

Case 6 – News Reports on the remarks of a student in the Hong Kong Diploma of Secondary Education Examination (“HKDSE”) broadcast on 10 July 2019 on the Jade, TVB News and Pearl Channels of Television Broadcasts Limited (“TVB”)

210 complaints about the captioned news reports were received. The main allegations were –

- (a) the news reports selectively reported the remark “欣賞香港人，但遊行時希望香港人不要使用暴力” (“appreciate the people of Hong Kong but hope that they would not resort to violence in rallies”) (“first part of the relevant remarks”) made by a student (“interviewed student”) who achieved the highest grade in seven subjects in the HKDSE in an interview, but did not report other comments and criticisms about the Government, the CE and the Police, such as “(批評)林鄭推動修例態度強硬，6.9 遊行後仍立即進行二讀” (“(criticised) Carrie Lam’s strong stance in putting forward the proposal to amend the legislation, and insisting on resuming the second reading immediately after the procession on 9 June 2019”), “林鄭應該加強與市民的溝通” (“Carrie Lam should strengthen the communication with the members of the public”) and “(認為)部分警員較暴力，但不應以偏概全” (“(considered that) although some police officers were more violent, we should not take a part for the whole”) (“second part of the relevant remarks”) she made in the same interview. As such, the news reports were partial, misleading, unfair, inaccurate and deprived the public of the right to know; and
- (b) one of the complainants alleged that the news reports were partial as they covered the political comments of the interviewed student and edited out the content on the interviewed student’s sharing of her study experience.

The CA’s Findings

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

Details of the Case

- (a) the news reports concerned the release of HKDSE results on 10 July 2019 in various programmes under complaint which covered twelve students from nine schools who stood out in the examination. Some of them were interviewed, during which they shared their background, study experience, views on liberal studies as a subject in the school curriculum and their ideas about further studies, etc. Among them, the reports showed the interviewed student saying that she did not agree that liberal studies as a subject in the school curriculum was a failure and making the first part of the relevant remarks; but there was no report of the second part of the relevant remarks;
- (b) the reports also covered remarks of students with unsatisfactory examination results on their options for continuing education;

- (c) the reports contained in the news programmes and livecasts on the same day on the channels concerned covered the said news item in a similar manner¹; and
- (d) TVB submitted, among others, that the subject matter of the news reports was the release of HKDSE results and the study experiences of the students who stood out in the examination and their aspirations. TVB adopted the same practice in the past when handling the same subject matter.

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

- (a) paragraph 1 of Chapter 9 – news programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality;
- (b) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (c) paragraphs 2, 3, 4 & 6 of Chapter 9 – due impartiality rules applicable to news programmes; and
- (d) paragraph 9 of Chapter 9 – the licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion.

The CA's Considerations

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

- (a) the news reports concerned as a whole gave a factual account of the release of HKDSE results, including footage of interviews with a number of students who stood out in the examination. The reports also contained, among others, remarks of some students with unsatisfactory results;
- (b) overall speaking, the news reports covered related issues and encompassed different views / remarks of the students concerned (including those students who stood out in the HKDSE and those with unsatisfactory results); and
- (c) given that the focus of the news reports was the release of HKDSE results and taking into account the context in which the news contents were presented, the CA considered that there was insufficient evidence to support the allegation that the non-coverage of the second part of the relevant remarks in the reports was in breach of the relevant provisions governing accuracy and due impartiality or rendered any parties being unfairly treated.

¹ The news programmes which were broadcast at the relevant timeslots on the Pearl Channel of TVB on the day did not cover any remarks of the interviewed student.

Decision

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