

Appendix B

Case – Television Programmes “News Report” (新聞報道) broadcast on the I News Channel of Television Broadcasts Limited (“TVB”) and the TVBN Channel of TVB Network Vision Limited (“TVBNV”) at various timeslots from 2:00 pm to 7:30 pm on 24 October 2015; and “News at 6:30” (六點半新聞報道) broadcast on the Jade Channel of TVB and the TVBN Channel of TVBNV from 6:30 pm to 6:55 pm on the same day

88 members of the public complained against the captioned programmes. The main allegations were that in the news item about the emergency closure of the Kap Shui Mun Bridge on the night of 23 October 2015 which paralysed the land traffic to North Lantau -

- (a) the remarks that the Democratic Party (“DP”) and the Civic Party (“CP”) opposed the Government’s funding application on Route 10 – North Lantau to Yuen Long Highway at the Finance Committee of the Legislative Council (the “FC”) in March 2002 were inaccurate and misleading as DP supported the Route 10 proposal at the concerned FC meeting and CP had not been founded in 2002. The concerned remarks damaged the reputation of DP and CP and were unfair to them;
- (b) the news item inaccurately reported that the Democratic Alliance for the Betterment and Progress of Hong Kong (“DAB”) opposed the construction of the Tsing Lung Bridge because DAB only opposed the funding proposal concerning the section of Route 10 between So Kwun Wat and Yuen Long Highway, which did not include the Tsing Lung Bridge; and

- (c) TVB only made corrections to the above remarks five hours later in a low key manner, no formal rectification announcement and/or apology had been made, and TVB deliberately removed the inaccurate remarks on its website to hide its misdeed.

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) the news programmes reported on the follow-up actions taken by relevant parties due to the emergency closure of the Kap Shui Mun Bridge which paralysed the land traffic to North Lantau on 23 October 2015. The concerned news reports mentioned that the Tsing Yi to Lantau Link was currently the only road access between Lantau Island and the urban areas and recounted the proposal put forward in the past for the construction of an alternative road link connecting North Lantau and Yuen Long Highway. The news reports mentioned that the proposal for the construction of an alternative road link between North Lantau and Yuen Long Highway had been twice rejected by the FC in 1999 and 2002; that at the FC meeting in March 2002, DAB considered that there was no need or no urgency to construct a “new road”; and that DP and CP opposed the concerned proposal;
- (b) CP was founded in 2006;

- (c) the proposed Route 10 – North Lantau to Yuen Long Highway included the southern section (“Route 10 Southern Section”), which comprised a 7-km carriageway from North Lantau to So Kwun Wat (including the Tsing Lung Bridge), and the northern section (“Route 10 Northern Section”), which comprised a 4.5-km carriageway from So Kwun Wat to Yuen Long Highway;
- (d) contrary to the news reports, the proposal to carry out detailed design of Route 10 Southern Section and the associated site investigation was approved at the FC meeting held on 17 December 1999; and
- (e) the minutes of the FC meeting held on 8 March 2002 indicated that the meeting discussed, among others, the proposal to carry out detailed design of Route 10 Northern Section, which did not include the Tsing Lung Bridge; that members of DAB did not support the concerned proposal; that 19 Legislative Council Members, including members of DP, voted for the proposal; and that the remarks in the concerned news reports that DP considered that the new road might be under-utilised if a toll was charged and DP did not agree to commit further resources for the new road due to the budgetary constraints of the Government were in fact made by Hon Emily Lau, who was not a member of DP at that time.

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 news, etc. are accurate; and

- (b) paragraph 7(e) of Chapter 9 – correction of factual errors in news should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme.

The CA's Considerations

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

- (a) the concerned news reports contained clear factual errors in respect of the opposition of DP and CP to the concerned funding application at the FC meeting in March 2002, and the remarks that the proposal for the construction of an alternative road link between North Lantau and Yuen Long Highway had been twice rejected by the FC in 1999 and 2002 were incorrect. This constituted a breach of paragraph 1A of Chapter 9 of the TV Programme Code;
- (b) the concerned inaccurate reports had been repeatedly broadcast since 2:00 pm on 24 October 2015. The reference to CP was removed in “News Report” broadcast at 7:35 pm and the rectified news reports were broadcast from 10:00 pm onwards on the same date;
- (c) as regards the allegation of inaccurate remarks about DAB's opposition to the construction of the Tsing Lung Bridge, the concerned news reports mentioned that at the FC meeting in March 2002, DAB considered that there was no urgency to construct a “new road”. The minutes of the FC meeting in March 2002 recorded that “While Members of DAB agreed

that a new road linking North West New Territories with the urban areas was necessary, there was no urgency to construct Route 10 at this stage”. As such, there was insufficient evidence that the concerned reference in the news reports was inaccurate; and

- (d) the allegations concerning whether TVB made a formal rectification announcement and/or took initiative to make an apology, and the contents broadcast on TVB’s online platform were outside the jurisdiction of the CA.

Decision

In view of the above, the CA considered that the complaints about inaccurate remarks regarding the opposition of DP and CP to the funding application of Route 10 Northern Section and the rejection of the Route 10 Proposal by the FC twice in 1999 and 2002 in the concerned news reports were justified. Taking into consideration the relevant precedents, the CA decided that both TVB and TVBNV should be **warned** to observe more closely paragraphs 1A and 7(e) of Chapter 9 of the TV Programme Code.