

Appendix

Case – Radio Programme “On a Clear Day” (在晴朗的一天出發) broadcast from 8:00am to 10:00am, 16 June 2020 on CR 2 Channel of Hong Kong Commercial Broadcasting Company Limited (CRHK)

A total of 78 members of the public complained about the captioned programme. The main allegation was that the hosts of the programme discussed an incident involving an alleged sex crime in a joking manner, which were of bad taste, inappropriate and disrespectful.

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) in a 17-minute segment (the Segment), the hosts discussed a series of alleged sex crimes as reported by media, in which a number of males were allegedly extorted to filming sexually explicit videos (the Incident). In their discussions, the hosts made repeated references to the details of the Incident, including the non-consensual sex acts which allegedly took place in the Incident;
- (b) the Segment contained a mock interview (the Interview) in which a staff member of CRHK played the role of one of the victims of the

Incident (the Character). During the Interview, a host put a series of questions to the Character about the Incident in a joking manner, with the other hosts laughing and commenting on the details described by the Character in a frivolous manner;

- (c) in a later edition of the programme broadcast on 19 June 2020, the hosts concerned apologised to listeners for the way the Incident was discussed in the Segment; and
- (d) CRHK submitted, among others, that the hosts did not use insulting or satirical expressions to poke fun at the victims of the Incident and that the Character had no intention to impersonate the victims of the Incident.

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;
- (b) paragraph 7(a) – a licensee should not include in its programmes any material which is, among others, of bad taste which is not ordinarily acceptable to the listeners taking into consideration the circumstances of the broadcast of the programme;
- (c) paragraph 8 – the presentation of any material with sexual connotations should be treated with sensitivity and not in an

exploitative or irresponsible manner;

- (d) paragraph 9 – crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified; and
- (e) paragraph 16 – programming should present such subjects as violence and sex without undue emphasis and only as required by plot development or character delineation.

The CA's Consideration

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

Responsible Handling / Treatment of Programme

- (a) the hosts were aware that the Incident involved alleged serious offences. However, in discussing the Incident, the hosts failed to handle the relevant contents in a responsible manner. During the Segment, the hosts treated the Incident as an anecdote, commenting on the Incident in a playful manner and got carried away. Some of the remarks could be considered as shaming the victims of the Incident. The hosts ignored the fact that they were discussing a serious news topic involving sex crimes, and showed a lack of sympathy for the victims of the Incident;
- (b) while the hosts made an apology to listeners in a later edition of the programme, CRHK failed to recognise any mistake in the

programme in its representations. CRHK also did not undertake to review, monitor or commit not to repeat similar lapses in the future;

- (c) as such, the programme was in breach of paragraphs 6 and 8 of the Radio Programme Code;

Depiction of Sex / Violence

- (d) in the Segment, undue emphasis was given to describing the non-consensual sex acts allegedly took place in the Incident. The discussion in the Segment was of bad taste and was not ordinarily acceptable to the listeners expecting a light-hearted satire scheduled for morning hours. As such, the programme was in breach of paragraphs 7(a) and 16 of the Radio Programme Code; and

Depiction of Criminal Activities

- (e) the hosts had in the Segment expressed condemnation of the alleged sex crime. As such, there was insufficient evidence to establish that the criminal activities mentioned in the Segment were presented in a favourable light or being glorified.

Decision

In view of the above, the CA considered that the complaints in respect of handling / treatment of programme and depiction of sex / violence within programme were justified. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided

that CRHK should be **warned** to observe more closely the relevant provisions of the Radio Programme Code.