

## Appendix

### **Case 1 – Programme Promotions within Various News Programmes broadcast from 4 February 2020 to 16 August 2021 on TVB News Channel of Television Broadcasts Limited (TVB)**

The Communications Authority (CA) received seven public complaints on the captioned news programmes for continually showing promotional materials for programmes, in the form of split-screens, within the various news programmes concerned.

#### **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) information on a number of programmes scheduled on TVB News Channel including programme titles and broadcast dates and times (collectively referred to as “the Materials”) was continually displayed in a split-screen at the top / bottom left corner of the screen at different time slots during the broadcast of a total of 10 news programmes<sup>1</sup>; and

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<sup>1</sup> The 10 programmes were (a) News Report (新聞報道) broadcast on 4 and 5 February 2020; (b) News Report (午間新聞) broadcast on 5 February 2020; (c) Good Morning Hong Kong (香港早晨) broadcast on 28 March 2020, 1 April 2020, 13 May 2020, 11 July 2020, 28 June 2021 and 16 August 2021; and (d) One Hour News at 7:30 (無綫7:30一小時新聞) broadcast on 13 July 2020.

- (b) TVB submitted, among others, that the Materials were factual in nature and did not carry any element to promote programme or service.

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

- (a) paragraph 15A(b) and (c) of Chapter 12 – notwithstanding the rule in paragraph 1 of Chapter 8 of the Generic Code of Practice on Television Advertising Standards (TV Advertising Code), a promotion for programme(s) in the form of superimposed text within programmes (in-programme promotion) is allowed subject to the rules that the superimposition should appear not more than once per every 7 minutes within each programme segment or a programme without breaks and that each superimposition should not be more than 10 seconds; and the superimposition of “in-programme promotion” is not allowed in news programmes and programmes or channels targeting children; and

***Relevant Provision in the Television Advertising Code***

- (b) paragraph 1 of Chapter 8 – unless permitted under Chapter 11 of the TV Programme Code or otherwise permitted by the CA, advertising or non-programme material may be placed only at the beginning or end of a programme or in a natural break occurring therein. For the purpose of this Code, “non-programme material” excludes advertising material but includes, among others, materials for the

promotion of the licensee's station and programme services.

### **The CA's Consideration**

The CA, having regard to the relevant facts of the case, considered that –

- (a) the Materials, which contained specific information (including titles and broadcast dates and times) regarding various programmes of TVB News Channel, constituted “in-programme promotions”;
- (b) the display of the Materials in the 10 news programmes concerned for a duration ranging from 1 to 29 minutes was in breach of the rules under paragraph 15A(b) and (c) of Chapter 12 of the TV Programme Code; and
- (c) the Materials were “non-programme materials”. The broadcast of the Materials within the 10 programmes concerned was in breach of paragraph 1 of Chapter 8 of the TV Advertising Code.

### **Decision**

In view of the above, the CA considered that the complaints were justified. Having taken into account the specific facts, the circumstances of the present complaints and other relevant factors, the CA decided that TVB should be **advised** to observe more closely the relevant provisions of the TV Programme Code and the TV Advertising Code.

**Case 2 – Radio Programme “Good Morning King” (早霸王) broadcast from 10:00am to 12:00 noon, 16 February 2021 on CR 2 Channel of Hong Kong Commercial Broadcasting Company Limited (CRHK)**

A member of the public complained about the captioned programme, alleging that one of the hosts ridiculed and insulted the flat owners of the Home Ownership Scheme (HOS) in a phone-in segment.

**The 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 under complaint was a light-hearted talk show;
- (b) in a 25-minute segment, one of the hosts uttered the expression “戇居者有其屋” (“stupid people have their properties”) (the Expression) during chit-chat with a caller. The other hosts then repeated the Expression for laughing at it. Within the segment, the Expression was mentioned by the hosts 10 times in the space of around 10 minutes; and
- (c) CRHK submitted, among others, that the programme was just a humorous talk show and the use of the Expression therein was not related to people who buy HOS units.

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

- (a) paragraph 6 – licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast; and
- (b) paragraph 7(b) – 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 social status.

**The CA's Consideration**

The CA, having regard to the relevant facts of the case, considered that –

- (a) the Expression was used by several hosts in a joking manner. However, issues relating to housing were not mentioned and topics relating to social status were not discussed in the programme. Hence, there was insufficient evidence to establish that the utterances of the Expression by the hosts in the programme amounted to denigration or insult to any person(s) or group(s) on the basis of social status; and
- (b) nevertheless, the repeated use of the Expression during the segment was insensitive and would offend listeners, thereby constituted a breach of paragraph 6 of the Radio Programme Code.

## **Decision**

In view of the above, the CA considered that the complaint in respect of the use of offensive expression was justified. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that CRHK should be **advised** to observe more closely the relevant provision of the Radio Programme Code.