

Appendix

Case 1 – Radio Programme “The Summit” (光明頂) broadcast on the CR 1 Channel of Hong Kong Commercial Broadcasting Company Limited (“CRHK”) on 8 July 2014 at 11:00pm – 12:00midnight

A member of the public complained about the captioned programme. The substance of the complaint was that –

- (a) the remarks “亨利八世因為鹹濕所以不順從掌權者” (English translation: “Henry VIII did not submit to the authorities because he was lecherous”), “亨利八世包二奶、三奶、四奶” (English translation: “Henry VIII had many mistresses”), “佢(亨利八世)陽具生得痕” (English translation: “He (Henry VIII) was born a lustful man”) and “聖公會是由亨利八世的英皇男性生殖器出來，用下體射出來” (English translation: “The Anglican Church came out from the genitals of Henry VIII, and was ejected from his private parts”), which carried clear sexual connotations, were indecent, of bad taste and denigrated Henry VIII, the Anglican Church and Christianity; and
- (b) the hosts’ remarks that those who believed that Jesus Christ resurrected three days after death by crucifixion were “傻佬” (English translation: “Idiots”) and that Christianity was “人民的鴉片” (English translation: “Opium of the people”) denigrated and attacked Christians and Christianity.

The CA’s Findings

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

Details of the Case

- (a) the concerned late-night talk show was identified as a personal view programme (“PVP”);
- (b) the hosts discussed the remarks made by The Most Reverend Dr Paul Kwong, the Archbishop of Hong Kong, against the recent protests. The hosts questioned the Archbishop’s viewpoint, and the discussion touched on Henry VIII who established the Anglican Church. Remarks about Henry VIII and the establishment of the Anglican Church similar to those as alleged were found;
- (c) one of the hosts remarked that if one was to use his analytical power, he would regard the resurrection of Jesus as a myth and other similar expressions were found in the host’s remarks. He named several famous atheists including Karl Marx, while the other host uttered the alleged remark “基督教係人民嘅鴉片” (English translation: “Christianity is the opium of the people”), which was a paraphrased statement of Karl Marx’s view on religion, viz. “religion is the opium of the masses”, without further elaboration; and
- (d) the hosts supplemented that when one used analytical power, one would find that religion was not science.

Relevant Provisions in the Radio Code of Practice on Programme Standards (“Radio Programme Code”)

- (a) paragraph 7(a) – any material which is indecent, obscene, or of bad taste which is not ordinarily acceptable to the listeners taking into consideration the circumstances of the broadcast of the programme should not be included in a programme. Such matter includes, but is not limited to, language and material which depict or describe, in downright offensive terms, sexual organs or activities; and
- (b) paragraph 7(b) – any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of, among others, religion, should not be included in a programme.

The CA’s Considerations

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

- (a) while the hosts emphasised that the Anglican Church was established out of Henry VIII’s sexual desire, historical information showed that there were other political considerations which led to the breaking of his ties with the Roman Catholic Church and the establishment of the Anglican Church in England. The CA considered that the language used by the hosts, particularly the sexual references to Henry VIII in relation to the establishment of the Anglican Church, was out of acceptable bounds, indecent, of bad taste, and would likely be considered denigrating or

insulting to persons or groups on the basis of religion; and

- (b) the remarks in allegation (b) were presented as the opinions of the concerned hosts on religion with reference to certain statements made by other atheists, which were not unacceptable for broadcast.

Decision

In view of the above, the CA decided that CRHK should be **warned** to observe more closely paragraphs 7(a) and 7(b) of the Radio Programme Code.

Case 2 – Television Programme “Hot Topic” broadcast on the Home Channel of Asia Television Limited (“ATV”) on 7 June 2014 at 9:00pm – 9:08pm

A member of the public complained about the captioned programme. The substance of the complaint was that the following remarks about the public consultation on future fuel mix for electricity generation for Hong Kong were inaccurate and misleading –

- (a) “澳門自己本身無電，全部都靠大陸” (English translation: Macau did not generate electricity, its power supply was totally dependent on the Mainland) (“remark (i)”), because Macau generated about 5% of its electricity supply;
- (b) “澳門的供電穩定性是99.99%” (English translation: the electricity supply reliability in Macau was 99.99%) (“remark (ii)”), because the figure should be 99.9999%;
- (c) “這個諮詢有三個選擇給市民” (English translation: three options were provided for public consultation) (“remark (iii)”), because the Government only put forward two fuel mix options for public consultation; and
- (d) “而家啱啱開始諮詢...” (English translation: The public consultation started just now....) (“remark (iv)”), as the public consultation period was from 19 March to 18 June 2014, and the consultation would end in less than two weeks when the concerned programme was broadcast on 7

June 2014.

The CA's Findings

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

Details of the Case

- (a) the concerned programme was identified as a PVP; and
- (b) when discussing different views towards the Government's proposals for future fuel mix for electricity generation, the hosts made remarks similar to those as alleged.

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

- (a) paragraph 1A of Chapter 9 – the licensee shall make reasonable efforts to ensure that the factual contents of PVPs, etc. are accurate; and
- (b) paragraph 17(b) of Chapter 9 – in PVPs on matters of public policy or controversial issues of public importance in Hong Kong, facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.

The CA's Considerations

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

- (a) remark (i) did not correctly reflect the electricity supply figures of Macau submitted by ATV on which the male host's remark was based, viz. Macau imported 92.1% of its electricity from the Mainland and produced 7.9% by itself in 2013;
- (b) regarding remarks (ii) and (iv), it was not the intention of the hosts to mislead viewers;
- (c) the CA noted ATV's admission that remark (iii) was a slip of the tongue; and
- (d) having four factual errors in a four-minute discussion segment indicated that ATV had not made sufficient efforts to ensure accuracy of the concerned PVP.

Decision

In view of the above, the CA decided that ATV should be **advised** to observe more closely paragraphs 1A and 17(b) of Chapter 9 of the TV Programme Code.

Case 3 – Television Advertisement for “Country Garden – Ten Miles Coast” (碧桂園·十里銀灘) broadcast on the Jade Channel of Television Broadcasts Limited (“TVB”) on 6 August 2014 at 7:42am

A member of the public complained that the caption “深圳東” (English translation: Shenzhen East) displayed in the concerned advertisement was not based on facts because the concerned property was not located within Shenzhen City.

The CA’s Findings

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

Details of the Case

- (a) the alleged caption was displayed in the bottom left corner throughout the advertisement. Moreover, there were a caption and a voice-over containing the phrase “深圳東” (English translation: Shenzhen East) at the beginning of the advertisement. There was no other reference to the location of the concerned property in the advertisement;
- (b) according to the information on the advertiser’s website, the concerned property was located in Huizhou City, which was not within Shenzhen City; and

- (c) TVB submitted that the advertised property was situated around 20 kilometers east of Shenzhen. TVB had advised the advertiser to modify or remove the alleged phrase for its future broadcasts to avoid causing misunderstanding.

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

- (a) paragraph 9 of Chapter 3 – no advertisements may contain any descriptions, claims or illustrations which expressly or by implication depart from truth or mislead about the product or service advertised; and
- (b) paragraph 39(a) of Chapter 6 – the claims in a real property advertisements should not expressly or by implication misrepresent the location of the real property advertised.

The CA’s Considerations

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

- (a) location of a property was a crucial appeal in a real property advertisement. The prolonged display of the alleged caption and the slogan with the alleged phrase in the concerned advertisement had the effect of misleading viewers that the concerned property was located in the east of Shenzhen; and

- (b) TVB, as an experienced broadcaster, should have identified the problem in the concerned reference regarding the location of the property when vetting the advertisement.

Decision

In view of the above, the CA decided that TVB should be **advised** to observe more closely paragraph 9 of Chapter 3 and paragraph 39(a) of Chapter 6 of the TV Advertising Code.