

Appendix

Case 1 – Television Programme “Taiwan Stories 3” (台灣故事 III) broadcast from 7:30pm to 8:00pm on 28 March 2020 on RTHK TV 31 and RTHK TV 31A Channels of Radio Television Hong Kong (RTHK)

Two complaints were received on the captioned programme. The main allegations were that in the programme, Taiwan was portrayed as a “country” which was inaccurate, and that the programme was partial, incited hatred against the People’s Republic of China and insulted the national sovereignty.

The Communications Authority (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 programme, entitled “斷交之後” (“After the Severance”), was a 30-minute documentary. The first part of the programme presented the campus life of students from Burkina Faso studying in Taiwan. The second part of the programme presented the community projects in the Republic of Malawi;
- (b) the narrator and the interviewees used such terms as “兩國邦交” (“diplomatic relations between the two countries”) and “斷交” (“break

off diplomatic relations”) in the programme when referring to the former relationship between Burkina Faso/the Republic of Malawi and Taiwan; and

- (c) RTHK admitted that the use of the term “兩國邦交” was inappropriate in its reply to a press enquiry after the broadcast of the programme.

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

- (a) paragraphs 2(b) and 2(c) of Chapter 3 - a licensee should not include in its programmes any material which is likely to encourage hatred against or fear of, and/or considered denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or anything which is in contravention of the law;
- (b) paragraph 1A of Chapter 9 - the licensee shall make reasonable efforts to ensure that the factual contents of, among others, current affairs programmes and documentaries are accurate; and
- (c) paragraph 2 of Chapter 9 - the licensees must ensure that due impartiality is preserved in factual programmes (including documentaries) or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong.

The CA's Consideration

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

- (a) the use of the terms “兩國邦交” and “斷交” suggested that Taiwan was a sovereign state capable of establishing formal diplomatic relations, and was inaccurate. The use of such terms constituted a clear breach of paragraph 1A of Chapter 9 of TV Programme Code which requires the factual contents of documentary programmes to be accurate;
- (b) regarding the allegation concerning impartiality, the relevant provisions were not applicable to the programme which was not dealing with matters of public policy or controversial issues of public importance in Hong Kong; and
- (c) regarding the allegation about the incitement of hatred against the People's Republic of China and insult to the national sovereignty, there was no evidence that RTHK had included any material which was 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 ethnicity, nationality or race, over and above the inaccuracy of factual contents as set out in paragraphs (a) and (b) above.

Decision

In view of the above, the CA considered that the complaints in respect of the

inaccurate use of the terms “兩國邦交” and “斷交” in the programme were justified and that RTHK was in breach of paragraph 1A of Chapter 9 of the TV Programme Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that RTHK should be **advised** to observe more closely the relevant provision of the TV Programme Code.

Case 2 – Television Advertisement for “Blue Girl Beer” (「藍妹啤酒」電視廣告) broadcast at 8:27pm on 12 August 2020 on Hong Kong Open TV Channel of Fantastic Television Limited (Fantastic TV)

A member of the public complained about the captioned advertisement. The substance of the complaint was that the advertisement for a liquor product was broadcast during the family viewing hours (FVHs) (viz. 4:00pm - 8:30pm).

The CA’s Findings

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

Details of the Case

- (a) a 20-second advertisement for a brand of beer was broadcast on 12 August 2020 at 8:27pm within the FVHs on the channel concerned; and
- (b) Fantastic TV admitted the lapse and submitted, among others, that it did classify the advertisement as a beer category which was prohibited from scheduling during the FVHs. It was due to technical errors that the advertisement was accidentally shown three minutes prior to the start of the time slot during which the broadcast of advertising of liquor was allowed. Fantastic TV had immediately rectified the loopholes to prevent similar cases from happening again.

Relevant Provision in the Generic Code of Practice on Television Advertising Standards (TV Advertising Code)

- (a) paragraph 2(c) of Chapter 6 - for **domestic free television programme services**, the licensee should not include in its licensed service between the hours of 4:00pm and 8:30pm each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product.

The CA's Considerations

The CA, having regard to the relevant facts of the case including the information submitted by Fantastic TV, considered that –

- (a) the advertisement for a brand of beer was broadcast within the FVHs which clearly constituted a breach of paragraph 2(c) of Chapter 6 of the TV Advertising Code; and
- (b) it was due to technical errors that the advertisement concerned was mistakenly broadcast at the time very close to the end of the FVHs.

Decision

In view of the above, the CA considered that the complaint was justified.

Having taken into account the specific facts and the circumstances of the present complaint, the CA decided that Fantastic TV should be **advised** to observe more closely the relevant provision of the TV Advertising Code.