

Memorandum of Understanding

between

The Chairman of the Broadcasting Authority
for and on behalf of the Broadcasting Authority

and

the Secretary for Information Technology and
Broadcasting

and

Director of Broadcasting
for and on behalf of Radio Television Hong Kong

This MEMORANDUM OF UNDERSTANDING (“MOU”)

**is made on the Twenty-Seventh of October
One Thousand Nine Hundred and Ninety-Nine**

between

the Chairman of the Broadcasting Authority,

for and on behalf of the Broadcasting Authority (“BA”)

and

the Secretary for Information Technology and Broadcasting

and

Director of Broadcasting,

for and on behalf of Radio Television Hong Kong (“RTHK”)

WHEREBY IT IS AGREED AS FOLLOWS:

Compliance with codes of practice on programme standards

RTHK shall ensure that except where prior exemption has been granted by the BA, all television and radio programmes it produces or broadcasts shall comply with:-

- (a) the relevant codes of practice issued by the BA to regulate the standards of programmes broadcast by broadcasters holding licences issued under the Television Ordinance or Telecommunication Ordinance or any other Ordinance enacted

wholly or partially in modification or substitution thereof (“the broadcasters’); and

- (b) any amendments to the codes of practice issued by the BA from time to time.

Handling of complaints

2. The BA shall investigate all complaints received by it, including complaints lodged by the Television and Entertainment Licensing Authority (“TELA”), against any programme produced or broadcast by RTHK.

3. 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 shall 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.

4. 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 Clause 5 have been followed.

5. Where there is prima facie evidence to support a complaint, except one which is trivial or frivolous, it shall be referred to the Broadcasting Authority Complaints Committee (“BACC”). The BACC, upon receipt of a complaint referred to it, shall :-

- (a) give RTHK 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) decide on the recommendations concerning the complaint which should be made to the BA.

6. The BA Secretariat shall inform RTHK, on a confidential basis, of the recommendations made by the BACC to the BA concerning the complaint. RTHK may, if it wishes, submit further representations,

whether orally or in writing, to the BA, before the BA decides on the complaint.

7. Having considered the recommendations of the BACC and any further representations, if any, submitted by RTHK, the BA shall decide on the classification of the complaint and may impose on RTHK non-financial sanctions similar to those applicable to the broadcasters.

Publicity on complaint

8. 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.

Delegation

9. Except where the contrary is stated expressly or by necessary implication in this MOU, the BA may discharge any of its functions stated above through the Commissioner for Television and Entertainment Licensing or his representative and RTHK may do so through the Director of Broadcasting or his representative.

MOU a public document

10. A copy of this MOU shall be kept, for inspection by members of the public, in each of the following offices:-

- (a) head office of Information Technology and Broadcasting Bureau;
- (b) head office of RTHK; and
- (c) head office of TELA.

Review of MOU

11. The terms of the MOU may be reviewed from time to time, subject to the agreement of all parties.

For and on behalf of the Broadcasting Authority

Signature :



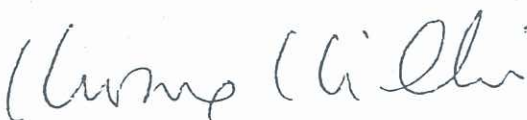
Name :

Mr Norman Leung, JP

Title :

Chairman, Broadcasting Authority

Signature :



Name :

Mr K C Kwong, GBS, JP

Title :

**Secretary for Information Technology and
Broadcasting**

For and on behalf of Radio Television Hong Kong

Signature :



Name :

Mr Chu Pui-hing, JP

Title :

Acting Director of Broadcasting