

Code of Practice
for the Provision of Mobile Television Services

1 Introduction

- 1.1 In this Code of Practice (“Code”), Mobile Television Services (“MTVS”) refers to television services delivered over wireless platform and intended for reception on the move by mobile or portable devices. Subject to Clause 1.7, it covers broadcast-type mobile television services, streaming-type mobile television services and mobile video content¹, provided free of charge or subject to a fee. For the avoidance of doubt, MTVS excludes wireless devices which are intended primarily as an extension of fixed location use or devices.
- 1.2 This Code is issued by the Communications Association of Hong Kong (“CAHK”) for the purpose of setting out the principles of good practice for the provision of MTVS.
- 1.3 The following network operators and service providers may choose to comply with this Code on a voluntary basis –
- (a) Network operators² whose platforms are used for the delivery of MTVS (“MTVNOs”); and
 - (b) Service providers who provide MTVS to subscribers and/or intended viewers in Hong Kong (“MTVSPs”).
- 1.4 MTVNOs should comply with section 2 of this Code in respect of the commercial contract that they enter into with any MTVSPs.

¹ For the purpose of this Code, the term “mobile video content” includes, but is not limited to, films, news clippings and video clippings delivered over wireless platform and intended for reception on the move by mobile or portable devices for real-time viewing or downloading to a device for viewing at anytime.

² For the purpose of this Code, the term “network operators” includes operators providing broadcast-type mobile television services and/or public mobile radiocommunications services through a Unified Carrier Licence, operators providing public mobile radiocommunications services through a Mobile Carrier Licence and operators providing mobile virtual network operator services including MTVS through a Services-based Operator Licence.

- 1.5 MTVSPs should comply with sections 3 and 4 of this Code about requirements on Access Control and content of MTVS respectively. For the purpose of this Code, the term “content” covers all materials in MTVS, including but not limited to programmes, advisory announcements, promotional materials and advertisements.
- 1.6 For the avoidance of doubt, if a party is both an MTVNO and an MTVSP, the party should comply with sections 2 to 4 of this Code.
- 1.7 The following contents fall outside the scope of this Code:
- (a) content which is obtained from the Internet;
 - (b) content which is obtained through mobile apps from independent third party; and
 - (c) content which is readily obtained from the Internet even if it is part of the content of MTVS provided by MTVSPs.
- 1.8 The requirements set out in this Code supplement the relevant legislation and regulations currently in force.
- 1.9 Nothing in this Code shall absolve any MTVNOs or MTVSPs from complying with all relevant legislation, regulations and licence conditions.
- 1.10 This Code is available on the websites of CAHK (<http://www.cahk.hk>) and the Office of the Communications Authority (“OFCA”) (<http://www.ofca.gov.hk>) for public information.
- 1.11 From time to time, CAHK may, in consultation with industry players and other stakeholders including OFCA, review and amend this Code in order to meet the needs of the industry, to fulfill the needs and expectations of the society and to reflect changes in the market.

2 Commercial Contract between MTVNO and MTVSP

- 2.1 The terms of the commercial contract between an MTVNO and an MTVSP governing the arrangement for the delivery of the MTVSP’s MTVS over the MTVNO’s platform should make reasonable effort to require the MTVSP to strictly comply with the relevant requirements of this Code (as amended from time to time) in new and renewed contracts, negotiated after a MTVNO has adopted this

Code, failing which the MTVNO may exercise its power to suspend the delivery arrangement and/or terminate the contract.

3 Requirements on Access Control

- 3.1 To protect public morals and children, Access Control in the form of the conditional access arrangements or parental and carer control mechanisms should be implemented for MTVS for pornographic and obscene content. The requirements on Access Control are set out in paragraphs 3.2 to 3.5 below.
- 3.2 The Access Control may vary from one MTVSP to another. Depending on the MTVSP, the Access Control may allow subscribers an option to restrict access to selected channels. Typical Access Control may use a personal identification number ("PIN") and may include locking access to the mobile devices. By restricting knowledge of the PIN, a subscriber may restrict unauthorized access to the mobile device or selected channels. Regardless of the type of Access Control provided by the MTVSP, it is essential that the Access Control allows parents and carers who are the subscriber to impose viewing restriction on children, such restriction being in force until and unless they are changed by the parents and carers.
- 3.3 The Access Control and related arrangements must be sufficiently secure to ensure that the specified viewing restrictions cannot be changed or modified by a child or an unauthorized user provided that the subscriber takes reasonable action (i.e. by not disclosing the Access Control methods). It is the subscribers' own responsibility to lock the device and to avoid disclosing the PINs to children or other unauthorized persons.
- 3.4 The Access Control should be easy to use and administer by the subscribers. Setting the Access Control to impose viewing restrictions should be a simple step-by-step process. Any written or oral information on the use of the Access Control should be clear and easily understood by a layman.
- 3.5 MTVNOs and MTVSPs should maintain records of subscriber's subscription details such as the channels/content to which he/she subscribes. The subscriber may need to contact them by phone or other means with an identity verification procedure including by requiring a PIN and/or a HKID number for changing

subscription details, or ordering for pornographic and obscene content.

4 Requirements on Content of MTVS

- 4.1 The MTVSP is accountable for all materials it broadcasts in its service.
- 4.2 While this Code is for voluntary compliance by nature, the MTVSP should have regard to the prevailing standards of morality generally accepted by reasonable members of the community.
- 4.3 In particular, the MTVSP should be vigilant about the likely effects of all material shown on children. Children cover a wide age range. It is, therefore, necessary for the MTVSP to exercise judgement on the capacity of children in different age groups in coping with the depiction and treatment of material which may not be suitable for them.

5 Handling of Complaints

- 5.1 Complaints about suspected contravention of this Code will be handled in the first instance by the MTVNOs or MTVSPs concerned. If a complaint falls within the scope of this Code, the MTVNO or MTVSP concerned shall investigate the complaint in a timely manner and take appropriate remedial actions if necessary. Within [30] days from the receipt of complaint, the MTVNO or MTVSP concerned shall provide a reply to the complainant, explaining the outcome of the investigation and the remedial action taken (if any).

Implementation Timing.

MTVNOs who decide to comply with this Code will do so no later than 31 August 2012.

Communications Association of Hong Kong

28 August 2012