

## Appendix

### **Case 1 – Television Programme “Vision on International Finance” (國際財經視野) broadcast on the Home and Asia Channels of Asia Television Limited (“ATV”) on 3 June 2014 at 10:00 pm – 10:25 pm and its repeats on both Channels on 4 June 2014**

A member of the public complained that the programme contained inaccurate and misleading information on the dates of initial public offering (“IPO”) and the changes in share prices since the IPO of five technology and internet companies listed in the United States (“US”).

#### **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) in a segment of the programme, a hostess and a financial analyst discussed the performance of some US stocks. The hostess said that since early 2014, batches of technology and internet stocks had been listed;
- (b) the hostess then highlighted the percentages of decrease in the share prices of four US-listed technology and internet companies against a flipcard showing the respective percentages of decrease in the concerned share prices under the caption “美國新股股價表現不濟 (上

市至 2/6)” (English translation : “unsatisfactory performance of new US stocks (from being listed to 2 June)”); and

- (c) ATV admitted that there were errors on the IPO dates of two of the stocks quoted by the hostess; and submitted that the term “上市” (English translation: “listing”) in the programme referred to both IPO and “follow-on offerings” or “secondary sales/post-IPO offerings/subsequent offerings”.

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

- (a) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of financial programmes, etc. are accurate.

**The CA’s Considerations**

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

- (a) there were factual errors with respect to the IPO dates of two of the stocks quoted by the hostess; and
- (b) the term “上市” (English translation: “listing”) in the hostess’ relevant remarks, which were delivered against a flipcard with the caption “unsatisfactory performance of new US stocks”, would likely mislead viewers that the hostess referred to the IPOs of the concerned stocks rather than the “follow-on offerings” as submitted by ATV, and thus

rendering the quoted percentages of decrease of the concerned stock prices inaccurate.

### **Decision**

In view of the above, the CA decided that ATV should be **strongly advised** to observe more closely paragraph 1A of Chapter 9 of the TV Programme Code.

**Case 2 – 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 14 September 2014 at 7:35 pm – 8:00 pm**

A member of the public complained that the programme contained footages of people diving into a plunge pool, which was a dangerous act, without any warning caption. Such act might cause serious injuries if imitated by the audience, including children.

**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 programme was a documentary broadcast within the family viewing hours (“FVH”). It featured two men who chose to adopt a simple and natural way of life;
- (b) it was shown that one of the interviewees led a local eco-tour to an unidentified waterfall and plunge pool. There were brief scenes of some tour members diving into the plunge pool, intercutting with their comments on the tour and the interviewee’s vision of such a tour;
- (c) at the end of the programme, the interviewee was shown meditating at the waterfall, followed by a shot of him jumping into the plunge pool

from height; and

- (d) no warning or advice from professionals was given, nor was there any safety measure presented prior to or during the portrayals of diving and jumping into the plunge pool.

***Relevant Provisions in the TV Programme Code***

- (a) paragraph 2 of Chapter 2 – the FVH are determined as the period between the hours of 4:00p.m. and 8:30p.m. on any day, during which time nothing which is unsuitable for children should be shown;
- (b) paragraph 1 of Chapter 7 – the licensee should be vigilant on the likely effects of all material shown on television on children; and
- (c) paragraph 6 of Chapter 7 – the portrayal of dangerous behaviour easily imitated by children should be avoided during FVH.

**The CA's Considerations**

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

- (a) the act of diving or jumping into the plunge pool from a certain height was dangerous and could be imitated by children; and
- (b) as there was no warning caption to point out the potential danger of jumping or diving into a plunge pool, or presentation of any safety measure or professional advice, the concerned footage was unsuitable for

broadcast within the FVH.

### **Decision**

In view of the above, the CA decided that RTHK should be **strongly advised** to observe more closely paragraph 2 of Chapter 2 and paragraphs 1 and 6 of Chapter 7 of the TV Programme Code.

**Case 3 – Television Programmes “News Roundup” (晚間新聞) broadcast on the Jade, HD Jade and I News Channels of TVB and the TVBN Channel of TVB Network Vision Limited (“TVBNV”) on 2 July 2014 at 11:00 pm; and “Good Morning Hong Kong” (香港早晨) broadcast on the Jade and I News Channels of TVB on 3 July 2014 at 8:15am**

Seven members of the public complained against a report about some protesters being released by the Police in the captioned television programmes. The substance of the complaints was that the footage showing a male student embracing a woman with the subtitles that a parent felt relieved to see her arrested son being released in the concerned news report was inaccurate and misleading. According to the concerned student’s clarifications on his social network account, he was awaiting the release of his teacher (i.e. the woman he embraced), and he was not arrested by the Police. The concerned report was unfair to the concerned student, might damage his reputation and influence his future, and caused embarrassment to the concerned woman.

**The CA’s Findings**

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

*Details of the Case*

- (a) in the news item on the arrests of protesters who staged a sit-in protest on Chater Road after the July 1 March, it was reported that some protesters were released in the evening of 2 July. The reporter remarked in the voice-over that “有家長見番被扣留嘅仔，放下心頭大石”

(English translation: “a parent felt relieved to see her arrested son being released”) with the corresponding subtitles shown. Concurrently, there was footage of some people embracing each other, in which the alleged pair of male and woman were shown at close distance in the middle of the screen, with the woman uttering “唔駛驚” (English translation: “don’t be afraid”) to the young man a few times; and

- (b) investigation revealed that other local media reported that the woman who was featured in the footage was arrested during the Chater Road sit-in on 1 July 2014.

***Relevant Provisions in the TV Programme Code***

- (a) paragraph 1A of Chapter 9 – the licensee shall make reasonable efforts to ensure that the factual contents of news are accurate; and
- (b) paragraph 7(b) of Chapter 9 – pictorial representation of news should be carefully selected to ensure fairness and should not be misleading or sensational.

**The CA’s Considerations**

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

- (a) the concerned voice-over and subtitles straddled a fleeting shot of some people embracing each other and a 6-second footage showing the concerned pair of male and woman at close distance in the middle of the screen. Although TVB and TVBNV submitted that the concerned



description did not specifically refer to the pair and that it was coincidental for them to be shown at close distance on screen, the concerned voice-over and subtitles were broadcast largely at the same time when the footage of the concerned pair was shown. The CA considered that such a pictorial presentation could mislead viewers that the voice-over referred to the pair shown in the middle of the 6-second footage;

- (b) it was reported by other local media that the concerned woman participated in the sit-in protest, and was arrested and released by the Police, instead of being a parent awaiting the release of her arrested son;
- (c) the concerned licensees failed to submit any information to show that it had made reasonable effort to ensure that the concerned footage and description in the voice-over and subtitles were accurately presented; and
- (d) as the focus of the concerned news item was that most protesters under arrest were released, the CA considered that the concerned brief footage and voice-over did not appear to carry any derogatory meaning.

## **Decision**

In view of the above, the CA decided that TVB and TVBNV should be **advised** to observe more closely paragraphs 1A and 7(b) of Chapter 9 of the TV Programme Code.