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## 廣播業的持續發展

### Sustaining the Development of the Broadcasting Industry

#### 數碼地面電視服務的發展

本地免費電視節目服務持牌機構（「免費電視持牌機構」）負責建設傳送網絡或聘用其他網絡服務營辦商，以提供覆蓋全港的免費電視服務。在三間免費電視持牌機構中，電視廣播有限公司（「無綫電視」）和營辦Viu TV頻道的香港電視娛樂有限公司（「香港電視娛樂」）使用在470 – 806兆赫頻帶內的頻譜，提供共七條數碼地面電視節目頻道<sup>1</sup>。數碼地面電視訊號主要由設置於山頂上的發射站傳送。自數碼地面電視服務於2007年年底推出後，共有29個發射站逐步建成。在通訊辦的支援下，無綫電視和香港電視娛樂繼續努力擴大數碼地面電視傳送網絡的覆蓋範圍。現時，數碼地面電視傳送網絡覆蓋本港逾99%的人口。

#### 新推出的本地免費電視節目服務

奇妙電視有限公司（「奇妙電視」）由2017年5月14日起推出一條粵語頻道，使用香港有線電視有限公司（「有線電視」）的混合光纖同軸電纜網絡提供其持牌免費電視服務。使用有線電視大廈內同軸電纜系統的樓宇，其住戶可接收奇妙電視的免費電視服務。至於本身裝有公共天線系統的樓宇，當上述系統與有線電視網絡完成互連後，住戶便可接收奇妙電視的服務。現時，奇妙電視的覆蓋範圍佔全港住戶總數約93%。

根據其免費電視牌照規定，奇妙電視須於2018年5月30日或之前推出一條24小時英語頻道。2018年4月，奇妙電視向通訊局申請把推出英語頻道的期限延長兩個月至2018年7月30日。考慮到這宗個案的獨特情況，通訊局給予奇妙電視兩個月的寬限期，讓其能順利推出英語頻道。奇妙電視已於2018年7月30日推出其英語頻道。



#### 檢討對間接宣傳的規管

我們協助通訊局定期檢討業務守則，以向廣播持牌機構提供適當指引，並確保當中訂明的標準符合社會期望和配合廣播業的持續發展。

在2017/18年度，通訊局就間接宣傳，和殯儀館及相關服務廣告的規管進行檢討，目的是為持牌機構提供更佳的營商環境，並同時保障觀眾的利益。

在檢討完成後，通訊局修訂相關的業務守則，以放寬對間接宣傳的規管。由2018年7月27日起，除新聞節目、時事節目、兒童節目、教育節目、宗教儀式及其他崇拜節目外，持牌機構獲准在電視節目中播出間接宣傳。通訊局容許持牌機構播出植入式廣告（這類間接宣傳是指持牌機構在獲得報酬或其他有值代價的情況下在節目中展示或使用產品／服務），只要在節目中展示或使用產品／服務時，顧及節目的內容及類別，以自然及不會令人覺得突兀的手法表達，以及沒有直接推銷或建議使用產品／服務。為保障觀眾的利益，持牌機構須在節目開始前清楚告知觀眾節目中含有間接宣傳。通訊局亦取消禁止在電視及電台播出殯儀館及相關服務廣告的規定。新規定亦於2018年7月27日生效。

<sup>1</sup> 另一間免費電視持牌機構奇妙電視使用固定網絡提供免費電視服務。

## The Development of Digital Terrestrial Television Services

Domestic free television programme service licensees (“free TV licensees”) are responsible for constructing transmission networks or engaging other network service operators to deliver their free TV services throughout Hong Kong. Among the three free TV licensees, Television Broadcasts Limited (“TVB”) and HK Television Entertainment Company Limited (“HKTVE”) (which operates ViuTV) provide a total of seven digital terrestrial television (“DTT”) programme channels by using spectrum in the 470-806 MHz band<sup>1</sup>. DTT signals are mainly delivered by transmitting stations established on hilltops. Since the launch of DTT services in late 2007, a total of 29 transmitting stations have been constructed by phases. With OFCA’s support, TVB and HKTVE have continued their efforts to extend coverage of their DTT transmission network. Currently, the DTT transmission network has achieved an overall coverage of close to 100% of the population.

## Roll-out of New Domestic Free Television Programme Services

Fantastic Television Limited (“Fantastic TV”) started to provide its licensed free TV service by launching its Chinese channel on 14 May 2017, using the hybrid fibre coaxial network operated by Hong Kong Cable Television Limited (“HKCTV”) for transmission of programme signals. Residents of buildings with In-Building Coaxial Cable Distribution Systems (“IBCCDS”) installed by HKCTV can readily receive Fantastic TV’s free TV services. For buildings with their own IBCCDS, residents can receive Fantastic TV’s services through interconnection of their IBCCDS with HKCTV’s network. Currently, Fantastic TV has a coverage of about 93% of the total number of households in Hong Kong.

Pursuant to its free TV licence, Fantastic TV was required to launch a 24-hour English channel by 30 May 2018. In April

2018, Fantastic TV applied to the CA for an extension of the deadline for launching its English channel by two months to 30 July 2018. Having considered the unique circumstances of this case, the CA granted a two-month grace period to enable Fantastic TV to roll out its English channel. Fantastic TV launched its English channel on 30 July 2018.

## Review of Regulations Governing Indirect Advertising

We assist the CA in conducting regular reviews of the codes of practice to provide proper guidance to broadcasting licensees, and to ensure that the standards stipulated therein are in line with community expectations and ongoing development of the broadcasting industry.

In 2017/18, the CA conducted a review of the regulations governing indirect advertising, as well as advertisements for undertakers and associated services. The objective of the review was to provide a more conducive business environment to licensees on the one hand while protecting the interests of the viewers on the other.

Upon completion of the review, revisions to the relevant codes of practice were made to relax the regulations governing indirect advertising. With effect from 27 July 2018, indirect advertising is permitted in TV programmes except for news programmes, current affairs programmes, children’s programmes, educational programmes, religious service and other devotional programmes. Product placement (i.e. the type of indirect advertising where licensees receive payment or other valuable consideration for exposure or use of products/services within a programme) is allowed so long as the exposure or use of products/services within a programme is presented in a natural and unobtrusive manner having regard to the programme context and genre, and that there is no direct encouragement of purchase or use of the products/services. To protect the interests of viewers, licensees are required to

<sup>1</sup> The other free TV licensee, Fantastic TV, uses a fixed network to deliver its free TV services.

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#### 牌照管理

##### 本地免費電視節目服務牌照的申請

通訊局於2014年4月收到一宗由香港電視網絡有限公司（「港視」）提出的免費電視牌照申請。通訊局於2016年1月就港視的免費電視牌照申請向行政長官會同行政會議（「行會」）提交評核結果及建議。行會於2016年9月同意通訊局的建議，決定給予港視更多時間，向通訊局提交《廣播條例》下所需的資料，並邀請通訊局待港視提供所需資料後，再就其申請向行會提交建議。行會作出決定後，我們協助通訊局就港視需提供的資料作出跟進。港視於2018年3月基於商業考慮撤回其申請。

##### 非本地電視節目服務牌照續期的申請

在報告期內，我們亦協助通訊局處理一宗由鳳凰衛視有限公司提出的非本地電視節目服務牌照續期申請，該申請已獲通訊局批准。

#### 處理廣播投訴

通訊局不會就廣播內容作預先審查，而是採取投訴主導的方式，確保廣播內容符合現行法例、牌照條件和通訊局所發出的業務守則。作為通訊局的執行部門，我們協助通訊局根據《廣播（雜項條文）條例》（第391章）的規定和通訊局的廣播投訴處理程序處理有關廣播內容的投訴。

在2017/18年度，我們處理了1 866個個案（涉及4 342宗投訴）<sup>2</sup>。與2016/17年度的數字（1 856個個案，涉及17 078宗投訴）比較，本年度所處理的個案數目輕微上升0.5%，投訴宗數則大幅減少75%<sup>3</sup>。當中，有10個個案（涉及754宗投訴）轉交通訊局轄下廣播投訴委員會處理，並在其後提交通訊局審議和裁決。經由通訊局審議的投訴個案的詳情，已在通訊局網站公布。通訊事務總監根據通訊局授予的權力處理餘下的1 856個個案（涉及3 588宗投訴）。這些投訴涉及輕微違規，或有關指控並不構成違例情況，或不屬《廣播（雜項條文）條例》第11（1）條的管轄範圍（即投訴內容並不涉及違反有關法例、牌照條件或業務守則的條文）。

<sup>2</sup> 為確保運作效率，針對同一事宜或廣播內容的類似指控會歸納為一個個案，以便一併處理。

<sup>3</sup> 2017/18年度與2016/17年度所處理的投訴宗數相差甚大，主要原因是在2016/17年度有一個涉及無線電視前J5台播出的部分新聞節目只提供簡體中文字幕及/或只以普通話播放的投訴個案，該個案涉及超過13 000宗投訴。

clearly inform viewers of the inclusion of indirect advertising before a programme starts. The CA also lifted the prohibition on broadcast of advertisements for undertakers and associated services on TV and radio. The new rules also took effect on 27 July 2018.

## Licence Administration

### *Application for Domestic Free Television Programme Services Licence*

In April 2014, the CA received an application for free TV licence from Hong Kong Television Network Limited (“HKTV”). In January 2016, the CA submitted to the Chief Executive in Council (“CE in C”) its assessment of and recommendations on HKTV’s free TV licence application. In September 2016, CE in C agreed with the CA’s recommendations and decided to give HKTV more time to submit the information required under the Broadcasting Ordinance (“BO”), and invited the CA, on receipt of the required information from HKTV, to submit further recommendations to the CE in C on HKTV’s application. Following the CE in C’s decision, we assisted the CA in following up with HKTV on the required information. In March 2018, HKTV withdrew the application due to commercial considerations.

### *Application for Renewal of a Non-domestic Television Programme Service Licence*

During the period, we also assisted the CA in processing an application for renewal of a non-domestic television programme service licence from Phoenix Satellite Television Company Limited, which was approved by the CA.

## Handling of Broadcast Complaints

The CA does not pre-censor broadcast content. Instead, it adopts a complaint-driven approach to ensure that broadcast content complies with existing legislation, licence conditions and the codes of practice that it has issued. As the executive arm of the CA, we assist the CA in handling complaints about broadcast materials in accordance with provisions in the Broadcasting (Miscellaneous Provisions) Ordinance (Cap. 391) (“B(MP)O”) and the broadcast complaint handling procedures of the CA.

In 2017/18, we handled 1 866 cases (involving 4 342 complaints)<sup>2</sup>, which represented a slight increase of 0.5% in the number of cases, and a significant decrease of 75% in the number of complaints processed<sup>3</sup>, as compared with the figures recorded in 2016/17 (1 856 cases, involving 17 078 complaints). Among them, 10 cases (754 complaints) were referred to the Broadcast Complaints Committee under the CA for consideration before submission to the CA for deliberation and determination. Details of the complaint cases considered by the CA are published on its website. Under powers delegated by the CA, the Director-General of Communications handled the remaining 1 856 cases (involving 3 588 complaints). These complaints were related to breaches of a minor nature; allegations which did not constitute any breach; or were outside the remit of section 11(1) of the B(MP)O (i.e. the substance of the complaints did not involve contravention of relevant legislation, licence conditions or provisions in the codes of practice).

<sup>2</sup> To ensure operational efficiency, complaints with similar allegations against the same issue or broadcast material are handled together and counted as a single case.

<sup>3</sup> The significant difference between the number of complaints processed in 2017/18 and in 2016/17 was mainly attributed to a complaint case against the provision of simplified Chinese subtitles and / or the use of Putonghua in some news programmes broadcast on the former J5 Channel of TVB, which gave rise to over 13 000 complaints in 2016/17.