

Appendix

Case 1 – Television Programme “News Report” (新聞報道) broadcast on TVB News Channel of Television Broadcasts Limited (“TVB”) on 16 September 2018 from 1:30pm to 2:00pm

The Communications Authority (“CA”) received a public complaint against the captioned programme. The substance of the complaint was that a sponsor message appeared before and after a news footage on North Korea and South Korea in the news programme.

The CA’s Findings

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

Details of the Case

- (a) in the news programme under complaint, the anchor introduced a report about North Korea and South Korea. It was followed by a short clip showing the title of “Behind The Headlines” (時事通識) with the sponsor’s name and logo incorporated. The detailed report about North Korea and South Korea was then shown. The same short clip carrying the sponsor’s name and logo was shown again at the end of the detailed report; and
- (b) TVB submitted, among others, that the incident was a mistake caused

by an operational error, resulting in the short clip carrying the sponsor's name in the title being erroneously put on air. TVB advised that it had stepped up preventive measures to prevent similar mistakes in future.

Relevant Provision in Generic Code of Practice on Television Programme Standards ("TV Programme Code")

- (a) paragraph 7(f) of Chapter 9 – no bona fide news programmes comprising local or international news item may be sponsored. No advertising matter should be offered as news or included in the contents of a news programme or newsreel; and

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

- (b) paragraph 18 of Chapter 9 – news programmes and programmes, announcements or other material included at the direction of the CA from time to time must not be sponsored.

The CA's Considerations

Having regard to the relevant facts of the case, the CA considered that notwithstanding TVB's submissions, including that the incident was caused by an operational error, the broadcast of a clip carrying the sponsor's name and logo within a news programme constituted a clear breach of paragraph 7(f) of Chapter 9 of the TV Programme Code and paragraph 18 of Chapter 9 of the TV Advertising Code which expressly prohibit the sponsorship of news programme.

Decision

In view of the above, the CA considered that the complaint was justified. Taking into account the specific facts and circumstances of the case and other relevant factors (including that the licensee has no record of non-compliance with the provisions governing sponsorship of news), the CA decided that TVB should be **advised** to observe more closely paragraph 7(f) of Chapter 9 of the TV Programme Code and paragraph 18 of Chapter 9 of the TV Advertising Code.

Case 2 – Eight Television Programmes broadcast from November 2017 to January 2018 on the Wesal Urdu Channel (the “Channel”) provided by GLOBECAST HONG KONG LIMITED (“Globecast”) under its Non-domestic Television Programme Service Licence

The CA received public complaints lodged by the same complainant against eight television programmes broadcast on the Channel provided by Globecast. The crux of the complaints was that the programmes contained hate speech which incited acts of hatred against members and adherents of a religious group.

The CA’s Findings

In line with the established practice, the CA considered the complaint case and all relevant information, including the representations submitted by Globecast in detail. The CA noted the relevant aspects of the case, including the following –

Details of the Case

- (a) the CA Secretariat received complaints from the same complainant about various television programmes broadcast on the Channel from November 2017 to January 2018. Upon checking the recordings and after rounds of clarification with the complainant, eight programmes were finally identified for further investigation;
- (b) since the programmes under complaint were broadcast in Urdu, arrangement was made by the CA Secretariat to prepare English

transcripts of the programmes. As part of the due process, the CA provided the English transcripts to Globecast for its confirmation of broadcast details (including programme types) and contents. In response, Globecast advised that it did not have the language expertise to verify the information contained in the English transcripts and it had forwarded the transcripts to the supplier of the Channel for input. Despite repeated requests by the CA Secretariat, Globecast did not confirm the broadcast details and contents of the programmes concerned; and

- (c) the broadcast of the Channel on Globecast's licensed service was terminated with effect from 30 September 2018.

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

- (a) paragraph 2(b) 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 to be denigrating or insulting to any person(s) or group(s) on the basis of, among others, religion; and
- (b) paragraph 20 of Chapter 3 – the licensee should have respect for the cultural, religious and racial sensitivities of the intended recipient countries and places.

Relevant Conditions in the Non-domestic Television Programme Service Licence of Globecast

- (a) condition 22 – the licensee shall monitor and ensure strict compliance with the Codes of Practice, and technical standards and directions issued by the CA; and
- (b) condition 24.1 – the licensee shall provide the relevant Authority within the period specified such information as the relevant Authority may properly require.

The CA's Considerations

Having regard to all relevant facts of the case, the CA considered that –

- (a) for the purpose of a comprehensive and accurate assessment of the existence (or otherwise) of hate speech, it was necessary to take into account all pertinent information including the nature of the programmes, specific contents, intended meaning of the relevant remarks and the cultural context in which such remarks were made, and effect of the relevant remarks. In the present case, Globecast did not confirm the relevant details of the programmes under complaint (including programme types) and their contents. Further, Globecast did not make any submissions on the intended meaning and effect of what was said in the programmes under complaint. In the absence of sufficient information and having regard to the particular circumstances of the present case, the CA was not in a position to make an assessment on the meaning and effect of what was said in the programmes under complaint, and on whether the broadcast of these programmes breached the relevant provisions of the TV Programme Code; and

- (b) notwithstanding the above, the CA considered that Globecast's inability to provide broadcast details, confirm the contents of the programmes under complaint, and verify the information contained in the transcripts provided by the CA reflected Globecast's failure to monitor its licensed service and ensure compliance with the Codes of Practice. The foregoing constituted a clear breach of condition 22 of Globecast's licence, which requires it to monitor and ensure strict compliance with the Codes of Practice. In addition, Globecast's assertion that it had not been able to confirm the contents of the programmes in the absence of the input of the supplier of the Channel was not tenable. The CA considered that Globecast had failed to comply with condition 24.1 of its licence, which requires it to provide to the CA such information as requested by the CA.

Decision

In view of the above, the CA decided that a **warning** should be given to Globecast for its breach of conditions 22 and 24.1 of its licence.