

Appendix

Case – Radio Programmes “Weekend Lucky Star” (潮爆開運王) broadcast from 10:00am to 11:00am on 22 and 29 August 2020 on the CR1 Channel of Hong Kong Commercial Broadcasting Company Limited (CRHK)

A member of the public complained about two editions of the captioned programme. The substance of the complaint was that the programme hosts’ call on listeners to join a fee-charging online seminar amounted to advertising, and that the contents on fung-shui was subjective and misleading.

The Communications Authority (CA)’s Findings

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

Details of the Case

- (a) the programme was a talk show about fung-shui and fortune-telling with three hosts, one of whom was a fung-shui master (the Relevant Host);
- (b) an announcement reminding listeners that the opinions of fortune-tellers were for reference only and were not exact sciences (the Disclaimer) was broadcast before and after each edition of the programme;

- (c) at the beginning and the end of each edition under complaint, the three hosts talked about an upcoming online seminar to be held by the Relevant Host (the Seminar), including detailed information on the speaker/organiser, the dates, the fee, the content, the means of delivery and enrolment information. There were also favourable comments on the Seminar and promotional references encouraging listeners to enrol on the Seminar. According to CRHK's confirmation and the content of the two editions, the Seminar was about the fortune of the 12 Chinese Zodiac in the coming three years; and
- (d) CRHK admitted the lapse and submitted, among others, that it had reminded the hosts and the producer of the programme of the relevant regulatory requirements.

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

- (a) paragraph 13 – the promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to, among others, fortune-telling, fung-shui, occultism, astrology and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences;
- (b) paragraph 41 – no undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. Such references must be limited to what can

clearly be justified by the editorial requirements of the programme itself, or of an incidental nature; and

Relevant Provisions in the Radio Code of Practice on Advertising Standards (Radio Advertising Code)

- (c) paragraph 11(a) – advertisements for products or services coming within the recognized character of, or specially concerned with, fortune-tellers and the like, are not acceptable. This does not preclude advertisements for publications (whether printed or otherwise) or pre-recorded information services (whether voice or data) on subjects of general interest such as horoscopes, astrology, Chinese almanacs, fung-shui etc.

The CA's Considerations

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

Undue Prominence

- (a) the repeated references to the Seminar in the two editions, including detailed information on the speaker/organiser, the dates, the fee, the content, the means of delivery and enrolment information, were not of an incidental nature and could not be justified by the editorial requirements of the programme. The favourable remarks and the promotional references made by the programme hosts had the clear effect of appealing

to listeners to participate in the Seminar, giving it undue prominence, and amounted to advertising;

Unacceptable Service

- (b) it was clear that the Seminar was a service coming within the recognised character of, or specially concerned with fortune-tellers, which is unacceptable under paragraph 11(a) of the Radio Advertising Code; and

Promotion of Belief in Harmful Superstition

- (c) regarding the allegation about the programme content on fung-shui being subjective and misleading, noting that the Disclaimer was broadcast before and after each edition of the programme, the CA considered that overall speaking, there was insufficient evidence to suggest that the light-hearted discussion in the editions concerned had the effect of promoting harmful superstition and supernatural beliefs, encouraging people to regard fortune-telling as providing commonly accepted appraisals of life or giving the impression that the topics under discussion were exact sciences.

Decision

In view of the above, the CA considered that the complaint was justified and that CRHK was in breach of paragraph 41 of the Radio Programme Code and paragraph 11(a) of the Radio Advertising Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the

CA decided that CRHK should be **strongly advised** to observe more closely the relevant provisions.