19 Furthermore, the broadcasting of a reading and recitation in public by a person of a reasonable extract from a published literary or dramatic work is permitted. However, the broadcaster has to ensure that the reading or recitation in public must be accompanied by a sufficient acknowledgement.

4.13.20 Sufficient acknowledgement requires identification of the work in question by its title or other description and its author unless it is published anonymously or, in the case of an unpublished work, it is not possible to ascertain the identity of the author by reasonable inquiry.

4.13.21 There is no copyright in unwritten news but copyright attaches to the news in the manner in which it is presented. If a broadcaster wishes to carry a report that appears in a newspaper, consent of the newspaper, or the independent journalist is required if more than a reasonable extract of that report is read in any programme or on air. If, however, a news item is rewritten and then broadcast, the broadcaster is not legally bound to obtain any consent, even if the newspaper story carries a copyright mark. In such circumstances, there is no legal requirement to refer to the newspaper, or to a “copy-righted story”.

4.13.22 A news service report can be read verbatim on air without specific prior written consent if the broadcaster is a subscriber to the news service.

Music

4.13.23 RTHK has agreements with the Composers and Authors Society of Hong Kong Limited (CASH), the Hong Kong Recording Industry Alliance Limited (HKRIA), the Phonographic Performance (South East Asia) Limited (PPSEAL) of the International Federation of Phonographic Industry (IFPI) (Hong Kong Group) and the Music Publishers Association of Hong Kong Limited (MPA) to use music and sound recordings in our output. Under these agreements, we are required to retain a record of all the musical items used in our programmes and/or played on air.

4.13.24 The above can only serve as a general guideline as the copyright law is far more complicated than what is referred to above. When in doubt, you should seek advice from the Acquisition and Corporate Development Unit.

B. Defamation

4.13.25 If we broadcast something which is defamatory we may commit libel. It is possible to libel individuals, groups or organisations. The risk exists whether the defamatory statement is scripted or spoken off-the-cuff and RTHK is liable no matter who speaks the words in its programmes or who has made the programmes.

4.13.26 The tests normally applied by the courts to determine if a statement is defamatory include:

- Does it reduce a person in the eyes of right-thinking people?
- Does it cause a person to be shunned or avoided?
- Does it expose the person to hatred, ridicule or contempt?
- Does it injure the person in his/her office, profession or trade?

4.13.27 The principal defences to libel are:

- *Justification*: Proving that the statement is true.
- *Fair comment on a matter of public interest*: Showing that the statement was an honest opinion based on provable fact, was not prompted by malice, and was on a matter of public interest.
- *Privilege*: Statements made during broadcasts of fair and accurate reports of judicial and legislative council proceedings and public meetings will have privilege in libel proceedings. This means that

for normal purposes, we are safe to report comments made as part of legislative council proceedings or of court proceedings.

Pictorial Defamation

4.13.28 It is possible to defame people by juxtaposition of words and pictures. This may happen by the careless use of general background shots. For example:

- A general view of a football crowd, in which individuals are clearly identifiable, with a commentary about hooligans.
- A general view of a children's playground, in which children are recognisable, with a commentary about child abuse.
- A graphic of holiday brochures, with a commentary about holiday companies going bust.

4.13.29 Another way of pictorially defaming people is in the use of imprecise shots: the picture of a plain clothes policeman handcuffed to an arrested man, in which it is not clear which man is the criminal; or the picture of a suburban house which is an alleged bomb factory, in which the numbers of two houses are both shown, and it is not clear which house is being referred to.

C. Contempt of Court

4.13.30 Contempt of court arises if an action or statement gives rise to a substantial risk that the course of justice will be seriously impeded or prejudiced. All courts exercising judicial power are covered by contempt, from magistracies to the Court of Final Appeal. Generally, contempt risks arise only when proceedings are "active". In most criminal cases the "active" period starts with the arrest of a suspect or the issue of a summons; in most civil cases, it starts when arrangements are made for a hearing. Proceedings, in both criminal and civil, remain "active" until an appeal hearing is completed or the time has expired within which notice to appeal may be given.

4.13.31 As a general rule, RTHK should not be interviewing individuals on whom the LEAs have laid charges in its programmes for it is sub judice. We should also be very careful with interviews with convicted criminals (with or without custodial sentence) and those released after serving prison sentence. We need to be clear with the purpose of such interviews and ensure that the rule

of law in Hong Kong is not challenged and that such programmes abide by the editorial policy of not glamorising criminal acts.

Dangers of Committing Contempt

4.13.32 The main hazards during the active period are:

- Broadcasting pictures or comment which could influence those involved (witnesses, judges, jurors, lawyers and parties in the action). For example, a detailed account of evidence likely to be given in a case would run the risk of contempt if broadcast during the active period.
- Broadcasting material which could affect the way in which one of the parties conducts the case.
- Broadcasting an interview with a witness before the case is over.
- Having dealings with witnesses (e.g. interviews, or negotiations over possible interviews) which might influence or be thought likely to influence their evidence.
- Speaking to a juror in a case, about the case. This applies at any time before, or during the hearing – and applies whether or not the report is actually transmitted. After the case is over it is permissible to interview jurors but it is a serious offence, for them and for the broadcaster, if they discuss the deliberations (i.e. statements made, opinions or arguments expressed or votes cast by jurors) in the jury room. This applies whether or not such comments are broadcast.
- Reporting what a judge has forbidden to be reported.
- Speculating about the outcome of a case.
- Commenting on a case due for retrial.
- Publishing material of a general nature about the courts capable of undermining confidence in the conduct of a particular case.
- Repeating what is said in court in the absence of the jury.
- Scandalising the court. For example, publication of newspaper articles containing abusive, offensive and scurrilous remarks against judges and threats of reprisals against judiciary.

4.13.33 Journalists should be aware that no recording or filming is allowed in court rooms. Although journalists run the most obvious risks, contempt may

be committed in other kinds of programmes, for example the dramatisation of contemporary court proceedings.

Defence against contempt

4.13.34 The defence of public interest is of very limited value in cases of contempt. Judges may overlook minor or unintentional acts. The defence of innocent publication may be available where journalists do not know and have no reason to suspect that the proceedings are pending or imminent. Judges may also resist attempts by third parties to use contempt as a means of preventing the broadcasting of material of proper interest to the public.

4.13.35 There is a statutory right to provide a fair, accurate and contemporaneous account of court proceedings heard in public, but this right is qualified. Judges have the freedom to postpone the reporting of an entire case or certain details of it. Reporting is also constrained by statutory restrictions, for example, only certain basic information on committal hearings in magistrates' courts and matrimonial proceedings can be reported, whilst reporting on proceedings in a juvenile court is strictly prohibited.

D. Election Guidelines

4.13.36 As a public broadcaster, RTHK regards it its obligation to give comprehensive coverage to election campaigns. We organise fora and other special programmes to elicit the positions and policies of candidates and political parties on major issues so that voters can make informed decisions on polling day. In all of these programmes, the principle of fair and equal treatment should be observed.

4.13.37 During the period of Chief Executive, Legislative Council, District Councils, Election Committee Subsector Elections and Village Representative Elections – that is the period beginning with the nomination day for the election and ending with the polling day for the election, the appearance/participation of candidates in radio and television programmes is governed by guidelines issued by the EAC.

4.13.38 Failure to abide by the rules may lead to public reprimand or censure as well as other action.

Box 4.13.1 Past ruling of the CA**Compliance with election guidelines**

News items in two news programmes omitted the names of some candidates for the Chief Executive Election. The EAC found such omission not in full compliance with the relevant guidelines requiring fair and equal treatment to any of the candidates. On the basis of EAC's findings, the broadcaster was found to be in breach of the relevant provision in the CA's codes of practice that required the broadcaster to observe all regulations and guidelines in connection with elections issued by EAC.

E. Sponsorship Guidelines

4.13.39 RTHK staff shall comply with the Policy Guidelines on Radio Television Hong Kong's Acceptance of Sponsorship for Programme Production issued by the CEDB and our internal guidelines on crediting sponsors.

5. EDITORIAL PROCESS

I. Overview

5.1 Editorial autonomy involves responsibility. To justify the autonomy that RTHK enjoys, we must have a robust editorial mechanism to provide programme makers with reasonable flexibility to cater for operational needs and through which the quality of programmes is ensured, operation risks well managed and accountability put in place.

5.2 All programme makers should be fully conversant with this document, the Producers' Guidelines and the CA's codes of practice before they embark on programme production. All new recruits should be adequately briefed on our editorial values and policies by section heads or officers designated by them. When Category II service providers and contracted/commissioned service providers are engaged in programme production, it is the responsibility of the supervising unit to brief them on RTHK's editorial policies. The alignment of the editorial perspective is most important in ensuring consistent quality.

5.3 Programme makers are encouraged to make use of the "upward referral" mechanism to seek early steer on potentially contentious programmes. ADs/Controllers have the editorial responsibility to ensure potentially contentious programmes be referred upwards to EM for discussion, and closely monitor the process of production of such programmes.

5.4 For non-controversial programmes, individual Executive Producers are responsible for quality control and ensuring that they are in line with RTHK's editorial policies. ADs of respective divisions should conduct periodic post-broadcast checks on such programmes to review their quality so as to provide feedback to the production team and for appraisal purpose.

5.5 We require all content that is not live to be reviewed before broadcast or publication and the result of that review recorded and kept. The prevailing practice that all recorded programmes should at least be reviewed by the Executive Producer who supervised the production will continue. For those potentially contentious contents and productions, they have to be peer-reviewed at EM chaired by the Editor-in-chief who will make the final editorial decision. Such clearance protocol should be clearly documented (vide email confirmation, minutes of meeting or otherwise) prior to broadcast/publication for accountability purpose.

II. Details of Editorial Process

5.6 RTHK's editorial independence enables our programme makers to have the intellectual freedom to prepare proposals on topics that align with the purposes and mission of RTHK as set out in the Charter. The general editorial process since March 2021 is as follows –

- (a) the subject officer to prepare submission(s)¹⁴ on new programmes to the respective AD who, if considers them justified, will decide on the onward submission to EM for discussion. Actual production work should not commence without formal approval from EM or else it would result in nugatory expenditure;
- (b) the decisions of EM, which is free from influence of parties outside RTHK, are based on the stipulations in the Charter, the editorial values and policies in this document¹⁵ as well as the Producers' Guidelines;
- (c) production teams should produce the programmes in strict adherence to the proposal approved by EM. Fresh approval is required if there are any changes to the original proposal, including but not limited to those pertaining to a change in production concept, change in presenter(s) or Category II service providers, etc.;
- (d) respective ADs and Controllers will report progress on key ongoing programmes to EM on a weekly basis and highlight issues which they may seek steer from EM;
- (e) for potentially contentious programmes, the rough cut, cleared with the respective AD, would be peer-reviewed at EM and after considering comments from the professional Programme Officers (i.e. ADs, Controllers and Head/Corporate Communications & Standards), the Editor-in-chief will make the final decision on the editorial treatment. Once the final editorial decision has been made,

¹⁴ Each submission should include, as far as practicable: name of the programme, proposed broadcast date and time, proposed topic of live discussion, proposed tags/segments (including storyline, background music, contents and the contentious part of the programme), the responsible Executive Producer and his/her past history of production, whether Category II service providers will be involved and their past history of production, proposed guest lists and their past history of production, proposed script of presenters/voiceover, and other information as appropriate.

¹⁵ Prior to the formal promulgation of this document, EM has been adopting those editorial values and policies set out herein when making editorial decisions. This document is hence a consolidation in written form of the prevailing editorial mechanism and practical experience and insight gained since March 2021.

the production team should not further amend/edit the programme by, for example, adding other supplementary footage, music or captions. Non adherence to EM decisions is a serious matter and could result in disciplinary actions; and

- (f) for news production, due to the special circumstances of its day-to-day operation, the Head/Chinese News and Current Affairs and Head/English News and Current Affairs assume full editorial responsibilities under the power delegated by the Editor-in-chief. It is important to have a robust process on the preparation and vetting of the script by multiple layers of news editors in the newsroom. The AD keeps a watching brief. Detailed editorial processes for RTHK's news programmes are set out in **Chart 1 of Annex 4**. For other programmes including the CIBS programmes and the programmes/contents for new media, the editorial processes are set out below.

Major Editorial Process for Productions

5.7 While various programmes/contents (e.g. current affairs programmes, talk shows, acquired programmes or live productions) produced for broadcast or delivered on different platforms involve different production details and procedures, the overall editorial process can broadly be divided into three major stages – (A) Pre-production Stage; (B) Production Stage; and (C) Monitoring and Evaluation Stage which are outlined below.

A. Pre-production Stage

5.7.1 The Pre-production Stage concerns issues such as synopsis, choice of producer/editor/presenter(s), etc. Details of producer/editor/presenter should be reflected in the programme proposal concerned. We should select programme host/presenter in a cautious manner, as they represent RTHK. Image of host/presenter should match RTHK's corporate image. For new programmes, respective ADs should be satisfied with all aspects of a programme proposal before putting it to EM.

5.7.2 For existing programmes, the gist of contents and production specifics for individual programmes would be captured in the weekly

programme highlights ¹⁶ and two-week synopses ¹⁷ prepared for the management's overall monitoring. It is the duty of ADs/Controllers to ensure that those proposals for existing programmes align with RTHK's editorial policies. Any potential controversy should be raised at EM.

5.7.3 For TV productions ¹⁸ involving live interviews/live panel discussions, programme makers should submit guest lists and proposed topics for approval prior to the events. Proposed guests should not be approached before approval is given but general programme research is encouraged. For those new and potentially contentious live programmes, clearance with EM is required, otherwise, such decisions rest with AD or officers designated by him/her.

5.7.4 For acquired programmes, the decision on the acquisition of programmes rests with EM¹⁹. Before the acquisition, the Acquired Programme Committee should consider the synopses of the target programmes, and assess whether such programmes fulfill the requirements of the Charter.

B. Production Stage

5.7.5 In the Production Stage, it is important that programme makers must adhere to the approved production concept and contents as well as the production plan. Fresh approval is required if there are any changes to the above, including but not limited to those pertaining to a change in production concept, change in presenter(s) or Category II service providers, etc. The production team should not proceed further without the approval of EM.

5.7.6 For recorded programmes, designated level of supervisors or EM as appropriate should conduct preview/pre-listening of the programmes to decide

¹⁶ Weekly programme highlights refer to the summary of topics and guests to be featured in selected radio programmes.

¹⁷ Two-week synopses refer to the gist/summary of major contents of TV programme/series which are arranged to be broadcast/delivered in two weeks' time. Such synopses generally contain information about the storyline, presenters/hosts/guest speakers, topics to be discussed and any other relevant information.

¹⁸ Due to the nature of regular radio programmes involving live interviews/live panel discussions, it is not feasible to submit guest lists and proposed topics for EM's prior approval. However, AD is obliged to keep a watching brief and will refer contentious contents to EM for discussion and approval where necessary.

¹⁹ Acquired programmes for broadcast on radio (e.g. classical music) generally are not contentious in nature and their procurement usually involves an annual renewal of licences, which does not require EM's prior approval. For acquired programmes involving contentious contents, AD will seek EM's approval before procurement.

on editorial treatment prior to approval for broadcast. The prevailing practice that all recorded programmes should at least be reviewed by the Executive Producer²⁰ who supervised the production will continue. Preview/pre-listening record should be documented. For controversial programmes, preview will be carried out by EM.

5.7.7 For live broadcasts, programme makers should take note of the following risks –

- (a) inappropriate use of strong language;
- (b) issues of portrayal including racism and national stereotyping;
- (c) broadcast of derogatory or libellous comments;
- (d) failure to achieve due accuracy;
- (e) failure to achieve due impartiality;
- (f) undue prominence of a product, for example, a film, book or sponsor's signage;
- (g) unexpected and potentially inappropriate coverage of injuries and loss of life; and
- (h) when it is considered that the guest has made statements based on false information or when he/she has veered off course to make statements/comments not relevant to the subject of discussion, the programme host, and if necessary the Executive Producer, should, as far as possible, stop it and make correction and clarification soonest practicable.

5.7.8 For acquired programmes, Executive Producers should conduct quality-control on the adaptation work (such as preparation of subtitles or dubbing) prior to broadcast. The programmes should be previewed by designated level of supervisors or EM as appropriate before release for broadcast.

²⁰ For radio programmes that do not have an Executive Producer, the Producer will conduct pre-listening of the recorded programmes.

C. Monitoring and Evaluation Stage

5.7.9 The Monitoring and Evaluation Stage involves review of ratings, handling of complaints, if any, and evaluating the performance of the production team. ADs/Controllers should periodically select different programmes for post-broadcast reviews to keep track of quality and appraise the performance of the production team.

5.8 Details of the editorial process for RTHK's general radio and TV programmes are set out at **Charts 2 - 5 of Annex 4**.

Community Involvement Broadcasting Service

5.9 Community groups and individuals selected to be CIBS producers will be required to enter into an agreement with RTHK on the programme purpose, content outline, production format and compliance with the CA's codes of practice. RTHK will provide advice to CIBS producers on the basis of this document and Producers' Guidelines regarding applications for CIBS funding and programme production.

5.10 The Selection Committee, comprising non-official members appointed by DoB, is responsible for recommending suitable candidates for EM's endorsement and ultimately, DoB's approval. RTHK staff will provide secretariat services to the committee.

5.11 After the CIBS producers have signed the agreement, RTHK staff will act as "facilitators" to provide advice to them. The facilitation work is based on the contents on the application forms of the approved applications, which should have included information on the topic and/or the guest list. Any amendments to the original proposal should be submitted to the subject PPO for approval. CIBS facilitators will monitor the programme production to ensure that the programme content complies with the laws of Hong Kong, the "Radio Code of Practice on Programme Standards" issued by the CA, the Charter, the Producers' Guidelines, this document and purposes of the CIBS. The content of the production may be amended upon RTHK's request where necessary. During live broadcasts, CIBS facilitators should monitor on-site. For recorded programmes, CIBS facilitators must review the programmes before broadcast. In case of doubt, CIBS facilitators should refer upwards to PPOs, Chief Programme Officers and even Controllers/ADs for advice.

5.12 Details of the editorial process for CIBS programmes are at **Chart 6 of Annex 4**.

New Media

5.13 The same editorial standards that currently apply to RTHK conventional media should also apply to outputs produced for new media.

5.14 Productions on new media include all materials on RTHK's website, podcasts and third-party social media platforms. Materials on RTHK's website and podcasts are generally copies of productions broadcast whereas materials on social media platforms are usually in the form of posts for programme promotion.

5.15 With increasing interactivity and on-demand features of such media, producers should pay particular attention to the following –

- (a) web content administration – producers should make sure that the material they post on the web is accurate, suitable and relevant;
- (b) links – all links on the RTHK website must be editorially justifiable. We should ensure that the establishment of any link does not damage RTHK's reputation and editorial integrity. Taste and decency issues must be carefully considered; and
- (c) user-generated content and moderation – RTHK's website has different kinds of user-generated content. Visitors may post material to the site, including messages, photos and multimedia content. This public place material must be regularly monitored and moderated, which may involve pre-moderation or post-moderation. House rules should be stated clearly.

5.16 If a member of staff wishes to use social media tools and create a social media page for a programme or project, he/she should seek prior approval from AD/Controller, and notify the New Media Unit so that the RTHK website's social media listing page can be updated. Social media are third-party websites with their own etiquette, culture and norms, and are mostly irrevocable in nature. Programme colleagues should consider carefully the objective and relevance in choosing a social media platform to promote their programmes or projects. They must manage the social media page regularly and properly.

5.17 Maintaining accuracy and due impartiality in our content on social media is as important as on our own platforms. We must ensure that the headings and hashtags we use to aggregate our content are accurate and that they do not appear to be supporting a cause, promoting a brand or point of view.

5.18 Unless with the approval of the respective AD, RTHK's social media pages should not carry, forward or share the contents of other social media accounts.

5.19 In the comment and conversation associated with content on our social media channels, we should aim to accommodate the widest possible range of opinions consistent with the law, our duty of care, and appropriate language and behaviour.

5.20 We should communicate clearly with our audiences when we decide to close an account, informing them that the account will no longer be updated or moderated and pointing them to an alternative source.

5.21 Following the above, it is important that there should be editorial oversight and responsibility for all activities in RTHK's social media presence. Details of the editorial process for RTHK's social media posts are at **Chart 7 of Annex 4**.

III. The Referral System

5.22 RTHK's programme policies are intended to provide a firm base for creative and responsible programme-making. Editorial independence also enables our journalists and producers to make programmes without fear or favour. The responsibility therefore rests on every one of us to ensure that the programmes we make are factually accurate, impartial, of a high quality and in good taste.

5.23 We operate with a well tried and tested editorial process. Staff of different levels should make judgements according to their professional knowledge. Programme colleagues are encouraged to seek advice at an early stage from their supervisors, section or division heads when required. Editorial responsibility in RTHK rests with the editorial chain of management from programme producer, whether in-house or independent, through to executive producer, editor, section head, division head, and to the DoB, who is the Editor-in-chief.

5.24 EM is the first and last stop of the editorial chain for new and potentially controversial programmes.

5.25 A proper consultation and referral system helps programme makers arrive at decisions about difficult editorial issues. These include, for example, scenes of extreme violence and explicit sex, bad language, surreptitious recordings, the commissioning of opinion polls, etc. In order to allow management to carefully consider matters and their possible implications, programme makers should refer potentially contentious issues upwards as early as possible.

Where to refer

5.26 Programme units/sections carry the main responsibility in the referral system, so programme makers should refer straight to their executive producer or editor. Units/sections should be able to deal with, and take responsibility for, most queries in the first instance. The more important and contentious the issue, the higher up it should be referred. This leads to division head, who should, if necessary, consult with the Deputy Director and/or the DoB.

5.27 ADs and Controllers should devise an early warning system with their section heads to anticipate controversies/sensitivities; identify risks of possible non-adherence with the CA's codes of practice or RTHK's editorial policies, and make timely reports to EM or to Deputy Director and/or DoB direct.

Mandatory referrals

5.28 The following matters must be referred to PPO (e.g. Chief Assignment Editor) or above or discussed in advance at editorial or senior staff meetings –

- (a) broadcasting any interviews with criminals and people sought by police;
- (b) any proposal to grant anonymity to anyone trying to evade the law;
- (c) payment to criminals or former criminals;
- (d) broadcasting any surreptitious recording originally made for note-taking purposes;

- (e) disclosing details of kidnapping or serious crimes which have been obtained surreptitiously or unofficially;
- (f) requests from outside parties to see or obtain untransmitted recorded material; and
- (g) commissioning of opinion polls on any political issue.

5.29 Respective ADs should make sure that they are in the information loop in respect of the situations set out in, but not limited to, the above paragraph, and proactively provide guidance to their teams.

5.30 In addition to the above, the following programme contents should also be subject to “mandatory referral” under the EM mechanism governing vetting of new programmes and monitoring of potentially contentious programmes –

- (a) the One-China principle, foreign affairs or sensitive issues concerning foreign relations which may have a foreign policy angle. We should bear in mind that, in accordance with Article 13 of the Basic Law, the Central People’s Government shall be responsible for the foreign affairs relating to the HKSAR;
- (b) the constitutional order which includes the Constitution of the PRC, the Basic Law and “One Country, Two Systems”; and
- (c) national security and serious public order issues.

5.31 There are many other issues that can cause public controversy or are likely to have an out-of-the-ordinary impact in the community even though our handling may conform to our editorial guidelines. Programme makers should refer them upwards through their respective editorial chain of command.

5.32 The situations listed in paragraphs 5.28 – 5.31 are by no means exhaustive. All programme makers are encouraged to exercise their common sense and political judgement and make full use of the “mandatory referral” mechanism. All programme makers should fully familiarise themselves with the Charter, the Producers’ Guidelines and this document.

Non-mandatory referral

5.33 In the course of programme making, there may be a need to refer matters upwards for a steer. The guiding principle is that, if in doubt, refer upwards and document the decisions. For issues touching upon editorial policies, they should at least be brought to the attention of the Controller who decides whether further “upward referral” is required.

5.34 There is an established chain of command to deal with normal programme planning, processing of contents and reviewing of finished products, as well as dealing with sensitive, contentious or legal issues, i.e. team leaders, duty editors, unit/channel/section/division heads.

5.35 Programme makers themselves are responsible both for making the programmes and for exercising editorial judgement. Any doubt about an editorial question or an issue of programme content or legal implications must be referred immediately to the next senior person in the editorial chain of responsibility. This process, known as “upward referral”, extends to the DoB in his/her capacity as Editor-in-Chief.

5.36 Additionally, even when specific editorial guidance is not being sought, programmes which are controversial or likely to have an out of the ordinary impact in the community must be brought to the immediate attention of line managers, who in turn are required to report to more senior staff.

5.37 We trust RTHK’s programme makers will always act in good faith and exercise their professional judgement when it comes to the editorial treatment of a programme. It is the supervisory accountability of the ADs and Controllers to always keep an overview of various operations and exercise their judgement on “upward referral” to EM or DoB for a steer in a timely manner.

5.38 All programme makers should note that EM does not necessarily need to meet physically to tender editorial advice. In times of urgency, programme makers could seek EM’s advice by verbal means through their ADs.

IV. Other Issues of Programme Production

A. Major Accidents or Disasters

5.39 We need to cover these events fully, accurately and speedily. At the same time, we have an obligation to avoid causing unnecessary distress or anxiety.

5.40 Emphasis should be placed on providing basic factual material, such as times, location, route or flight number and the source of the information. Casualty figures may vary, change or subsequently prove inaccurate. We should either report the range or stick to official estimates and update the information promptly without trying to conceal earlier inaccuracies.

5.41 Tact and compassion is also required when interviewing those injured or grieving. In covering accidents and disasters we must not interfere with rescue efforts, nor overlook the role played by rescue teams who often risk their own lives to save others.

B. Consumer Programmes

5.42 Consumer programming is subject to the same policies and journalistic principles as other information programmes. The objective is to assist the consumer to make an informed choice about goods and services and about how to seek the best remedy to a given problem. It is in the same tradition as ensuring that members of the public have an opportunity to hear or see the information pertinent to their decision in public affairs.

5.43 Care must be taken to avoid conflict of interest, and under no circumstances should the programme or staff involved receive consideration for making references to products or services in consumer information programmes.

5.44 Conclusions expressed by programme personnel in this type of programming must be based on thorough research and not on personal opinion. Research for these programmes must be meticulous and, as far as possible, should be carried out in consultation with responsible organisations.

5.45 The disclosure of brand names must be relevant and appropriate to the objective of the programme and the products and services selected

objectively without regard to the manufacturer or supplier of the product or service.

5.46 Also, as wide a range of firms or products or services as practicable should be included in order not to give unfair advantage or disadvantage to a particular brand or firm.

Box 5.1.1 Past ruling of the CA

Undue prominence in talk show

In two episodes of a radio talk show about fortune-telling, the hosts repeatedly provided detailed information on and made promotional references to an online seminar on fortune-telling organised by one of the hosts. Such remarks could not be justified by the programme's editorial requirements and had given undue prominence to the seminar concerned, which amounted to advertising. Determined to be a breach of the relevant provision in the CA's codes of practice governing undue prominence.

C. Drama, Arts, Music & Entertainment

5.47 The broadcast media are a primary source of information and culture. They shape community standards and values through the use of language and visual and aural images. Artists, writers and entertainers should be allowed generous scope for creativity and expression when making drama, satire, arts, music and entertainment programmes, but they should bear in mind prevailing mood and views on taste and decency.

Docu-dramas and dramas portraying contemporary situations

5.48 When drama realistically portrays living people or contemporary situations in a controversial fashion, it has an obligation to be accurate – to do justice to the main facts. If the drama strives for a fair, impartial and rounded view of events, no problem arises.

5.49 If it is an accurate but, nonetheless, partisan and partial portrayal of a controversial issue, then the Executive Producer should proceed only if convinced that the insight and excellence of the work justify the platform offered; and that it will be judged honest, thoughtful and stimulating.

5.50 A clear distinction should be drawn between plays based broadly on fact or real characters and dramatised documentaries which seek to reconstruct

actual events. Audiences should be clear as to whether they are watching fact or fiction.

History in drama

5.51 Drama should normally aim to give a fair account of historical events. But there are differing views about history and producers should be aware of the likely critical reaction when they diverge from received opinion. Portrayals of recent history may be particularly sensitive and controversy often arises when drama questions the role of a particular country or countries in an historical event. If a drama of artistic merit is written from an obviously partial standpoint, the producer must consider how to label and publicise it in order to make its nature clear.

Satire

5.52 Satire programmes are generally very popular with the audiences but special skills are required in their production and presentation. Quality is an important consideration. Satirical items should be so treated in presentation that their nature is easily recognised by the audience. Satire should not be used in newscasts and should only be used judiciously in other information programmes whose main purpose is the serious examination of important questions.

5.53 Satire programmes may take many forms, and those on current affairs may be presented as personal view programmes. In such case, it must be clearly identified as a personal view programme at the start of the programme and it must comply with the relevant provisions governing accuracy of factual content, opportunity for response, broad range of views and fairness etc. as stipulated in the CA's codes of practice.

Box 5.1.2 Past ruling of the CA

Accuracy, broad range of views, denigration in political satire programme

Broadcast in the form of a personal view programme, a political satire programme revolving around current affairs contained factual references about the supply stock of face masks and the beat patrol duties of the Police that the broadcaster could not substantiate. The broadcaster also failed to include in the programme a sufficiently broad range of views vis-à-vis the criticisms on the Police's efforts in the fight against COVID-19, whether considered on its own merits in that programme or as a series. In addition, the programme's mean characterisation of the Police was meant to denigrate the Police as a social group, and to make gratuitous attack on that entire group. Accordingly, the programme was in breach of the relevant provisions governing accuracy of factual contents and broad range of views in personal view programmes, and denigration and insult as set out in the CA's codes of practice.

(Note: The CA's decision on this complaint case is currently under judicial review: HCAL 1685/2020. The case was heard on 7 and 8 June 2021. Judgement to be handed down.)

D. Working Outside of HKSAR

5.54 While on assignments outside the HKSAR programme makers should be fully aware of and observe the local laws in those territories. They should maintain close contact with their duty editor or executive producer so that a prudent and professional judgement could be made as to the best possible way to proceed with the assignments.

E. Release of Programme Material

5.55 **General:** From time to time, requests are received for recorded material which may or may not have been transmitted. All such requests need to be handled with care as they may have implications on the interests and editorial integrity of RTHK as a media organisation. RTHK must always be seen to be editorially independent. When requests are connected with litigation, management must be informed promptly.

5.56 **Access to untransmitted material:** Management will not normally entertain requests to view or have copies of material which has not been broadcast, unless there is a court order. Depending on the RTHK interest and the legal advice received, sometimes it might be appropriate to accede to a legal order. At other times, it would be necessary to contest such an order and to appeal to higher courts.

5.57 ***Requests for transmitted material:*** All our television programmes which have been broadcast are kept in our video archives. In the Radio Division, we operate a logging system which retains programmes transmitted on our radio channels for a period of three months. When requests are made for copies of transmitted material in connection with litigation, staff should promptly inform management, who will where appropriate seek legal advice. Sometimes listeners, viewers, contributors and others ask for copies of transmitted programmes for their own private use. If the scope of the request is too extensive, they should ask for it to be reduced, and make clear that, if it is not, the request might be refused. “Fishing” for evidence will not be entertained. Programme makers should consider each request on its merit, bearing in mind practical difficulties and copyright restrictions. The accounts office has a set formula for calculating the fee to be charged. They should charge a fee which realistically reflects the cost of providing the material.

**Charter of
Radio Television Hong Kong**

A. SCOPE

1. This Charter specifies –

(a) Radio Television Hong Kong (RTHK)

- (i) the public purposes and mission of RTHK (section B);
- (ii) the editorial independence of RTHK (section C);
- (iii) the key programme areas of activities undertaken by RTHK (section F); and
- (iv) the modes of service delivery (section G), performance evaluation (section I), transparency in operation (section J).

(b) Relationship between RTHK and the other relevant parties

- (i) the status and responsibilities of RTHK and its relationship with the Commerce and Economic Development Bureau (CEDB) and the Secretary for Commerce and Economic Development (the Secretary) (section D);
- (ii) the Board of Advisors and its relationship with RTHK (section E); and
- (iii) the role of the Broadcasting Authority (BA) in providing content regulation for RTHK programming (section H).

2. The signing parties mentioned in this Charter should dutifully and conscientiously observe the terms and their respective obligations set out in this document.

3. The phrase “programme areas” in this document refers to “radio, television and new media services”, as distinguished

from radio and television “programming” and “production” activities which RTHK undertakes on a day-to-day basis.

B. PUBLIC PURPOSES AND MISSION

4. As the public service broadcaster in Hong Kong, RTHK is to fulfill the following purposes –
 - (a) sustain citizenship and civil society. This involves –
 - (i) promoting understanding of our community, our nation and the world through accurate and impartial news, information, perspectives and analyses;
 - (ii) promoting understanding of the concept of “One Country, Two Systems” and its implementation in Hong Kong; and
 - (iii) engendering a sense of citizenship and national identity through programmes that contribute to the understanding of our community and nation;
 - (b) provide an open platform for the free exchange of views without fear or favour. This involves the provision of a wide range of programmes for public participation and expression of views, and provision of a platform to support and facilitate community participation in broadcasting, including the administration of a Community Broadcasting Involvement Fund¹;
 - (c) encourage social inclusion and pluralism. This involves the provision of programmes with diversity of programming coverage, universality of reach and sensitivity to the pluralistic nature of Hong Kong and the world. The objective is to enhance public understanding

¹ The Community Broadcasting Involvement Fund will be set up to provide financial support for community groups (e.g. ethnic minority groups, non-governmental organizations, etc.) to actively participate in broadcasting and content productions. RTHK would administer the Fund, in consultation with the Board of Advisors, to encourage community organisations to bid for resources for producing television and radio programmes, and would arrange to broadcast these contents on RTHK’s channels.

and acceptance of the cultural, linguistic, religious and ethnic diversity both in the local community and beyond;

- (d) promote education and learning. This involves stimulating interest in a wide range of subjects, and providing information and resources to facilitate lifelong learning at all levels and for all ages; and
 - (e) stimulate creativity and excellence to enrich the multi-cultural life of Hong Kong people. This involves the production, commission and acquisition of distinctive and original content for public broadcast. There should be active promotion of public interest, engagement and participation in cultural activities, and its programming and other corporate policies and practices should foster creativity and nurture talent.
5. RTHK will provide to Hong Kong people editorially independent, professional and high-quality radio, television and new media services. Specifically, the mission of RTHK is to -
- (a) inform, educate and entertain members of the public through multi-media programming;
 - (b) provide timely, impartial coverage of local, national and global events and issues;
 - (c) deliver programming which contributes to the openness and cultural diversity of Hong Kong;
 - (d) provide a platform for the Government and the community to discuss public policies and express views thereon without fear or favour; and
 - (e) serve a broad spectrum of audiences and cater to the needs of minority interest groups.

C. EDITORIAL INDEPENDENCE

6. RTHK is editorially independent.
7. RTHK will adhere to the following editorial principles -
 - (a) be accurate and authoritative in the information that it disseminates;
 - (b) be impartial in the views it reflects, and even-handed with all those who seek to express their views via the public service broadcasting platform;
 - (c) be immune from commercial, political and/or other influences; and
 - (d) uphold the highest professional standards of journalism.
8. The Director of Broadcasting (the Director) as the Editor-in-chief is responsible for ensuring that a system of editorial control in accordance with RTHK's Producers' Guidelines is in place to provide accurate, impartial and objective news, public affairs and general programming that inform, educate and entertain the public.
9. As the Editor-in-chief, the Director is responsible for making the final editorial decisions in RTHK and is accountable for editorial decisions taken by RTHK programme producers.

D. STATUS AND RESPONSIBILITIES OF RTHK AND RELATIONSHIP WITH CEDB AND THE SECRETARY

10. RTHK is a government department under the policy purview and housekeeping oversight of the CEDB. The department and its staff are subject to all applicable government rules and regulations, including those on financial control, human

resources management² and procurement matters. RTHK is also subject to monitoring mechanisms applicable to government departments, including but not limited to those relating to the Ombudsman, the Audit Commission and the Independent Commission Against Corruption.

11. The Secretary will provide the Director with policy guidance and support as follows -

- (a) defining the programme areas and agreeing the underlying activities;
- (b) reviewing policy aspects of each programme area: the policy aim, description, operational objectives, matters requiring special attention over the next 12-month period, performance targets and financial data;
- (c) securing resources for the programme areas;
- (d) setting performance targets, in consultation with the Director, which will identify the efficiency and effectiveness of resources deployed to the programme areas for achieving the public purposes and mission set out in paragraphs 4 and 5 above and assess whether value for money is achieved;
- (e) reviewing quarterly with the Director the achievement of these targets and any resulting actions required;
- (f) reviewing annually, at a set time, the achievement of targets, using this as a basis for developing objectives and targets for the next 12 months and for establishing resource allocation priorities set out in sub-paragraph (g) below;

² Human resources management includes appointment, termination of service, conduct and discipline, training and development and other matters relating to the conditions of service of civil servants and other staff of RTHK.

- (g) establishing priorities for the allocation of resources at an annual review of each programme area and the aspects set out in sub-paragraph (b) above; and
- (h) speaking for the Government on policy matters about RTHK.

12. The Director will be responsible to the Secretary for -

- (a) managing the activities in each programme area on a day-to-day basis;
- (b) establishing for each programme area all of the aspects set out in paragraph 11(b) above;
- (c) reviewing all of the aspects set out in paragraph 11(b) above and proposing changes as necessary in order to achieve the public purposes and mission set out in paragraphs 4 and 5 above;
- (d) ensuring the provision and establishment of a cost-effective organisation with appropriate staffing and other necessary resources allocated for the efficient delivery of the public purposes and mission set out in paragraphs 4 and 5 above;
- (e) ensuring the delivery of the performance targets as agreed with the Secretary for each programme area or activity through appropriate delegation as necessary;
- (f) reviewing quarterly with the Secretary progress in achieving these targets and implementing any resulting actions required;
- (g) reviewing annually, at a set time, with the Secretary the achievement of targets, and using this as a basis for developing objectives and targets for the next 12 months;
- (h) improving in-house systems and structures that will maximise value and effectiveness of available resources

and ensuring compliance with all applicable government rules and regulations;

- (i) putting in place an effective mechanism to comply with the relevant codes of practice on programming standards issued by the BA;
- (j) putting in place an effective mechanism to deal with public complaints and setting up appropriate channels to receive public views and comments; and
- (k) accounting for all matters relating to the operation and management of RTHK.

E. BOARD OF ADVISORS AND ITS RELATIONSHIP WITH RTHK

13. There shall be a broad-based Board of Advisors (the Board) to be appointed by the Chief Executive to advise the Director on the services of RTHK. The Board will have the following functions –
 - (a) advising the Director on all matters pertaining to editorial principles, programming standards and quality of RTHK programming;
 - (b) receiving reports on complaints against editorial principles, programming standards and quality of RTHK programming;
 - (c) receiving reports of public opinion surveys regularly conducted by RTHK to track how well RTHK programming meets up to audience expectations;
 - (d) receiving reports on the performance evaluation of RTHK and the department's compliance with performance evaluation indicators, and advising the Director on the adoption of appropriate performance evaluation indicators and ways to improve service delivery;

- (e) advising the Director on matters relating to community participation in broadcasting on radio and television channels, including advising on the rules for disbursement of the Community Broadcasting Involvement Fund; and
- (f) initiating studies and research on issues pertaining to the achievement of the public purposes and mission of RTHK.

The Board will uphold the editorial principles set out in paragraph 7 above in exercising the above functions.

14. The Board shall comprise a balanced mix of persons with good local knowledge and varying expertise, who are appointed in their personal capacity. Members of the Board shall include -
 - (a) a non-official Chairman;
 - (b) member(s) with industry/professional experience. These include persons from various sectors such as media, journalism, education, arts and culture, technology, legal, accounting and/or finance, persons with senior management experience and expertise, as well as persons with experience in serving the interests of minorities and/or the underprivileged;
 - (c) lay member(s) whose personal knowledge and/or experience may contribute positively to the achievement of the public purposes and mission of RTHK; and
 - (d) the Director as the ex-officio member.
15. The Board shall maintain regular communication with the RTHK management, but it will not be involved in the day-to-day operation or staffing matters of RTHK, which are to be dealt with by the Director and the RTHK management. The Board is advisory in nature. It has no executive power. The

ultimate editorial responsibility for RTHK rests with the Director.

16. The Director, as the head of RTHK and the ex-officio member of the Board, may seek advice of the Board on matters pertaining to editorial principles, programming standards, quality of RTHK programming and community participation in broadcasting, and should –
 - (a) give due weight and consideration to all advice provided by the Board. The Director shall report and explain to the Board the reasons for not following the advice of the Board;
 - (b) submit performance evaluation reports to the Board and seek its advice on related matters; and
 - (c) provide secretarial and other necessary support to the Board in carrying out its functions set out in paragraph 13 above.

F. PROGRAMME AREAS

17. The key programme areas undertaken by RTHK and overseen by CEDB are the provision of -
 - (a) public-service radio services;
 - (b) public-service television services; and
 - (c) public-service new media services.
18. The objectives with regard to the programming of each programme area are -
 - (a) in relation to radio services, to -

- (i) provide on its channels a range of quality output in the fields of information, education, entertainment and cultural enrichment;
 - (ii) develop and implement a strategy which gives a clear definition to channel identity and is appealing to various sectors of the community;
 - (iii) give emphasis to the provision of accurate, impartial and objective news and public affairs programming;
 - (iv) provide a platform for the communication and exchange of views on public policies and community matters;
 - (v) support and promote community participation in broadcasting;
 - (vi) provide news bulletins/summaries in Chinese, English and other languages as appropriate on a round-the-clock basis;
 - (vii) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
 - (viii) maintain and develop original programming designed to foster in the community an interest in music, culture and the arts, and encourage the development of the creative industries and local talent; and
 - (ix) provide for the relay of national and international broadcasting services;
- (b) in relation to television services, to -

- (i) provide television services notably in areas not adequately provided by commercial television broadcasters;
 - (ii) provide programmes, including programmes produced for the government, for prime time transmission through the commercial television broadcasters³;
 - (iii) give emphasis to the provision of accurate, impartial and objective public affairs programming;
 - (iv) provide a platform for communication and exchange of views on public policies and community matters;
 - (v) support and promote community participation in broadcasting;
 - (vi) give emphasis to productions with locally produced original content;
 - (vii) maintain and develop programming designed to encourage audience participation and community involvement, and serve minority audience needs;
 - (viii) maintain and develop original programming designed to foster in the community an interest in music, culture and the arts, and encourage development of the creative industries and local talent; and
 - (ix) provide for the relay of national broadcasting; and
- (c) in relation to new media services, to -

³ This part will be subject to review upon the introduction of digital television broadcasting services by RTHK.

- (i) make available a wide range of radio and television programming on the Internet;
 - (ii) give emphasis to the provision of e-learning projects;
 - (iii) provide an e-platform for communication and exchange of views on public policies and community matters;
 - (iv) provide a channel for receiving feedback on the RTHK services through the Internet; and
 - (v) provide live and recorded programming through a streaming format and mobile connection.
19. The programme mix of RTHK should include local original content production. Through a mix of in-house, co-production and commissioned programming, RTHK should aim to contribute to the growth of the local content production industry. Co-production may include partnership with national and international broadcasters and content providers, with a view to promoting Hong Kong's brand nationally and internationally and widening the perspective of the local audience.
20. RTHK should allocate part of its airtime and resources within the development of its digital services to provide a platform for community participation in broadcasting. RTHK should administer the Community Broadcasting Involvement Fund to provide financial support for community groups according to rules established in consultation with the Board.

G. MODES OF SERVICE DELIVERY

21. The modes of service delivery of RTHK should include digital audio broadcast as well as analogue AM and FM radio services, digital television broadcasting services as well as new media services.

H. PROGRAMME CONTENT REGULATION

22. RTHK should ensure that unless otherwise approved by the BA, all television and radio programmes broadcast on its platform or supplied for broadcasting by licensed broadcasters in Hong Kong should comply with :-
 - (a) the relevant codes of practices issued by the BA to regulate the standards of programmes broadcast by broadcasters holding licences issued under the Broadcasting Ordinance or the Telecommunications Ordinance; and
 - (b) any amendments to the codes of practice issued by the BA from time to time.
23. The BA should investigate all complaints received by it, including complaints lodged by the Television and Entertainment Licensing Authority (TELA), against any programme broadcast on RTHK's platform or supplied by RTHK for broadcasting by licensed broadcasters in Hong Kong.
24. For the purpose of such investigation, the BA may require RTHK to provide, free of charge, a true and authentic copy of the programme under complaint. RTHK should comply with the requirement unless the notice of the requirement reaches RTHK more than 90 days after the broadcast of the programme. Where a programme has been broadcast more than once, the 90 days will run from the date of the last broadcast.
25. The BA may classify a complaint as trivial, frivolous, unjustified, partially justified or justified provided that the two last mentioned classifications may be made only -
 - (a) by the BA itself; and
 - (b) after the procedures in paragraphs 26 and 27 below have been followed.

26. Where there is prima facie evidence to support a complaint, except one which is classified as trivial or frivolous, it will be referred to the Complaints Committee appointed under section 10 of the Broadcasting Authority Ordinance (Chapter 391) (the CC). The CC, upon receipt of a complaint referred to it, will -
 - (a) give RTHK or its representative a reasonable opportunity to make representations both orally and in writing;
 - (b) consider any representations made, whether orally or in writing, by or on behalf of the complainant and RTHK;
 - (c) consider any evidence received by it, whether tendered on behalf of the complainant or otherwise, which it considers relevant to the complaint; and
 - (d) make recommendations concerning the complaint to the BA.
27. The BA will consider the CC's recommendations and arrive at provisional findings about the complaints. Further representations, orally and/or in writing, by or on behalf of RTHK should be invited on the BA's provisional findings.
28. The BA will decide on the classification of the complaint (namely, whether it is unjustified, partially justified or justified), and may impose appropriate sanctions on RTHK including an order to issue a public apology and/or to make appropriate corrections.
29. The BA and RTHK may individually release to the public, after a complaint has been classified, the details of the complaint received by the BA, the decision of the BA and RTHK's response.
30. Except where the contrary is stated expressly or by necessary implication in this Charter, the BA may discharge any of its functions stated in paragraphs 22 to 29 above through the Commissioner for Television and Entertainment Licensing or

his/her representative and RTHK may do so through the Director or his/her representative.

I. PERFORMANCE EVALUATION

31. RTHK should prepare an annual plan in consultation with the Board and the Secretary. The annual planning process will include a public engagement exercise to solicit views from the community with a view to enhancing transparency and accountability.
32. RTHK should devise, and regularly review, internal procedures to handle public complaints against its operations and programming.
33. In order to provide a basis for public scrutiny of the extent to which RTHK delivers its public service mission and returns value for the public money it expends, RTHK should set clear targets, develop measurable performance evaluation indicators and conduct regular assessments.
34. RTHK should issue performance pledges and compile performance evaluation reports on a regular basis.

J. TRANSPARENCY IN OPERATION

35. For the sake of transparency, RTHK should produce an annual report for public inspection no later than six months after the conclusion of the year reported on.
36. The annual report should set out details on RTHK's operation in the past year, its performance pledges, the extent to which it has met its public purposes and mission, programming objectives, developments in its modes of service delivery and programming directions, achievements in performance evaluation, compliance in the areas of corporate governance and accountability, complaints handling, as well as related information and follow-up action.

K. RENEWAL

37. This Charter may be subject to review and renewal in consultation with the Director and the BA every five years or when necessary.

This Charter is made on 13 August 2010 and signed by –

Henry Tang
Chief Secretary for Administration
of the Hong Kong
Special Administrative Region

Franklin Wong
Director of Broadcasting
of the Hong Kong
Special Administrative Region

Ambrose Ho
Chairman, Broadcasting Authority
of the Hong Kong
Special Administrative Region

**Major Programme Standards
in the Codes of Practice issued by the Communications Authority**

Basic Principles

- Programmes should not include:
 - any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the audience;
 - any material which is likely to encourage hatred against or denigrating/insulting to any person(s)/group(s) on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical/mental disability; or
 - anything which is in contravention of the law.

**Family Viewing Hours and Information for Viewers
(applicable to free TV service)**

- Nothing unsuitable for children shall be broadcast between 4:00pm and 8:30pm. The restriction on the provision of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30pm.
- Programmes which are not generally suitable for viewing by children must be classified into Parental Guidance Recommended (“PG” [家長指引]) and Mature (“M” [成年觀眾]) categories.
- Aural and visual advice on the classification of programmes should be given before the start of the programme, and the classification symbol should also be superimposed on the screen.
- 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.

Accuracy and Impartiality

- Broadcasters should ensure that news is presented with accuracy and impartiality.
- Broadcasters shall make reasonable efforts to ensure that the factual contents of news, current affairs programmes, personal view programmes, documentaries, etc., are accurate.

- Due impartiality must be preserved as respects news programmes and any factual programmes¹ or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes).
- 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.

Personal View Programmes

- 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:
 - the nature of a personal view programme must be identified clearly at the start of the programme²;
 - facts must be respected and the opinion expressed, however partial, should not rest upon false evidence;
 - 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; and
 - a sufficiently broad range of views should be expressed in any series of personal view programme.

Fairness

- There is a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion
- Special care should be taken when the programmes are capable of adversely affecting the reputation of individuals/companies/other organisations. Reasonable care should be taken to ensure that all material facts are so far as possible fairly and accurately presented.

¹ Factual programmes are non-fiction programmes which are based on material facts (e.g. news, current affairs programmes, personal view programmes, documentaries, etc.).

² 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).”

- Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual/organisation, those criticised should be given an appropriate and timely opportunity to respond.

Crime

- 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.

Use of Language

- Downright offensive expressions are prohibited.

Violence and Sex

- Portrayals of violence and sex should be defensible in context, e.g. plot development and character delineation.

Privacy

- The rights of individuals to privacy should be respected in all programmes.

Gambling

- No programme should be presented in a manner which encourages or offers instructions in gambling.

Indirect Advertising / Undue Prominence

- For free TV service, broadcasters should observe the relevant provisions governing indirect advertising as set out in the codes of practice issued by the CA.
- For radio service, no undue prominence may be given in any programme to a product/service/trademark/commercial logo so that the effect of such reference amounts to advertising.

(In Chinese only)
The Basic Principles and Policies of
the Central People's Government regarding the Handling of Taiwan-related
Matters in Hong Kong after 1997

中央人民政府處理「九七」後
香港涉台問題的基本原則和政策

（1995年6月22日國務院副總理錢其琛在
香港特別行政區籌備委員會第五次全體會議上代表國務院宣布）

中華人民共和國政府恢復對香港行使主權，是包括香港同胞、台灣同胞在內的全體中國人民長期以來的共同願望。「九七」以後香港特別行政區與台灣地區的關係，是兩岸關係的特殊組成部分。「九七」後香港的涉台問題，凡屬涉及國家主權和兩岸關係的事務，由中央人民政府安排處理，或由香港特別行政區政府在中央人民政府的指導下處理。港台兩地的民間交往，香港同胞，台灣同胞的正當權益應予保護，以促進兩地共同繁榮。中央人民政府確定的處理「九七」後香港涉台問題的基本原則和政策是：

一．港、台兩地現有的各種民間交流交往關係，包括經濟文化交流、人員往來等，基本不變。

二．鼓勵、歡迎台灣居民和台灣各類資本到香港從事投資、貿易和其他工商活動。台灣居民和台灣各類資本在香港的正當權益依法受到保護。

三．根據「一個中國」的原則，香港特別行政區與台灣地區間的空中航線和海上運輸航線，按「地區特殊航線」管理。香港特別行政區與台灣地區間的海、空航運交通，依雙向互惠原則進行。

四．台灣居民可根據香港特別行政區法律進出香港地區，或在當地就學、就業、定居。為方便台灣居民出入香港，中央人民政府將就其所持證件等問題作出安排。

五．香港特別行政區的教育、科學、技術、文化、藝術、體育、專業、醫療衛生、勞工、社會福利、社會工作等方面的民間團體和宗教組織，在互不隸

屬、互不干涉和互相尊重的原則基礎上，可與台灣地區的有關民間團體和組織保持和發展關係。

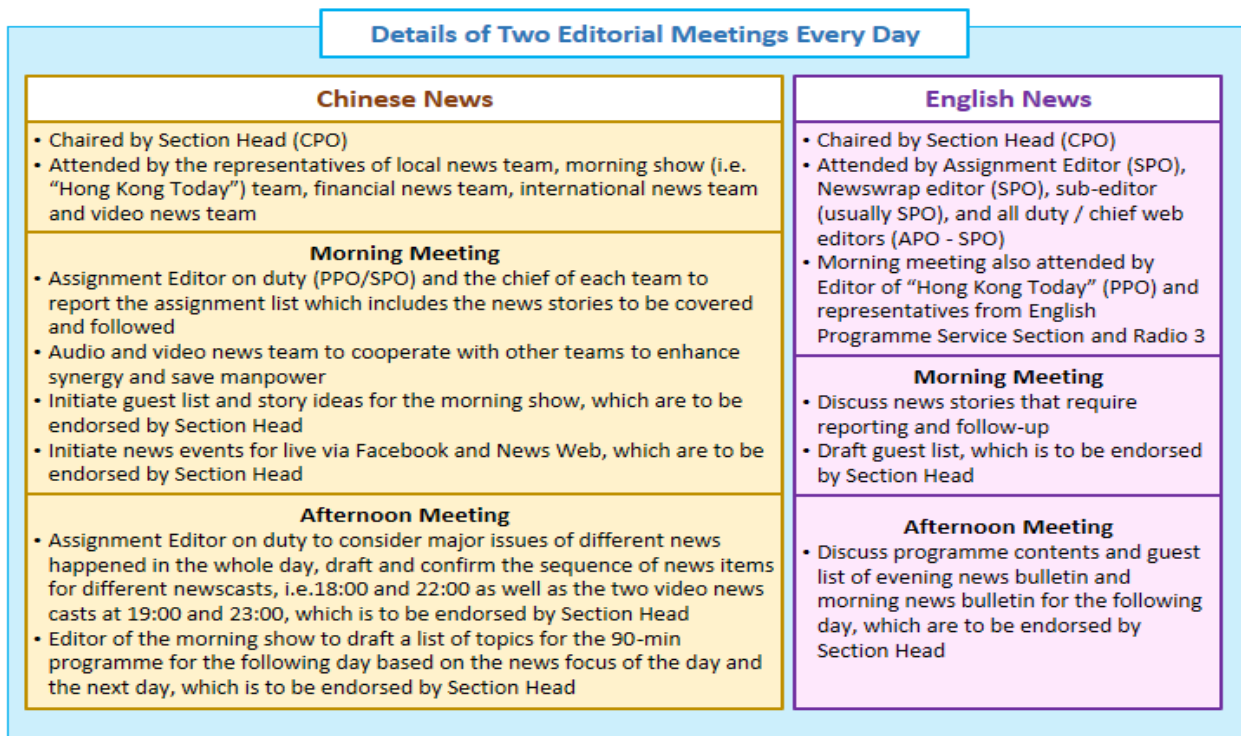
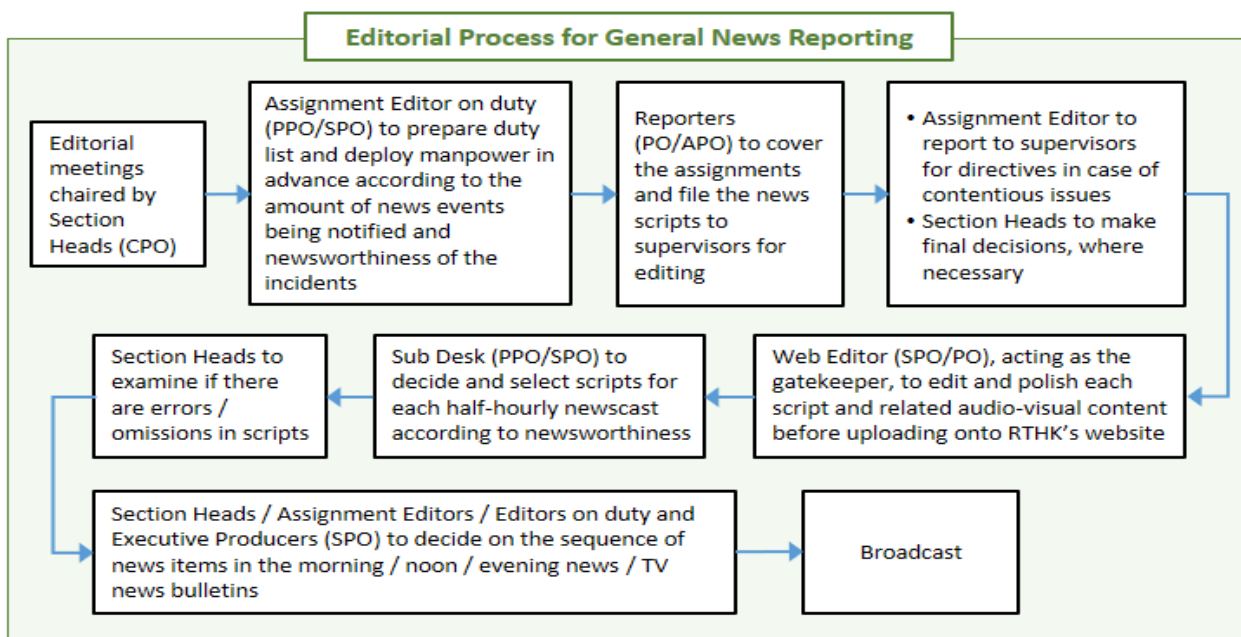
六. 香港特別行政區與台灣地區之間以各種名義進行的官方接觸往來，商談、簽署協議和設立機構，須報請中央人民政府批准，或經中央人民政府具體授權，由特別行政區行政長官批准。

七. 台灣現有在香港的機構及人員可繼續留存，他們在行動上要嚴格遵守《中華人民共和國香港特別行政區基本法》，不得違背「一個中國」的原則，不得從事損害香港的安定繁榮以及與其註冊性質不符的活動。我們鼓勵、歡迎他們為祖國的統一和保持香港的繁榮穩定作出貢獻。

以上各項政策的依據是「一個中國」的原則和「一國兩制」的方針。我們要求台灣當局認清形勢，面對現實，採取務實的態度，消除各種障礙，不要企圖在港台關係上搞「兩個中國」、「一中一台」的活動。我們也要求台灣在港的機構和人員嚴格遵守《中華人民共和國香港特別行政區基本法》，用以規範自己的行為，不違背「一個中國」的原則，不從事有損香港安定繁榮的事。

Editorial Processes for Radio Television Hong Kong's Programmes and Social Media Posts

**Chart 1: Flow Chart for Editorial Process for News Programmes
(Radio Division)**

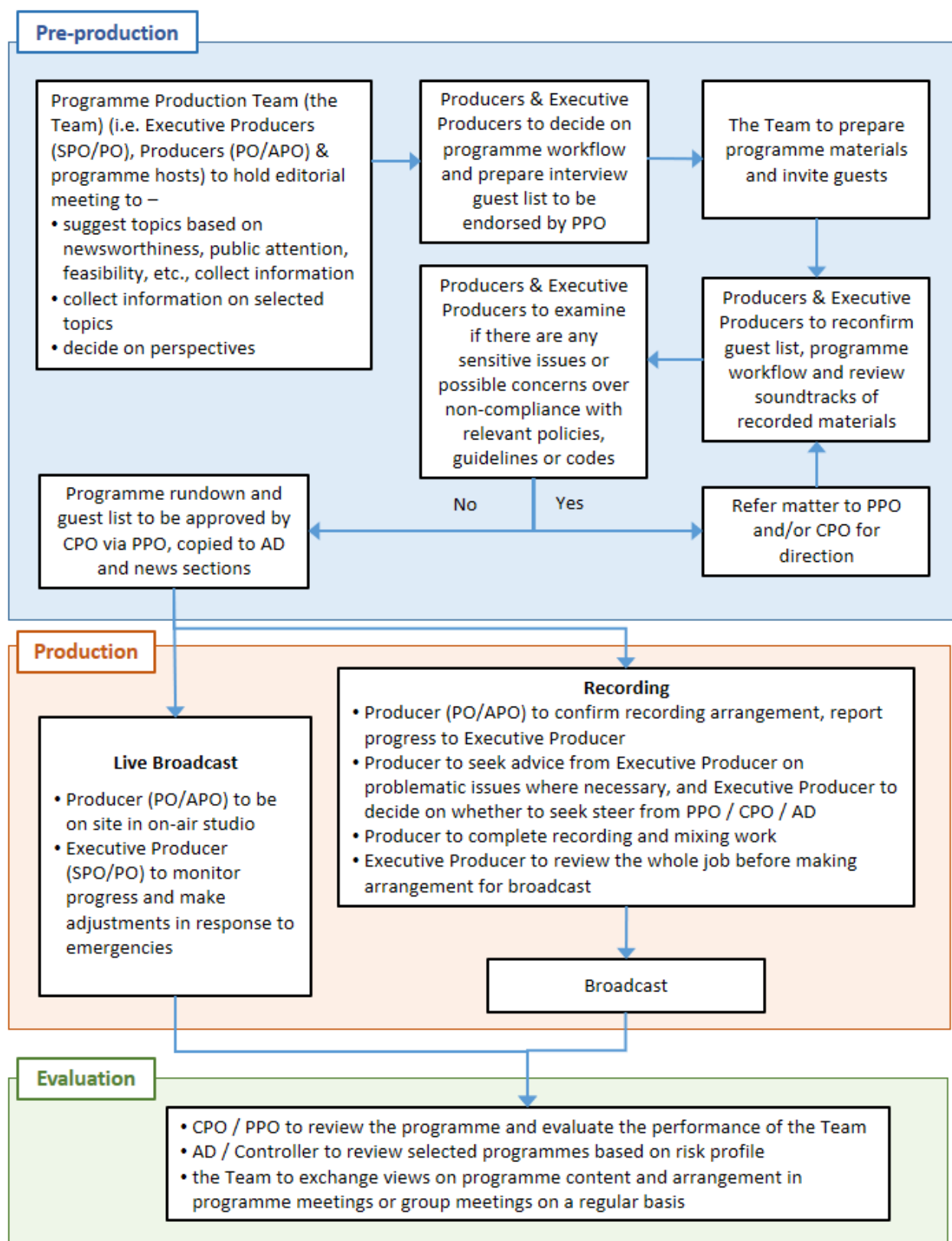


Abbreviations:

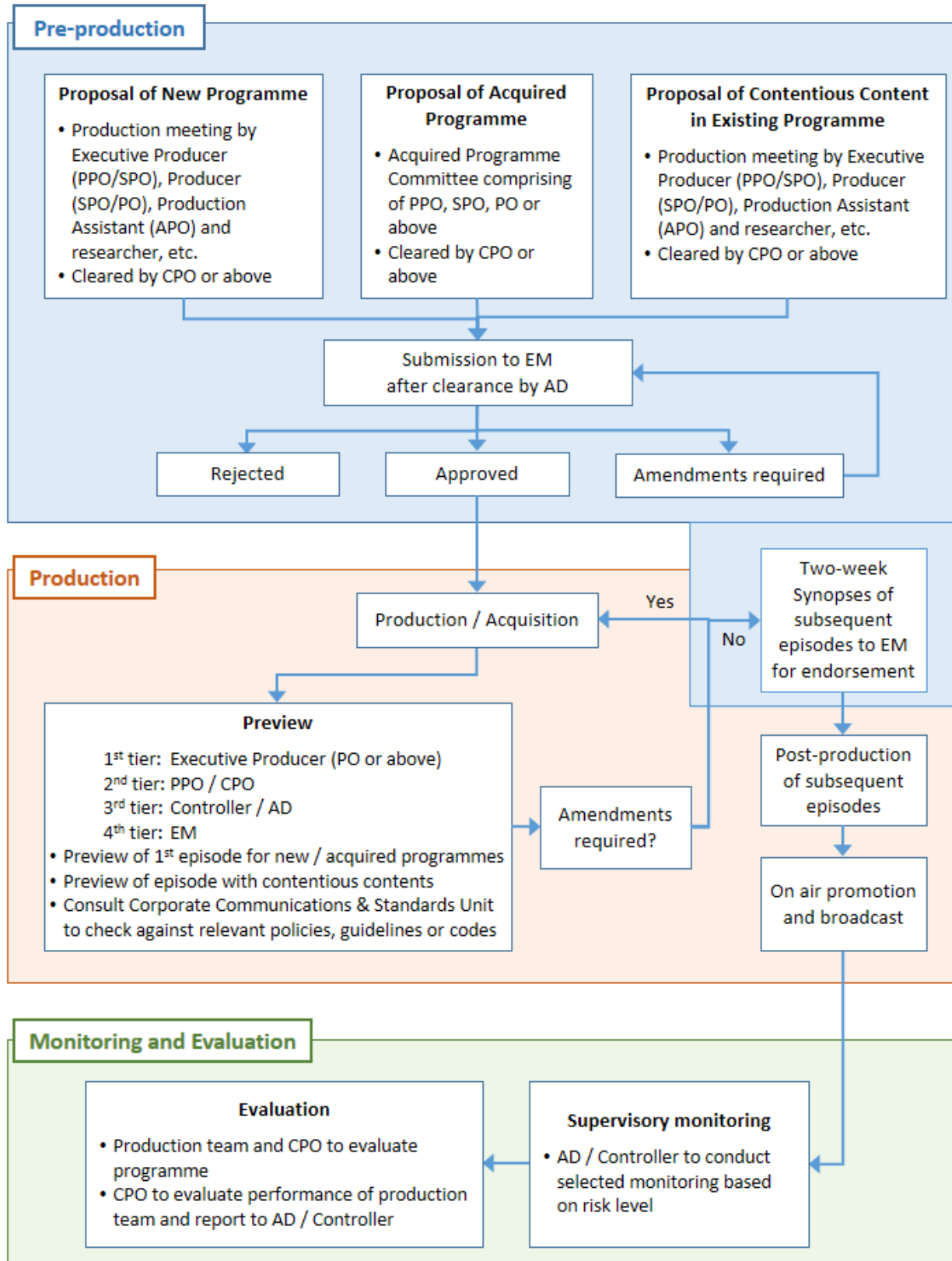
APO: Assistant Programme Officer
 AD: Assistant Director
 CIBS: Community Involvement Broadcasting Service
 CPO: Chief Programme Officer
 DoB: Director of Broadcasting

EM: Editorial Meeting chaired by DoB
 PO: Programme Officer
 PPO: Principal Programme Officer
 SPO: Senior Programme Officer

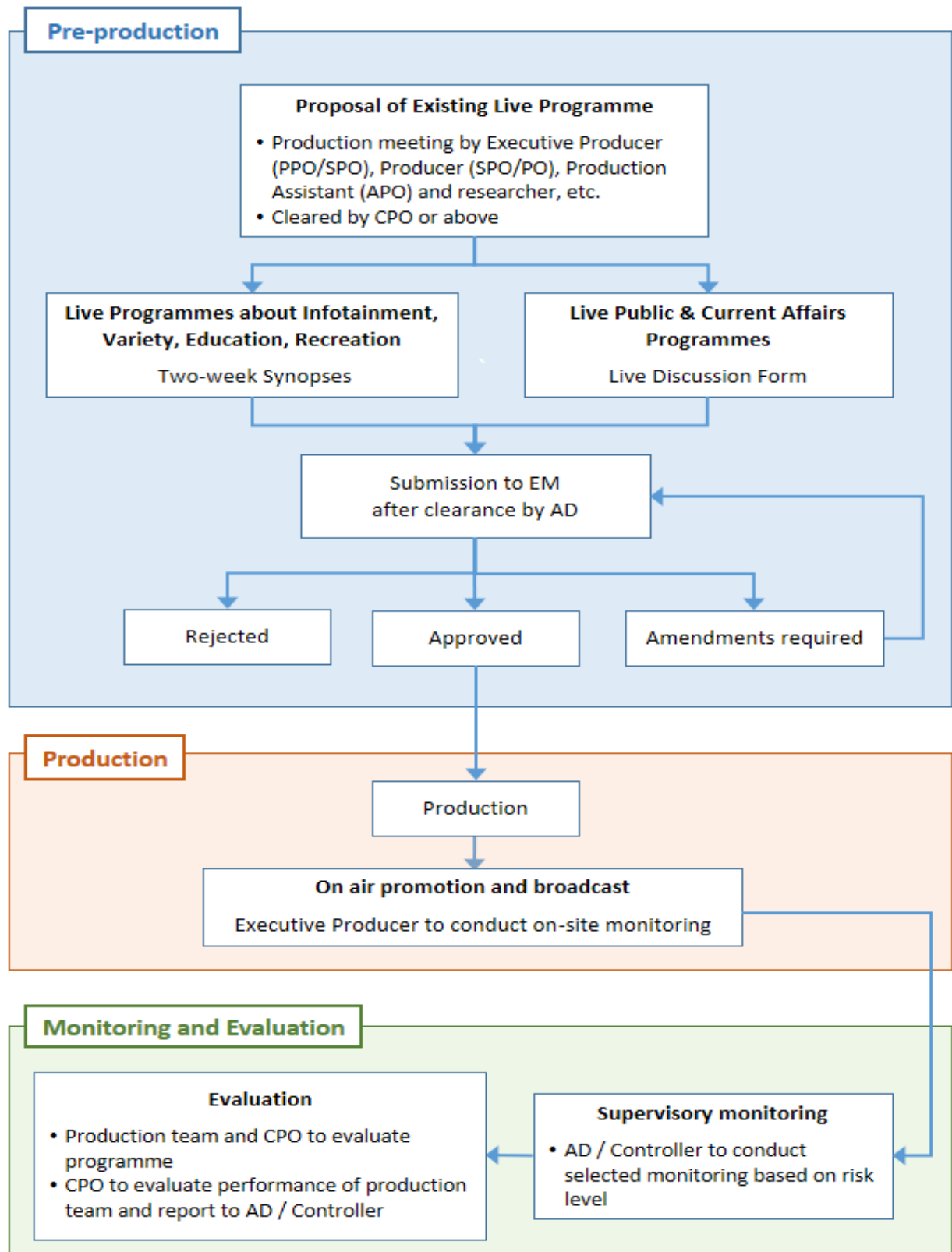
**Chart 3: Flow Chart for Editorial Process for Public Affairs Programmes
(Radio Division)**



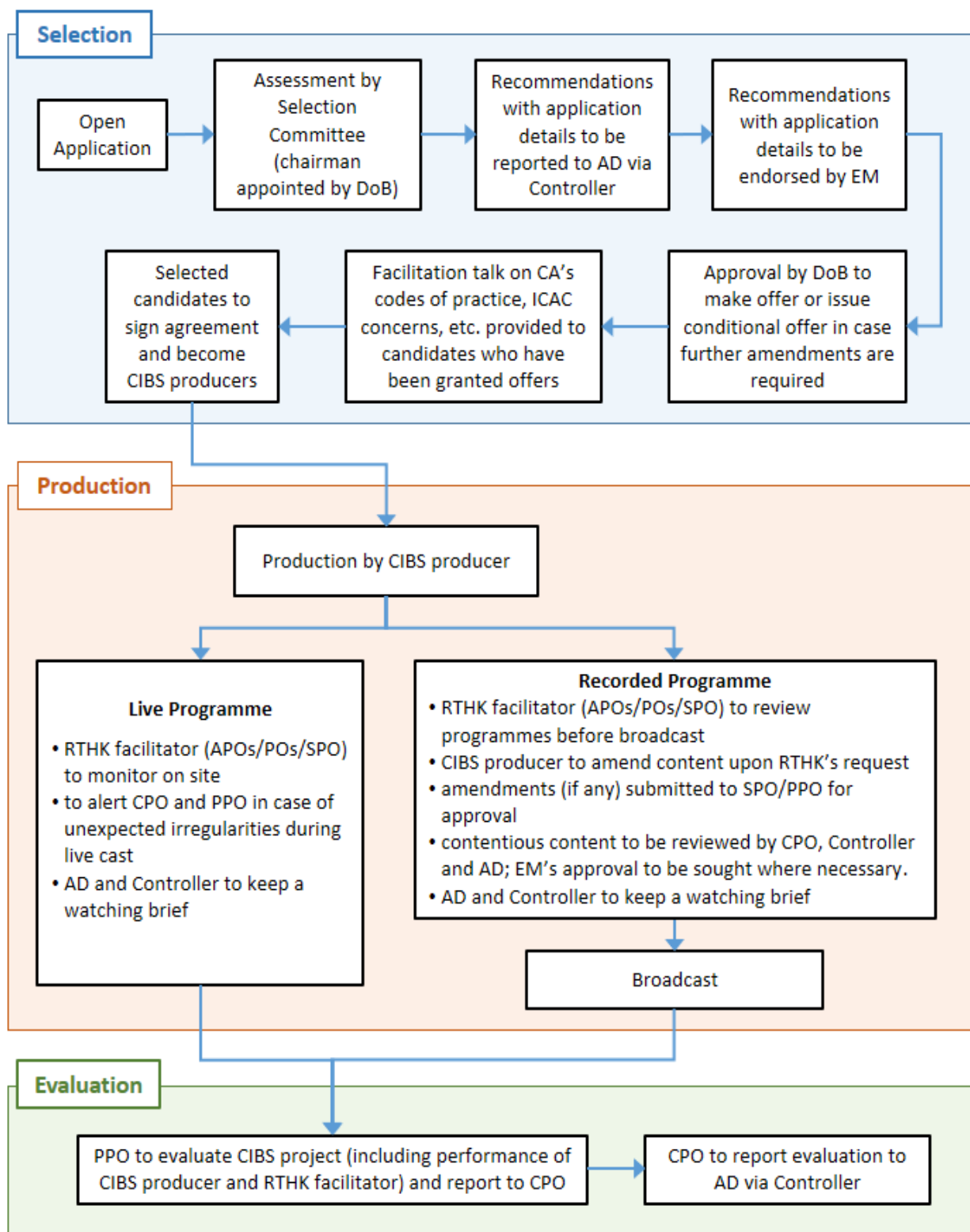
**Chart 4: Flow Chart for Editorial Process for Recorded TV Programmes
(TV Division)**



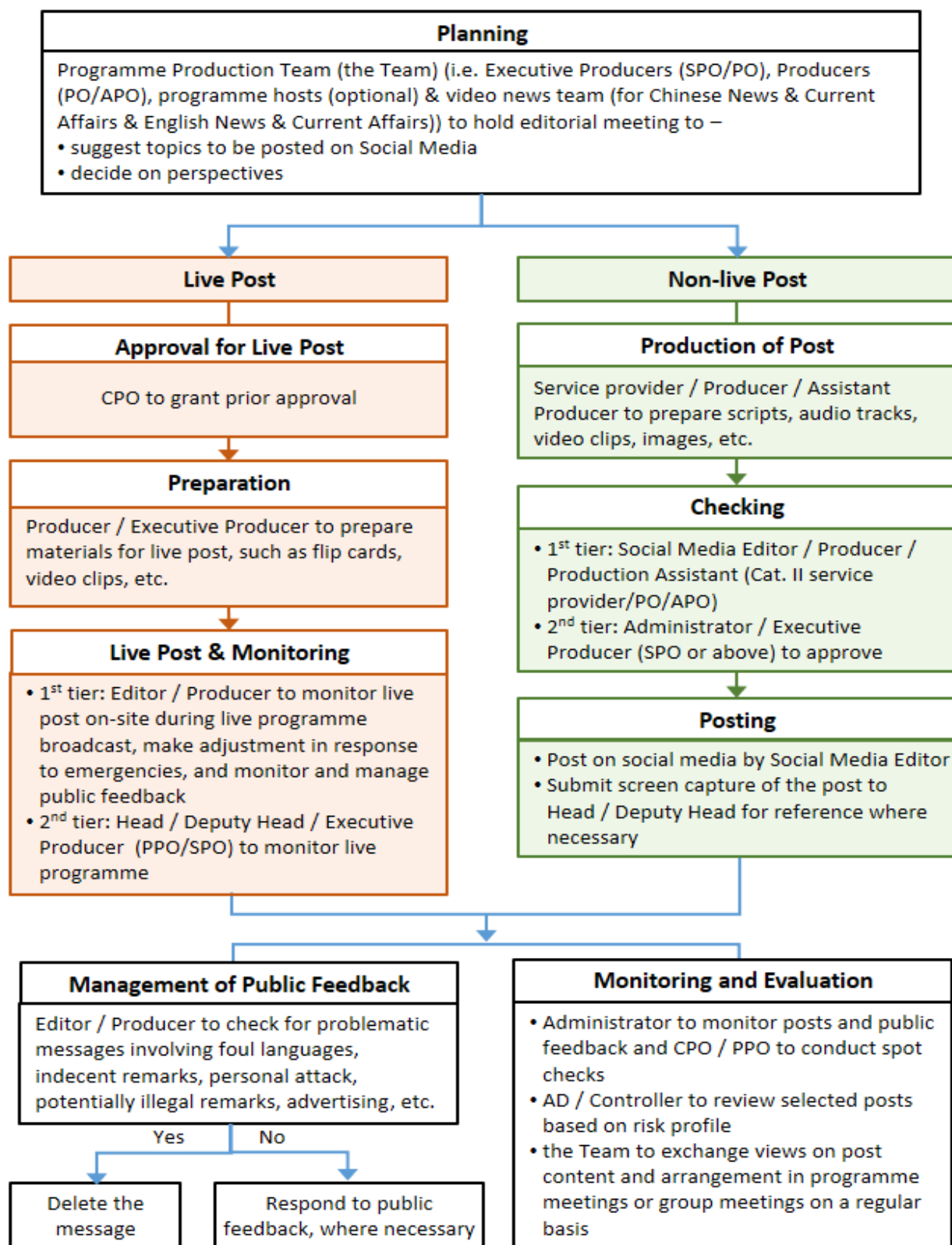
**Chart 5: Flow Chart for Editorial Process for Existing Live TV Programmes
(TV Division)**



**Chart 6: Flow Chart for Editorial Process for CIBS Programmes
(Radio Division)**



**Chart 7: Flow Chart for Editorial Process for Social Media Posts
(Radio & TV Divisions)**



List of Abbreviations

ABC	Australian Broadcasting Corporation
AD	Assistant Director
APO	Assistant Programme Officer
Basic Law	The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
BoA	Radio Television Hong Kong Board of Advisors
CA	Communications Authority
CASH	Composers and Authors Society of Hong Kong Limited
CEDB	Commerce and Economic Development Bureau
CIBS	Community Involvement Broadcasting Service
CPO	Chief Programme Officer
DoB	Director of Broadcasting
DoJ	Department of Justice
EAC	Electoral Affairs Commission
EM	Editorial Meeting
FS	Financial Secretary
HKRIA	Hong Kong Recording Industry Alliance Limited
HKSAR	Hong Kong Special Administrative Region
HKSARG	Government of the Hong Kong Special Administrative Region

Hong Kong National Security Law	The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region
IFPI	International Federation of Phonographic Industry (Hong Kong Group)
IPTV	Internet Protocol Television
LEAs	Law Enforcement Agencies
MIPO	Misconduct in Public Office
MPA	Music Publishers Association of Hong Kong Limited
NPC	The National People's Congress
PDPO	Personal Data (Privacy) Ordinance
PO	Programme Officer
PPO	Principal Programme Officer
PPSEAL	Phonographic Performance (South East Asia) Limited
PRC	The People's Republic of China
PSB	Public Service Broadcaster
RTHK	Radio Television Hong Kong
SPO	Senior Programme Officer
The Charter	The Charter of Radio Television Hong Kong