

Case 13 – Radio Programmes “Hong Kong Today” (晨早新聞天地) broadcast from 6:30am to 8:00am on 17 and 18 December 2019 and radio programme “News Bulletin” (午間新聞天地) broadcast from 12:00pm to 12:20pm on 18 December 2019 on Radio 1 Channel of Radio Television Hong Kong (“RTHK”)

Over 530 members of the public complained about the programmes. The main allegations were that –

- (a) in the programme “Hong Kong Today”,
 - (i) the segment entitled “出理大記” (“Arduous Escape from the PolyU”) broadcast on two consecutive days (the “Segment”) about the siege of the campus of the Hong Kong Polytechnic University (“PolyU”) by the Police in November 2019 (the “Siege”) was biased since the Segment did not report the ins and outs of the incident and failed to mention the illegal acts of the protesters in PolyU;
 - (ii) the Segment presented one-sided views of people who had fled PolyU and those who assisted them to evade legal responsibilities, and conveyed the message that the protesters who fled the besieged PolyU were innocent and that the incident was caused through the fault of the Government / the Police; and
 - (iii) the Segment covered up the illegal acts of the protesters who remained in the PolyU campus, depicting the protesters as victims and the absconders who evaded legal responsibilities as heroes;
- (b) in the programme “News Bulletin”, the old news about the Siege were reported first in the programme, with the latest news on President Xi Jinping’s visit to Macau being the second item in the newscast; and
- (c) RTHK had violated the Charter of RTHK (“the Charter”) which set out its public purpose and mission.

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 90-minute programme “Hong Kong Today” was a news magazine programme broadcast from Mondays to Saturdays from 6:30am to 8:00am, and the 20-minute programme “News Bulletin” was a news programme;

The programme “Hong Kong Today”

- (b) apart from other news items and headlines and editorials of different local newspapers reported in the programme, each of the two editions of the programme broadcast the Segment which was of about 10 minutes in duration. The Segment broadcast on 17 December 2019 (the “17 December Segment”) started with the voice-over that after a month of the Siege, RTHK conducted interviews with protesters, people who helped the protesters flee the besieged campus, and people who helped persuade protesters inside the campus to leave. It then broadcast some sound clips of previous news reports that “喺警方施放多輪催淚彈之後，有更多黑衣人聚集，並向警方防線投擲汽油彈” (“After the Police fired rounds of tear gas, more people clad in black gathered and hurled petrol bombs at the police cordon line”), and “...磚頭還擊，喺平台用巨型彈叉，將硬物射向警方防線，有警員嘅小腿中箭受傷” (...counterattacked with bricks. Hard objects were launched at the police cordon line by large catapults from the platform. A police officer was shot in the calf by an arrow). There were interviews with two protesters who fled the besieged PolyU in which they shared their experience, fears and worries when stranded inside the campus and in the course of / after the escape. There was also an interview with an alumnus of PolyU who helped protesters flee the campus. He considered the protesters to be courageous and appreciated their trust in him;
- (c) the Segment broadcast on 18 December 2019 (the “18 December Segment”) contained an interview with a person who recounted the experience of arranging vehicles to transport students to escape from the besieged PolyU. There were also interviews with people who helped persuade students inside the besieged PolyU to leave. They expressed concerns about the emotional trauma experienced by the students; and

The programme “News Bulletin”

- (d) at the start of the programme, the anchor announced the headlines including the reports on the Siege and President Xi’s visit to Macau. In the detailed report, the first news item was a follow-up report on the Siege, containing short versions of the interviews broadcast in the “18 December Segment”. The second news item reported was about President Xi’s visit to Macau.

Relevant Provisions in the Radio Code of Practice on Programme Standards

- (a) paragraphs 21, 22, 23 & 25 - due impartiality rules applicable to news programmes; and
- (b) paragraphs 26 & 26(a) - news should offer listeners an intelligent and informed account of issues that enables them to form their own views; and should be presented with due impartiality.

The CA's Consideration

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

The programme “Hong Kong Today”

- (a) RTHK had made it clear at the start of the 17 December Segment that the Segment broadcast on two consecutive days was a retrospective news feature concerning the Siege. The Segment was a record and review of the incident concerning the experiences and feelings of different persons involved instead of an instant news report on the issue. It seemed reasonable that in exercising its editorial judgement, RTHK might determine the topic and choice of interviewees of the news feature;
- (b) RTHK had included in the Segment the views from people of different perspectives. Apart from the protesters and the people helping the protesters escape, those who helped persuade protesters inside the campus to leave were also interviewed. Their remarks did not suggest condonation of illegal acts. Regarding the allegation that the Segment covered up the illegal acts of protesters, there were sound clips of previous news reports in the 17 December Segment which contained brief descriptions of the violent acts of the protesters. Also, throughout the Segment, there was no portrayal of the protesters as victims of the force used by the Police or of those who evaded legal responsibilities as heroes. Given the above, there was insufficient evidence to conclude that the programme had breached the relevant provisions governing impartiality;

The programme “News Bulletin”

- (c) the broadcast sequence of news items in a news programme was the editorial decision of a broadcaster, which was outside the jurisdiction of the CA; and
- (d) according to the Charter, RTHK should ensure that all television and radio programmes broadcast by it should comply with the relevant codes of practice issued by the CA. While the CA should investigate all complaints received by it against RTHK programmes and might impose appropriate sanction on RTHK if the complaints were found to be in breach of the relevant codes of practice, the matter of whether RTHK's programmes complied with the Charter (including fulfillment of its purposes and mission) was outside the jurisdiction of the CA.

Decision

In view of the above, the CA considered the complaints **unsubstantiated** and decided that **no further action** should be taken against RTHK.