

**Case 8 – News reports on the remarks made by a British official concerning Hong Kong broadcast on the Jade and TVB News Channels of Television Broadcasts Limited (“TVB”) on 23 July 2019**

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

- (a) that the remarks “英官譴責香港兩宗暴力衝突 形容事件震驚及不能接受” (“British official condemned two violent clashes in Hong Kong, describing the incidents as shocking and unacceptable”) and “英國官員譴責星期日香港發生衝擊中聯辦及元朗暴力衝突，形容事件震驚和不能接受” (“British official condemned the storming of the Liaison Office of the Central People’s Government (“CPGLO”) and the violent clashes in Yuen Long happened in Hong Kong on Sunday, describing the incidents as shocking and unacceptable”) contained in the news reports concerned, distorted the meaning of the remarks made by Dr Andrew Murrison (“Dr Murrison”), a Minister of State in the government of the United Kingdom (“UK”) at the time, in the sitting of the UK House of Commons on 22 July 2019, as Dr Murrison merely condemned in his remarks the violence in the incident which happened in Yuen Long on 21 July 2019 (the “Yuen Long Incident”), but did not describe the clashes which broke out outside the CPGLO on 21 July 2019 (the “Clashes”) as violent. Hence, the relevant news reports which linked Dr Murrison’s remarks with both events were thus inaccurate, misleading, partial, unfair, amounted to fake news and damaged Hong Kong’s international credibility;
- (b) the news reports did not cover Dr Murrison’s remarks in full, including the omission of –
  - (i) his remarks about the disturbing scenes and the number of people injured in the Yuen Long Incident, which misled viewers that Dr Murrison had referred to the attackers in the Yuen Long Incident and the protesters involved in the Clashes as the same group; and
  - (ii) his remarks that the British government remained fully committed to supporting Hong Kong people to exercise their right to protest peacefully and lawfully and stand up for their freedoms, which were guaranteed by the Sino-British Joint Declaration, were shown as “支持《中英聯合聲明》中，保障香港的權利和自由” (“supporting the Sino-British Joint Declaration which protected Hong Kong’s right and freedom”), such that his particular reference to “the right to protest peacefully and lawfully” as Hong Kong people exercising their right was missing; and
- (c) the news reports were confusing as they did not clearly point out that people being attacked in the Yuen Long Incident were protesters and railway passengers.

## 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) in the lead-in to the news reports concerned, the reporter said “英國官員(就)譴責星期日香港發生衝擊中聯辦同元朗暴力衝突／襲擊，形容事件震驚同唔能夠接受” (“British official condemned the storming of the CPGLO and the violent clashes/attack in Yuen Long happened in Hong Kong on Sunday, describing the incidents as shocking and unacceptable”). In the detailed report, footage of Dr Murrison speaking in the chamber of the UK House of Commons was shown, in which he said “hundreds of thousands of people took part in a largely peaceful march on Hong Kong Island; however, some protesters diverted from the approved route and there were clashes with the Police, including outside the Chinese Central Government Liaison Office”; “a group armed with canes and poles attacked pro-democracy protesters and other passengers at the metro station” and “we were all shocked to see such unacceptable scenes of violence” against corresponding Chinese subtitles. The reporter then said, among others, that Dr Murrison “(星期一)喺下議院譴責香港所有暴力行為，(包括衝擊中聯辦同元朗嘅暴力事件)” (“condemned all violent acts in Hong Kong in the chamber of the UK House of Commons (on Monday), (including the storming of the CPGLO and the violent incident in Yuen Long)”) and “話過去半年嘅報告都顯示香港(嘅)政治自由越嚟越受壓力，重申英國政府(將會)堅定不移支持《中英聯合聲明》中保障香港嘅權利同自由” (“successive six-monthly reports had highlighted that Hong Kong’s political freedoms had been coming under increasing pressure, reiterating that the British government (would) remain(ed) fully committed to supporting the Sino-British Joint Declaration which protected Hong Kong’s right and freedom”). During such remarks, the caption “英官譴責香港兩宗暴力衝突” (“British official condemned two violent clashes in Hong Kong”) was superimposed on the screen briefly in the relevant report broadcast in “Overnight News” on TVB News at 3:11am. As for the news headlines under complaint, the texts “英國官員譴責衝擊中聯辦及元朗暴力衝突，指事件不能接受” (“British official condemned the storming of the CPGLO and the violent clashes in Yuen Long, referring to the incidents as unacceptable”) were found teloping recurrently along the bottom margin of the screen in “Good Morning Hong Kong” at 7:07am and 8:54am respectively;
- (b) the UK House of Commons Hansard recorded that Dr Murrison answered an urgent oral question in the sitting on 22 July 2019, in which he mentioned several events that had taken place in Hong Kong over the past few days, including the march on Hong Kong Island (including the Clashes) and the Yuen Long Incident (with description of the attackers, those who were under attack and the number of injuries). He welcomed the statement of the Chief Executive (“CE”) asking the Police to fully investigate the Yuen Long Incident and pursue any law breakers. Dr Murrison subsequently said,

among others, that he condemned all violent acts but stood by people's right to protest peacefully and lawfully; and that the fact that hundreds of thousands of people taking part in the procession on 21 July 2019 in a peaceful and lawful manner should not be overshadowed by the violent actions of a few; and that people who did so in the said procession were exercising their right to peacefully protest; and

- (c) TVB submitted, among others, that Dr Murrison's use of the word "all" and the plural form of "act" in his statement "I condemn all violent acts" (emphasis added) was a clear indication that he was condemning not just the Yuen Long Incident but also all other incidents of violence which must include the Clashes. Also, in his reply that "[w]e must not let the violent actions of a few overshadow the fact that hundreds of thousands of people took part in the march yesterday and did so in a peaceful and lawful manner" (emphasis added), Dr Murrison's reference to "a few" could reasonably be construed as "those protesters engaged in the Clashes" given what he said in the previous paragraph of his reply about some protesters diverting from approved route in the largely peaceful march on 21 July 2019 and there were clashes with the Police including outside the CPGLO. TVB also submitted that the news reports under complaint did not make the remark that the attackers in the Yuen Long Incident and the protesters in the Clashes belonged to the same group, and clearly pointed out that those being attacked in the Yuen Long Incident were protesters and railway passengers; and that Dr Murrison's remarks concerning the Sino-British Joint Declaration were accurately translated therein.

***Relevant Provisions in the TV Programme Code***

- (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 and 3 of Chapter 9 – due impartiality rules applicable to news programmes;
- (d) paragraph 7(e) of Chapter 9 – correction of factual errors should be made as soon as practicable after the original error; and
- (e) 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 UK House of Commons Hansard provided a verbatim record of what Dr Murrison actually said on 22 July 2019, which was a firm basis for the consideration of the case;
- (b) the crux of the matter was whether Dr Murrison condemned the Clashes and/or referred to it as violent in the reply he gave to the UK House of Commons on 22 July 2019. In this connection, the complainants and TVB had different understandings. At the beginning of his reply, Dr Murrison presented the events in Hong Kong of the past few days, including the march on 21 July 2019 during which some protesters diverted from the approved route leading eventually to the Clashes. He then referred to the violence in the Yuen Long Incident as shocking and unacceptable and welcomed the CE's statement on asking the Police to fully investigate the incident and pursue law breakers. Afterwards, he unequivocally condemned **all violent acts** and stated that they "must not let **the violent actions of a few** overshadow the fact that hundreds of thousands of people took part in the march [on 21 July 2019] and did so in a peaceful and lawful manner";
- (c) it was arguable whether Dr Murrison was referring to "all violent acts" in a general sense or to the acts (and which act(s)) specified in his reply to the UK House of Commons, and that it was also debatable whether the violent actions of "a few" were related to protesters involved in the Clashes. According to the Hansard, Dr Murrison did not spell out in his reply in unambiguous terms whether his condemnation of violence applied to both the Clashes and the Yuen Long Incident. After reading Dr Murrison's full remarks in the Hansard, the CA considered it more likely than not that Dr Murrison was referring to both the Clashes and the Yuen Long Incident;
- (d) in view of the above, there was insufficient evidence to conclude that TVB's relevant news reports distorted the views of Dr Murrison on Hong Kong's recent social events which rendered them inaccurate, partial or unfair;
- (e) as for the allegations that the relevant news reports were misleading, confusing and distortive, having regard to TVB's representations, the CA considered that there was no basis to conclude that the relevant allegations were substantiated; and
- (f) there was no requirement under the TV Programme Code that a speech should be covered in full in news reports, provided that the relevant provisions governing news programmes were complied with. As for the allegation about damaging Hong Kong's international credibility, the matter 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 TVB.