

Appendix

Case 1 – Television Programme “Hong Kong Connection” (鏗鏘集) of Radio Television Hong Kong (“RTHK”) broadcast on the Jade Channel of Television Broadcasts Limited (“TVB”) on 20 October 2013 at 7:35 pm – 8:00pm

Three members of the public complained about the captioned television programme. The main allegations were –

(a) the programme was unfair and partial for the following reasons:

- (i) it promoted the interests of Hong Kong Television Network Limited (“HKTVN”);
- (ii) the criticisms on local drama productions by HKTVN’s Chairman were unfair, biased and groundless, and no opportunity for response was given to the parties concerned;
- (iii) the interview with an executive producer of HKTVN was one-sided;
- (iv) a forum participant’s remarks were presented without any alternative view;
- (v) only the views of HKTVN’s staff and artistes were presented but no staff from other TV stations was interviewed; and
- (vi) all the remaining interviewees criticised that the Government’s decision regarding the grant of Free TV Licences was wrong.

- (b) RTHK allowed itself to be abused as a propaganda tool for HKTVN to instigate public discontent with the Government.

The CA's Findings

In line with the established practice, the CA considered the complaint case and the representations of RTHK in detail. The CA took into account the relevant aspects of the case, including the following –

Details of the Case

- (a) the concerned edition of the programme entitled “不只一個夢” (English translation : “Not Only a Dream”) was a documentary on the responses of the staff of HKTVN and the public to the Government’s decision on the applications for Free TV Licences, in particular its decision to reject HKTVN’s application;
- (b) the programme interviewed several HKTVN’s staff and artistes, a co-opted member of the Broadcast Complaints Committee (“BCC”) of the CA, an academic and a spokesman of a social media group. HKTVN’s Chairman was shown speaking at a press conference, a university forum and a filming location; and
- (c) the footage of the Secretary for Commerce and Economic Development (“SCED”) refusing to further comment on the Government’s decision due to the confidentiality of the Executive Council proceedings and the archive footage of the former SCED’s remarks that organisations were welcomed to apply for Free TV Licences were shown.

Relevant Provisions in the Generic Code of Practice on Television Programme Standards (“TV Programme Code”)

- (a) paragraph 1A of Chapter 9 – a licensee should make reasonable efforts to ensure that the factual contents of, among others, current affairs programmes and documentaries, are accurate;
- (b) paragraph 2 of Chapter 9 – licensees must ensure that due impartiality is preserved as respects any factual programmes or segments thereof dealing with matters of public policy or controversial issues of public importance of Hong Kong; and
- (c) paragraph 3 of Chapter 9 – balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance.

The CA’s Considerations

The CA, having regard to the relevant facts of the case, considered that –

Programme Nature

- (a) the programme was a documentary on different stakeholders’ responses to the Government’s decision on the applications for Free TV Licences. It was a factual programme dealing with matters of public policy or controversial issues of public importance in Hong Kong, and the relevant provisions of the TV Programme Code governing due impartiality were applicable;

Impartiality

- (b) while the programme included some footages of the response of the Government at the time and other opinions from the public, it did not present the viewpoints of some key stakeholders of the Government's decision and only focused on the concern expressed by the interviewees on the Government's rejection of HKTVN's application. The programme was in breach of paragraphs 2 and 3 of Chapter 9 of the TV Programme Code;

Right of Reply

- (c) RTHK submitted that the target being questioned in the programme was the Government and RTHK had invited Government officials for further comments but its request was turned down. There was insufficient evidence that there was a breach of the relevant provisions of the TV Programme Code governing right of reply;

Accuracy

- (d) the CA noted that the year of Commercial Television Limited going bankrupt, which should be 1978, was incorrectly mentioned as 1982 in the programme. Nevertheless, the CA considered that the concerned remark sought to point out that there had been only two free TV licensees in Hong Kong for a long time. It was unlikely that the inaccurate information would seriously affect viewers' comprehension of the topic of discussion; and

RTHK being used as a propaganda tool

- (e) the CA noted that there was no provision in the Codes of Practice which governed this issue.

Decision

In view of the above, the CA decided that RTHK should be **advised** to observe more closely paragraphs 1A, 2 and 3 of Chapter 9 of the TV Programme Code.

Case 2 – Television Programme “Tech Biz” (潮玩科技) broadcast on the now Business News Channel of PCCW Media Limited (“now TV”) on 23 December 2013 at 7:20pm – 7:26pm

A member of the public complained that undue prominence was given to a camera brand and the general impact of the concerned programme segment amounted to advertising.

The CA’s Findings

In line with the established practice, the CA considered the complaint case and the representations of now TV in detail. The CA took into account the relevant aspects of the case, including the following –

Details of the Case

- (a) the mini programme covered technology news and fashionable gadgets. In its first half, the design and specifications of a digital camera of a brand were introduced in detail by a voice-over, accompanied by a number of close-up shots of the product with the brand name and model name shown. There was also footage of the camera company’s representative talking about the product’s special features;

- (b) the background music played throughout the segment was the same as that used in the camera brand's advertisements, and a text bar which was shown a few times to introduce the camera's specifications was also similar to that found in the camera brand's advertisements; and
- (c) now TV submitted that the concerned programme was a fact-based information programme, which reviewed a range of new apps, electronic technologies, consumer gadgets, etc. It was not sponsored and there was no commercial motivation to include any advertising material in the programme.

Relevant Provisions in the TV Programme Code

- (a) paragraph 3 of Chapter 11 – no undue prominence may be given in any programme to a product, trademark, brand name or logo of a commercial nature so that the effect of such reference amounts to advertising. Such references must be limited to what can clearly be justified by the editorial requirements of the programme itself, or of an incidental nature.

The CA's Considerations

The CA, having regard to the relevant facts of the case, considered that –

- (a) the exposure of the brand logo and the references to the brand made by the camera company's representative in the programme were excessive;
- (b) the use of the same background music and similar text bars as those found in the concerned brand's advertisements would echo the brand's

advertising campaign and reinforce the viewers' impression of the brand; and

- (c) such presentation, which was neither justified editorially nor of an incidental nature, gave undue prominence to the concerned brand.

Decision

In view of the above, the CA decided that now TV should be **advised** to observe more closely paragraph 3 of Chapter 11 of the TV Programme Code.