

Case 1 – Radio Programme “Simon Willson” broadcast from 1:00 pm to 4:00 pm on 15 December 2019 on Radio 3 Channel of Radio Television Hong Kong (RTHK)

A member of the public complained about the captioned programme. The substance of the complaint was that at around 2:40 pm, the lyrics of a song broadcast in the programme contained foul expressions.

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 programme was an English music programme. The song in question, “Jackie Chan”, was broadcast at around 2:38 pm to 2:40 pm on the day concerned. Foul expressions were found several times in the song.

Relevant Provision in the Radio Code of Practice on Programme Standards (Radio Programme Code)

- (a) paragraph 15 – expressions considered vulgar or unacceptable by an average person are to be avoided. Expressions that are definitely offensive are prohibited from use on radio.

The CA's Considerations

The CA, having regard to the relevant facts of the case including the information submitted by RTHK, considered that the expressions in question were clearly audible and were found a few times in the song. Those expressions were blatantly offensive and unacceptable for broadcast. Hence, the broadcast of such expressions constituted a clear breach of paragraph 15 of the Radio Programme Code.

Decision

In view of the above, the CA considered that the complaint was justified. Having taken into account the specific facts, the circumstances of the present complaint and other relevant factors, including that the present case is the third contravention of the provision governing language in less than two years by RTHK's radio programme services, the CA decided that RTHK should be **warned** to observe more closely the relevant provision of the Radio Programme Code.

Case 2 – Television Programme “Weather Forecast” (天氣預報) broadcast from 8:12 pm to 8:17 pm on 30 September 2019 on RTHK TV 33 and RTHK TV 33A Channels of RTHK

A member of the public complained about the captioned programme. The substance of the complaint was that the programme, which was broadcast during the family viewing hours (FVH) (viz. 4:00 pm – 8:30 pm), contained product placement of a brand of liquor.

The 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 programme under complaint was simulcast on RTHK TV 33 and RTHK TV 33A Channels of RTHK, which relayed the “Weather Forecast” programme broadcast in Channel 1 of China Central Television (CCTV), from 8:12 pm to 8:17 pm during the FVH; and
- (b) advertising and sponsor references of the liquor brand were presented several times during the course of the programme and in a commercial break.

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

- (a) paragraph 2(c) of Chapter 6 – for domestic free television programme services, the licensee should not include in its licensed service between the hours of 4:00 pm and 8:30 pm each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product.

The CA's Considerations

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

- (a) the programme under complaint, which contained promotional and advertising materials for the liquor brand and broadcast during the FVH, constituted a breach of paragraph 2(c) of Chapter 6 of the TV Advertising Code; and
- (b) as submitted by RTHK, the programme was produced by CCTV rather than RTHK itself. RTHK relayed the “Weather Forecast” programme under the relaying arrangement agreed with CCTV. RTHK did not receive any consideration regarding the relevant promotional and advertising materials.

Decision

In view of the above, the CA considered that the complaint was justified. Taking into account the specific facts and circumstances of the complaint, including that RTHK was relaying the programme under complaint with little discretion over its content, and that this was an isolated incident under the relaying arrangement, the CA decided that **no sanction** be imposed on RTHK. However, RTHK was reminded to liaise with CCTV more closely to ensure future compliance with the relevant provision.