

Appendix

Case – Television Programme “Night Talk · PK Battle” (晚吹 - 真 PK) broadcast on the ViuTV Channel of HK Television Entertainment Company Limited (“ViuTV”) at 11:45 pm to 12:15 am on 9 April 2016 and at 11:30 pm to 12:00 midnight on 16 and 23 April 2016

15 members of the public complained against the programme. The main allegations were that the punishments inflicted on the programme hosts in the programme contained a bad theme; were offensive, indecent, unnerving, disturbing, violent, dangerous, sex-related, unhygienic, or of bad taste; amounted to torture, sadistic and perverted behaviour, and taking pleasure in inflicting pain upon others; exerted a bad influence on children and youth; and exceeded the acceptable bounds for a programme classified as Parental Guidance Recommended (“PG”) or Mature (“M”) categories or were unacceptable for broadcast on domestic free television programme service.

Some complainants also complained that the programme contained crude or foul language.

The Communications Authority (“CA”)’s Findings

In line with the established practice, the CA considered the complaint case and the representations of ViuTV 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 talk show featuring punishments inflicted on the two male programme hosts. *Episode 1* (broadcast on 9 April 2016) was classified as “PG” for indecent language, inappropriate behaviour and unnerving depiction, and *Episodes 2 and 3* (broadcast on 16 and 23 April 2016 respectively) were classified as “M” for indecent language, inappropriate behaviour, adult contents, depiction of nudity and unnerving depiction. Aural and visual advices were given before the start of the concerned episodes. During the programme, the hosts were punished by each other or by a masked man;
- (b) the punishments inflicted on the programme hosts included pumping a host’s nipples with toilet pumps, stuffing a sock of the programme guest into the mouth of a host, smearing food paste on the masked man’s armpit onto a host’s face, two hosts hitting tennis balls with two bottles of water clipped to their armpits, hitting a host’s buttocks with his butt cleavage or even his bare buttocks clearly revealed, two hosts playing tug of war with a string of rubber bands clipped to their nipples, pouring wasabi powder into a host’s mouth, and carrying live worms in the hosts’ mouths with close-up shots of a plate of live worms;
- (c) warning captions indicating that the punishments contained dangerous acts and should not be imitated were superimposed at the top left corner of the screen during the portrayals of the punishments. There were close-up shots of the hosts’ bare chests or nipples and shots showing the butt cleavage of the host (including a brief shot of his buttocks when he pulled down his underpants) when the hosts received certain

punishments;

- (d) regarding the use of language, the programme contained unrefined expressions and puns on foul expressions. Special sound effects were applied in all the concerned episodes to cover some terms in the dialogues, and no foul expression was broadcast aurally or visually in the caption; and
- (e) ViuTV submitted that the concerned light-hearted programme was a comical and fun-provoking talk show and a niche production which was tailored to appeal to certain segments of viewers who had a broader acceptance level in terms of unpretentious dialogues and expressions; that the programme contents, including the punishments featured therein, were within the acceptable bounds for “PG” or “M” programmes taking into consideration the late broadcast hours, the provision of advisory statements and programme classification before the start of the programme for viewers to make an informed choice on whether to stay on watching.

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

- (a) paragraph 1 of Chapter 3 – programmes should be handled in a responsible manner and should avoid needlessly offending audiences; and
- (b) paragraph 2(a) of Chapter 3 – programmes should not include any material which is indecent, obscene, or of bad taste which is not

ordinarily acceptable to the viewers taking into consideration the circumstances in which they are shown.

The CA's Considerations

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

- (a) as a general rule, TV programmes should not include any material which is indecent or of bad taste which is not ordinarily acceptable to the viewers taking into account the circumstances in which they are shown;
- (b) the punishments inflicted on the programme hosts in the three episodes of the concerned programme were of bad taste, indecent and nonsensical, which were not ordinarily acceptable to the viewers even under the circumstances in which the programme was shown (viz. in a “PG”/“M” programme broadcast at late hours with the provision of aural and visual advice);
- (c) ViuTV had not handled the concerned programme in a responsible manner, nor had it avoided needlessly offending audiences; and
- (d) although some of the expressions used in the programme punned on foul expressions, no genuine foul language was found either aurally or visually in the programme.

Decision

In view of the above, the CA considered that the complaints were justified.

Taking into consideration that this was the first lapse of ViuTV, the CA decided that ViuTV should be **strongly advised** to observe more closely paragraphs 1 and 2(a) of Chapter 3 of the TV Programme Code.