

## Appendix

### **Case – Television Programme “3 X 1” (三一如三) broadcast on the ViuTV Channel of HK Television Entertainment Company Limited (“HKTVE”) from 11:00 pm to 11:30 pm on 30 August 2016 and 27 September 2016**

Two members of the public lodged three complaints against two episodes of the captioned programme, alleging that no subtitles were provided for the programme.

#### **The Communications Authority (“CA”)’s Findings**

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

##### *Details of the Case*

- (a) no subtitles were provided in the entire half-hour drama programme for both episodes under complaint;
- (b) pursuant to Condition 3.1 of the First Schedule to HKTVE’s domestic free television programme service (“free TV”) licence, the CA had directed HKTVE to provide Chinese subtitles for all drama programmes broadcast on its integrated Chinese channel (viz. the ViuTV Channel) each day upon HKTVE’s use of spectrum as an additional means of transmission for the delivery of its licensed free TV

service from 2 April 2016; and

- (c) HKTVE admitted that the omissions of subtitles in the episodes broadcast on 30 August and 27 September 2016 were caused by technical difficulties and internal coordination mishaps respectively.

***Relevant Provisions in HKTVE's Free TV Licence***

- (a) Condition 3.1 of the First Schedule – The Licensee shall provide subtitling for its Service, as may be directed in writing by the CA from time to time after consultation with the Licensee.

**The CA's Considerations**

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

- (a) while noting HKTVE's explanation for the omissions of subtitles mentioned above, HKTVE's failure to provide subtitles for the entire half-hour drama programme twice within one month constituted a breach of the subtitling requirement for drama programmes under the relevant licence condition; and
- (b) HKTVE had not taken any proactive steps to report the two subtitling incidents to the CA.

**Decision**

In view of the above, the CA considered that the complaints were justified. Taking into consideration previous cases, the nature and severity of the case

and the fact that HKTVE was a new free TV licensee, the CA decided that HKTVE should be **advised** to observe more closely Condition 3.1 of the First Schedule to its free TV licence.