



香港社區健康學院
Hong Kong College of Community Health Practitioners

(wholly owned by HONG KONG COLLEGE OF COMMUNITY HEALTH PRACTITIONERS LIMITED)

VIEWS AND COMMENTS OF THE COLLEGE (28 APRIL 2018) ON THE QUESTIONS RAISED IN THE CONSULTATION DOCUMENT “***PUBLIC CONSULTATION ON THE REVIEW OF THE REGULATION OF INDIRECT ADVERTISING***”

1. We oppose to the consideration that the general prohibition on indirect advertising should be lifted or more lenient except for some classes of licensed programmes.

1.1 The purported change would make it easier and without limit for the advertisers to access the community and therefore infringe their privacy and autonomy.

1.2 In particular, if ‘unhealthy’ food and drink products are involved, the indirect advertising including uncontrolled advertising carried harmful, false, wrongful messages would affect, directly or indirectly, the diet, eating choices, health care services and activities for the use and benefit of the consumers in the community. Undoubtedly such a change shall prejudice the community health in our population on medium to long term basis, particularly the children and adolescents, who would likely be encouraged to choose such unhealthy products.

1.3 We are particularly concerned about food and drink products whatsoever health care products that are excessive in fat, sugar, salt and artificial additives contents including alcoholic drinks and dangerous drugs. We are ethically bound to protect our community, particularly our future generations.

2. We consider it appropriate to maintain the current practice of adopting general principles instead of imposing detailed guidelines for regulating product placement.

2.1 We support the position of the Department of Health of “Excluding ‘unhealthy’ products (in particular, processed food and drinks high in fat, sugar and/or salt, and beverages containing alcohol), and breast milk substitutes (i.e. formula milk for infant and children under 36 months of age) and its related products (i.e. feeding bottle and teats) from product placement at any time of the day, if product placement is to be allowed on television”.

3. We also support the position of the Department of Health on the general principles for regulating product placement as proposed in paragraph 17(b) of the Consultation Document in that, if product placement is to be allowed for products other than those mentioned in 2.1 above, on television, detailed guidelines and a monitoring and enforcement mechanism for regulating product placement should be imposed.

4. We support the consideration that if the products/services featured in a programme are provided by companies associated with the licensee concerned, they should be subject to regulation even if the licensee does not receive any payment or other valuable consideration.

5. We support the proposal that a licensee should be deemed to have received payment or other valuable consideration for including in its programmes products/services of another company in the group of companies of which the licensee is a member, and we agree that such a situation should be subject to rules governing product placement.

6. We support the proposed requirement under which licensees should give an aural and visual statement to clearly inform viewers of the inclusion of product placement at the start of a programme. The existing requirement on sponsor credits in paragraph 25 of the Consultation Document should be maintained.

7. We oppose to the proposal to allow acquired programmes to be exempted from compliance with the rules governing indirect advertising and product placement provided that the inclusion of indirect advertising within a programme does not contribute to any payment or other valuable consideration to the licensee, and we support the proposal that licensees should make an aural and visual statement to clearly inform viewers of the inclusion of indirect advertising in an acquired programme at the start of such a programme.

8. We support the proposal that the same prohibition of indirect advertising in respect of specific programme genres should apply to acquired programmes.

9. We oppose to the proposal that the exemption from compliance with the indirect advertising and sponsorship rules should be extended to cover direct re-transmission channels produced primarily for reception in Hong Kong on a pay TV service (which do not contribute to any advertising revenue of the licensee) subject to the notification requirement in its programme schedules, because potential loopholes are created.

10. The Hong Kong College of Community Health Practitioners maintain the stand that personal health, lifestyle, community wellness and well-being must not be affected adversely in any manner at any time with any change to the regulation of indirect advertising and product placement. Licensees have a social responsibility to ensure their indirect advertising and product placement shall not carry any of wrongful, false, harmful messages to the people in the community including the young and aged, and shall strive to promote positive healthy living lifestyle in our community.