

Case 7 – News reports on the incident occurred in Taikoo Shing in the evening of 3 November 2019 broadcast on the Jade, News, Pearl and Finance & Information Channels of Television Broadcasts Limited (“TVB”) on 3, 4 and 5 November 2019

Over 5 700 members of the public complained about the captioned news reports. The main allegations were summarised below –

Impartiality and Misleadingness

- (a) the news reports covered the incident occurring on 3 November 2019 outside Cityplaza, Taikoo Shing Road in which a man in grey T-shirt (“the Man”) reportedly attacked people with a knife; proceeded to attack Mr Andrew Chiu Ka-yin (“Chiu”), Member of the Eastern District Council, by biting off part of Chiu’s left ear; and was subsequently surrounded and beaten by a crowd (“the Incident”). The news reports presented the Incident as a fight among a crowd of people of different political opinions, in which the Man was subdued and seriously beaten. There was no report or coverage of what the Man had done before the Incident, including his knife attack on people and his biting off part of the left ear of Chiu. Besides, the news reports failed to mention that the reason of the crowd beating the Man was to save Chiu from being attacked by the Man and to prevent the Man from leaving the scene. As such, the news reports were misleading and partial;
- (b) although there was coverage of the Man’s earlier knife attack, it was brief and vague. Compared with the more in-depth coverage of the crowd’s beating of the Man, the unbalanced news reports portrayed the Man as innocent and pitiful, and were partial towards him;
- (c) regarding the condition of Chiu’s left ear, TVB consistently reported that Chiu’s left ear was injured and bleeding (“趙家賢左耳受傷流血”) in the news reports broadcast in the evening of 3 November 2019, while other local media reported that Chiu’s left ear was bitten off by the Man. TVB downplayed the seriousness of Chiu’s injury and the violence of the assault. Although it was later reported as “Chiu’s left ear was bitten off” (“(趙家賢)被人咬用左耳”), it was still misleading as TVB ought to be able to confirm that the Man was the perpetrator of the attack on Chiu;
- (d) the remark and/or subtitles that “Chiu had dropped an ear” (“趙家賢跌了一隻耳朵”) were inaccurate, misleading and nonsensical as it was anatomically impossible for any human bodily part to “drop” from the human body;
- (e) the news reports overlooked the fact that the Incident itself was the aftermath of the earlier public events in Cityplaza (e.g. crowds gathering);

Fairness

- (f) the news reports focused only on the crowd’s beating of the Man and were unfair to the crowd concerned, as the crowd of people were in fact trying to

prevent the Man, a suspect of the earlier knife attack and the attack on Chiu, from hurting others and leaving the scene;

- (g) the remarks that the Incident was caused by differences in political opinions was unfair to Chiu and adversely affected his reputation, as Chiu was attacked by the Man when he tried to intervene in the disputes between the Man and the bystanders, not because he expressed any political opinions different from the Man on the scene; and

Violence

- (h) the news reports on the crowd's beating of the Man were bloody and violent. The prolonged portrayals of the violent acts in the Incident and the frequent repeats of the violent footage, part of them within the Family Viewing Hours ("FVH") (i.e. 4:00pm to 8:30pm) without Parental Guidance Recommended ("PG") classification, were distressing, unnerving and exerted a bad influence on children.

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 the following –

Details of the Case

- (a) the Incident happened outside Cityplaza around 7:30pm on 3 November 2019. The news about the Incident was broadcast almost every clock hour on TVB News in the evening of 3 November 2019 and throughout the day on 4 November 2019, including the FVH. The relevant news were also broadcast in the FVH on TVB Finance & Information Channel, the Jade Channel and the Pearl Channel on 4 November 2019;

Live Coverage of the Incident on TVB News on 3 November 2019

- (b) on TVB News Channel, live footage of the Incident was shown from 7:35pm to 7:43pm and from 7:49pm to 7:56pm on 3 November 2019. The anchor remarked that based on their understanding, it was suspected that there had been a fight between people of different political opinions (“據了解呢，係懷疑有持不同政見嘅人曾經喺度發生過打交事件”). In the live footage, it could be seen that the Man was subdued by some people, and was then beaten by a crowd of several people. The Man was seen laying on his side on the ground for a while, and there was blood on his head, his hands and on the ground. A few metres away, Chiu was seen injured and his left ear was bleeding. A security guard was providing help to Chiu to stop the bleeding by covering the wound at Chiu's left ear with paper tissue-like materials. The Man then got up, lifted a rubbish bin, threw it to the ground and ran forward, and the crowd surrounded him and started beating him on his head, his back and his arm with various objects repeatedly. The Man then leaned

against a wall with blood covering his face. Later, police officers arrived at the scene and the injured people were treated by paramedics. Against live footage of the aftermath of the Incident, the anchor remarked that based on the information at the scene, someone's ear was bitten and the perpetrator was then beaten by other people (“現場消息話曾經有人嘅耳仔被人咬傷，而咬人嗰位人士之後被其他人毆打”) at 7:51pm;

News Reports on the Incident broadcast from 8:30pm, 3 November 2019 to 12:00pm, 4 November 2019 on TVB's Channels

- (c) at 8:30pm, the news report on the Incident was broadcast on TVB News. The anchor said there was a fight allegedly among people of different political opinions at Cityplaza at night (“夜晚太古城中心懷疑有唔同政見嘅人打鬥”) in the lead-in to the news item. In the detailed report, it was shown that the Man was arguing with some people, and Chiu and security guards of Cityplaza tried to intervene. Meanwhile, another person in black T-shirt was already injured with the back of his neck bleeding. Then it was shown that the Man was beaten by a crowd of several people, against the remarks that two people then caught the man in grey T-shirt who had allegedly assaulted other people, while some people nearby kicked his head and threw a rubbish bin at him (“有兩個人之後捉住懷疑施襲嘅灰衫男人，有旁邊嘅人踢佢嘅頭，又有人向佢掙垃圾桶，之後再有用伸縮棍打佢嘅頭...”) and that in the pandemonium, Chiu's left ear was injured and bleeding (“混亂期間，趙家賢左耳係受傷流血”). The Man was then seen beaten by the crowd again. The course of the beating was shown in detail and there were descriptions on the beating of the Man. The report ended with the arrival of police officers, and the injured people were then taken to hospital. The report was followed by some live footage showing the scene, and the anchor said that according to the Democratic Party, Chiu, a member of the party, had his ear bitten off by someone in the Incident (“民主黨話，佢哋嘅黨員趙家賢喺事件中被人咬甩一隻耳仔”). There was also earlier footage of some public events such as protesters chanting and forming human chains inside Cityplaza at around 5:00pm. It was mentioned that at around 6:00pm, some police officers arrested a few people in Cityplaza as there had been reports of vandalism;
- (d) in “News Report” broadcast at 9:00pm on TVB News, the Incident was covered in detail. The lead-in to the news item reported that there was a wounding incident at Cityplaza at night, and that Chiu's left ear was bitten off while someone was surrounded, beaten and wounded by knife (“夜晚太古城中心發生傷人案，民主黨區議員趙家賢被人咬甩左耳，亦都有人被圍毆同刀傷”). The main body of the news item was similar to the version broadcast at 8:30pm, and the remarks that in the pandemonium, Chiu's left ear was injured and bleeding (“混亂期間，趙家賢左耳受傷流血”) were also found. After the news item, the anchor reported that according to Democratic Party, Chiu's ear was bitten off during the Incident. An additional footage of Hon James To Kun-sun, Member of the Legislative Council (“LegCo”), speaking at a hospital on the injury of Chiu was shown in the news reports broadcast on TVB News from 10:00pm onwards and on TVB Jade at 11:30pm. Hon

James To said that the assailant seemed to have attacked two people with a knife and Chiu tried to intervene; during the process, someone bit on Chiu's ear, and there were many people who tried to separate them; and Chiu was in great pain and someone at the scene had picked up the part of Chiu's ear which was bitten off during the Incident;

- (e) in the news reports broadcast at 10:35pm and at 11:00pm on TVB News, the lead-in to the news item reported that a man was surrounded and beaten after he had allegedly assaulted other people with a knife, and Chiu's left ear was bitten off (“夜晚懷疑有人用刀傷人之後被圍毆，期間東區區議員趙家賢被人咬用左耳”). The main body of the news report presented more details, including that the Man was said to have attacked three people, viz. two people who were sisters and the husband of one of the sisters, and that the Man had allegedly bitten off Chiu's left ear (“有人話，灰色衫嘅男人懷疑咬用咗趙家賢嘅左耳”). In the news reports broadcast on TVB Jade in “News Roundup” and on TVB News in “Late News” at 11:30pm, the interview of one of the above-mentioned three people who were attacked was added to the news item. The person interviewed said that the Man had attacked her sister, that the back of her brother-in-law was bleeding and that she was punched by the Man several times. In the small hours to noon of 4 November 2019, the news coverage of the Incident was similar to that broadcast on 11:30pm on 3 November 2019 except that there were some updates on the number of injured and their conditions;

News Reports on the Incident broadcast after noon of 4 November 2019 on TVB's Channels

- (f) in the news reports broadcast in “Noon News” on TVB Jade and in “News Report” on TVB News at 1:00pm on 4 November 2019, the Incident was summarised as a man in grey T-shirt, who had allegedly attacked other people with a knife, caught Chiu and Chiu's left ear was bitten off (“嚟晚太古城中心外，一個着灰色衫嘅男人，懷疑用刀傷人之後，捉住東區區議員趙家賢，趙家賢嘅左耳被人咬用”). The presentation of the events happened was rearranged, with the attack of Chiu and the updates on Chiu's condition after the re-attachment surgery performed on him being the first to be reported. In addition, a still picture, which was a screen capture of the social media account of Hon Lam Cheuk-ting, Member of the LegCo, showing a man biting Chiu's ear, was included in the news item. The report then recounted the events by showing a man in black T-shirt who was bleeding, followed by the footage of the person interviewed. It was reported that the Man was said to have attacked three people, that Chiu and some security guards tried to intervene but to no avail, and that Chiu's left ear was bitten off. The Man was then surrounded and beaten by the crowd;
- (g) in the news reports broadcast on TVB Finance & Information Channel at 5:00pm and on TVB News at 6:00pm on 4 November 2019, the main body of the news item started with the footage of how the camera crew ran to the scene when people in Cityplaza asked reporters to cover the incident by shouting “reporter, reporter” (“記者、記者”) and “a man in grey T-shirt assaulted

people with a knife” (“灰色衫男子持刀襲擊他人”). The remaining part of the news report was similar to the earlier news reports. The footage of Chiu being attacked by the Man, which was recorded by Radio Television Hong Kong (“RTHK”) and shown in the online press conference held by the Police, was added to the news item in the news bulletins broadcast on TVB Jade at 6:30pm and 11:00pm, on TVB News from 7:00pm onwards and on TVB Pearl at 7:30pm. The Police’s response to the criticisms that the Incident was related to the earlier police operation in Cityplaza was also shown in the same report;

- (h) regarding the allegation concerning the remark that “Chiu had dropped a ear” (“趙家賢跌了一隻耳朵”), the remark in question was uttered off-screen by a person shortly after Chiu was attacked. The remark was subtitled in the news reports broadcast after 11:30pm on 3 November 2019. In the news bulletins broadcast after 9:00pm on 4 November 2019, brackets were added to the subtitles (viz. “ (趙家賢跌了一隻耳朵) ”); and
- (i) in “News at Seven Thirty” broadcast on the Pearl Channel at 7:30pm on 4 November 2019, there was a verbal warning against the graphic nature of the news footage when the anchor introduced the news item. The relevant newscasts on other channels did not contain similar warning remarks. Also, none of the news programmes mentioned above was classified as PG.

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

- (a) paragraphs 2 & 3 of Chapter 2 – provisions concerning family viewing policy;
- (b) paragraphs 1, 2 & 8 of Chapter 6 – provisions concerning the depiction of violence on television;
- (c) 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;
- (d) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (e) paragraphs 2, 3, 4 & 6 of Chapter 9 – due impartiality rules applicable to news programmes;
- (f) paragraph 7(a) of Chapter 9 – morbid, sensational, or alarming details not essential to factual reporting should be avoided;
- (g) 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; and

- (h) paragraph 15 of Chapter 9 - licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals or other organisations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

The CA's Consideration

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

Impartiality and Misleadingness

- (a) TVB initially presented the Incident as a brawl between people of different political opinions with detailed coverage of the crowd's beating of the Man by showing the relevant footage shot by its news staff. This notwithstanding, TVB's reports did cover the Man's earlier alleged knife attack on other people and biting of Chiu's ear, albeit scattered over different parts of the news reports from the evening of 3 November 2019 and to the evening of 4 November 2019. For example, in the first detailed report about the Incident broadcast on TVB News on 3 November 2019 at 8:31pm, despite the fact that Chiu's ear being bitten off in the Incident was not included in the main body of the news item in question, it was reported by the anchor verbally, and this piece of information was later mentioned by the voice-over in the news item in question starting from "News Report" broadcast on TVB News on the same evening at 10:35pm. At 10:03pm, footage of Hon James To explaining how Chiu had been attacked by the Man was also shown on the same channel. In the newscasts broadcast on Jade and TVB News later at 11:30pm, the footage of a victim mentioning how she and her family members had been attacked by the Man was included. A picture of the Man biting Chiu's ear, which was posted on Hon Lam Chuek-ting's social media, was shown in "Noon News" broadcast on Jade on 4 November 2019 at 1:04pm. The video footage shot by RTHK of the Man biting Chiu's ear was further shown in "News at 6:30" broadcast on Jade on 4 November at 6:30pm. It appeared that the information on the Incident presented in the reports broadcast in the evening of 3 November 2019 was piecemeal and TVB began to present the Incident in an organised manner in its "Noon News" on 4 November 2019;
- (b) TVB submitted, among others, that it did not include shots of the Man's alleged knife attack on other people or biting of Chiu's ear because these alleged facts had happened before its news crew arrived at the scene, but in its news broadcast subsequent to the live report, it had mentioned the alleged attacks by the Man and related information by way of, among others, interviewing victims and witnesses in the scene, quoting the statement of the Democratic Party and including the detailed description of facts by Hon James To;
- (c) taking into account the circumstances of the case, including the overall presentation of the news reports and the representations of TVB, TVB had

made reasonable efforts to cover major facts and relevant updates of the Incident in its news reports over time as events unfolded. Also, there was no reasonable ground to consider that TVB had downplayed Chiu's injury, as there were constant updates of Chiu's condition and the status of his injury/surgery in the news reports concerned. In view of the above, there was insufficient evidence to conclude that TVB had concealed any facts of the Incident which rendered the relevant news coverage partial or misleading;

- (d) regarding the allegation about the remarks and/or the subtitles that "Chiu had dropped an ear" ("趙家賢跌了一隻耳朵"), it was clear that the remarks were uttered by a by-stander. The corresponding subtitles were in brackets to indicate that the remarks were uttered by someone off-screen. It was unlikely that a general viewer would consider that the remarks were uttered by the reporter, or that viewer's comprehension of the news reports on the Incident would be significantly affected;
- (e) regarding the allegation that the news reports overlooked the fact that the Incident itself was the aftermath of earlier public events, the CA noted that the coverage of earlier public events took place inside Cityplaza in the afternoon of 3 November 2019 could be found in various news reports. Under such circumstances, there was insufficient evidence to support the allegation that the news reports were partial or unacceptable;

Fairness

- (f) regarding the allegations that the reports were unfair to the crowd and Chiu, TVB's reports contained Hon James To's explanation on how Chiu came to be injured. The reports also included the victim's interview about how the Man had attacked her and her family before the fight between the crowd and the Man. Overall, there was insufficient evidence to support the allegation that TVB's coverage of the Incident had rendered any individual or group of people being unfairly treated; and

Violence

- (g) as for the allegation that the reports were too violent and unnerving, although some of the news programmes were broadcast within the FVH (i.e. from 4:00pm to 8:30pm), nothing extremely distressing or anything with alarming details were shown in the news reports concerned. Taking into account the context of the news reports and given the importance of the event in question, the CA considered that the factual reports on the Incident were not unacceptable for broadcast.

Decision

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