

Complaints dealt with by the Communications Authority (“CA”) (released on 29 November 2019)

The CA considered the following cases which had been deliberated by the Broadcast Complaints Committee (“BCC”) –

Complaint Cases

1. [News Reports on recent social events broadcast by Television Broadcasts Limited \(“TVB”\) on 12 June 2019](#)
2. [News Reports on recent social events broadcast by TVB on 15 June 2019](#)
3. [Television Programme “News Roundup” \(晚間新聞\) broadcast by TVB](#)
4. [Radio Programme “C Hing Temple” \(C Hing 祠堂\) broadcast by Radio Television Hong Kong \(“RTHK”\)](#)

The CA also considered one case of dissatisfaction with the decision of the Director-General of Communications (“DG Com”) on a complaint case.

Having considered the recommendations of the BCC, the CA decided –

1. that the complaints against the news reports on recent social events broadcast by TVB on 12 June 2019 were unsubstantiated and **no further action** should be taken against TVB;
2. that the complaints against the news reports on recent social events broadcast by TVB on 15 June 2019 were unsubstantiated and **no further action** should be taken against TVB;
3. that the complaints against the television programme “News Roundup” (晚間新聞) were unsubstantiated and **no further action** should be taken against TVB;
4. that the complaints against the radio programme “C Hing Temple” (C Hing 祠堂) were unsubstantiated and **no further action** should be taken against RTHK; and
5. to uphold the decision of the DG Com on a case of dissatisfaction with the decision of the DG Com. Details of the case is available in the [Appendix](#).

29 November 2019

Case 1 – News reports on recent social events broadcast on 12 June 2019 on the Jade, TVB News, Pearl and Finance & Information Channels of Television Broadcasts Limited (“TVB”)

Over 7 400 members of the public complained against the captioned news reports. The main allegations were summarised below –

- (a) the news reports were misleading, distorted, biased towards the Government and the Police as they did not cover / show certain alleged actions by the Police, e.g. using unreasonable force against reporters and peaceful protesters / students; delaying medical aid to or conveyance of victims to hospital; interrupting journalists from reporting on police actions; hurling verbal abuse and foul expressions at protesters and reporters; inflicting sexual violence on a female protester and shooting a person dead without prior warning;
- (b) some complainants alleged that the news reports were misleading and partial. For example, they did not cover the responses of foreign governments and people from around the world on the protests; exaggerated the injuries to police officers and merely focused on those protesters using violence and breaking through police cordon lines; or only included the interviews with members from the pro-establishment parties;
- (c) some complainants alleged that the news reports were misleading to refer the protests as “暴動” (“riots”) and the protesters as “暴徒” (“rioters”); and
- (d) on the other hand, a few complainants alleged that the reports in the main news were biased towards the protesters as the content on protesters’ attack on the Police by throwing iron poles and stones was edited out.

The CA’s Findings

In line with 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 –

Details of the Case

- (a) the news reports broadcast on the channels concerned reported the series of events on 12 June 2019 in a similar manner. In the main newscasts broadcast in the evening and late night on Jade, TVB News and Pearl channels, there was extensive coverage of the protests which took place in Admiralty throughout the day, as well as various aspects and details of the confrontations between the protesters and the Police;

- (b) the livecasts of the situation in Admiralty on TVB News from around 3:00pm to 6:30pm on that day revealed that there were top and closer shots of the confrontations between the protesters and the Police in and around Admiralty as they were taking place and captured by TVB's video cameras; and
- (c) TVB submitted, among others, that it had been deploying all feasible means to cover the social movement as broadly as possible. The reasons for not covering some of the alleged incidents were either that they had not been verified or that its news crew had not personally witnessed them. The information covered in its news reports concerned was factual, the majority of which was broadcast live.

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

- (a) paragraph 1 of Chapter 9 – news programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality;
- (b) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (c) paragraphs 2, 3, 4 & 6 of Chapter 9 – due impartiality rules applicable to news programmes; and
- (d) paragraph 9 of Chapter 9 – the licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion.

The CA's Considerations

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

- (a) the news programmes broadcast on the channels concerned as a whole reported the series of events relating to the protests that took place throughout the day of 12 June 2019. Specifically, the main newscasts in the evening and late night on Jade and TVB News channels covered a wide range of events and related issues including, among others –

- (i) the occupation of roads in Admiralty by protesters at around 8:00am and the confrontations between the protesters and the Police in the morning;
 - (ii) the escalated confrontations between the protesters and the Police in the afternoon (including footage of protesters breaking through the Police's line of defence to enter the demonstration area next to the Legislative Council ("LegCo") Building and throwing objects at the Police; the Police raising flags to warn the protesters and using batons, pepper spray, tear gas, rubber bullets and bean bag bullets to disperse them; and a protester being shot, etc.). It was also reported that a man in a yellow press vest and a police officer were injured during the protests;
 - (iii) the continuing standoff and confrontations in the evening;
 - (iv) the Police's briefing for the press and the Chief Executive ("CE")'s pre-recorded statement in response to the protests in which the protests were first referred to as "騷亂" ("disturbances") and later as "暴動" ("riots"), as well as responses from the Education Bureau, foreign governments and different groups;
 - (v) the postponement of the LegCo meeting for the second reading of the then proposed amendments to the Fugitive Offenders Ordinance (the "Bill"), and the plan to organise class boycott in secondary schools and comments from two teachers' trade unions; and
 - (vi) the exclusive interview of the CE on the Bill and the protests; and the number of casualties due to confrontations;
- (b) the livecasts on TVB News Channel from around 3:00pm onwards showed the continuous confrontations between the Police and the protesters which took place in and around Admiralty and outside the LegCo Building. The live reports as a whole delivered a factual account of the developments of the protests and the confrontations between protesters and the Police;
- (c) regarding the allegation that the reports were misleading to refer the protests as "暴動" ("riots") and the protesters as "暴徒" ("rioters"), the expressions were quoted direct from the statements of the Government / Police announced in the late afternoon of 12 June 2019;
- (d) regarding the allegation that there was no report about sexual violence against a female protester, the complainants did not specify details about this allegation and investigation revealed that there was also no such report in other major broadcast media on that day. As for the allegation that TVB did not report on

a person being shot dead, investigation revealed that there was also no such report in other media on 12 June 2019; and

- (e) there was insufficient evidence to support the allegations that TVB had not presented the news on the protests and the events / incidents relating thereto in accordance with the relevant provisions in the TV Programme Code governing accuracy, due impartiality and fairness.

Decision

In view of the above, the CA considered the complaints **unsubstantiated** and decided that **no further action** should be taken against TVB.

Case 2 – News reports on recent social events in various news programmes broadcast on 15 June 2019 on the Jade, TVB News and Finance & Information Channels of Television Broadcasts Limited (“TVB”)

Over 4 700 members of the public complained against the captioned reports. The main allegations were summarised below –

- (a) the news reports were partial and unfair as such reports did not cover / seldom covered or broadcast footage of police officers’ violence towards the crowd; portrayed protesters as rioters and focused on their resistance against police officers and only reported on injured police officers; and were inclined towards the Government and/or the Police by covering news favourable to them and withholding those which were not;
- (b) the news programmes broadcast on TVB’s Chinese channels failed to cover or delayed the report about a protester falling to his death from a scaffolding in Admiralty, which happened at around 9:00 p.m. on 15 June 2019 (the “Incident”); and the rally scheduled for 16 June 2019 was not mentioned in the news reports broadcast on 15 June 2019; and
- (c) some complainants alleged that the relevant news reports on 15 June 2019 were inaccurate and misleading, including concealing protesters’ violence by not repeating the footage of protesters who threw metal poles at police officers during the confrontations on 12 June 2019 (the “612 Confrontations”) since 15 June 2019.

The CA's Findings

In line with 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 –

Details of the Case

- (a) the Chief Executive announced at around 3:00 p.m. on 15 June 2019 that the legislative process of the then proposed amendments to the Fugitive Offenders Ordinance (the “Bill”) would be suspended (the “Decision”). Before the announcement of the Decision, opposing views on the Bill and/or the Police’s enforcement actions regarding the protests on 12 June 2019 were presented in the news reports broadcast by TVB on that day. The news reports broadcast after the Decision mainly covered the responses from several parties on the Decision. Apart from the above, the response of the United States government to the protests arising from the Bill and the corresponding criticisms from the Central People’s Government and a Mainland media were also broadcast;
- (b) when the news made reference to the 612 Confrontations, fragmented footage was broadcast in which various aspects and details of the confrontations between the protesters and the Police were shown;
- (c) the Incident was not covered in TVB’s news programmes in the evening of 15 June 2019 up to midnight. Relevant reports covering the Incident were found in various news programmes on the Jade, News, Finance & Information and Pearl Channels of TVB shortly after midnight on 15 June 2019 or on 16 June 2019; and
- (d) TVB submitted, among others, that it had been fully deploying its resources available to cover the social movement as broadly as possible and that the information covered in its news reports concerned was factual, the majority of which was broadcast live.

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

- (a) paragraph 1 of Chapter 9 – news programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality;

- (b) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (c) paragraphs 2, 3, 4, and 6 of Chapter 9 – due impartiality rules applicable to news programmes; and
- (d) paragraph 9 of Chapter 9 – the licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion.

The CA's Considerations

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

- (a) the relevant news reports included various actions of both the protesters and the Police during the 612 Confrontations (including footage of protesters pushing metal barricades towards police cordon lines, hurling various objects at police officers and barricading roads; and police officers' responses including throwing a metal pole at the protesters, firing bean bag rounds, rubber bullets and tear gas at the crowd, dispersing the crowd with batons and pepper spray, etc.). The relevant news reports mentioned that the Police had labelled the 612 Confrontations as a riot because some protesters started throwing objects at police officers and stated that some protesters were charging at police cordon lines in an organised fashion despite repeated warnings. There was also footage showing that police officers and journalists were among those who were injured;
- (b) the relevant news reports covered various issues relating to the Bill, such as different views of various parties, both locally and internationally, on the Bill, the Police's enforcement actions during protests arising from it and the Decision. The news reports broadcast after the announcement of the Decision mainly gave a factual account of the responses from different parties, in which some official institutions, Members of the Executive Council and Legislative Council and an official of a foreign government welcomed the Decision or voiced their support for the Chief Executive and the Government. The news reports also covered the criticisms of and/or dissatisfaction with the Decision from the pan-democratic camp, members of the public as well as a representative of Civil Human Rights Front, and reported that the rally scheduled for 16 June 2019 would continue as planned;

- (c) overall speaking, the news reports broadcast on 15 June 2019 on the channels concerned had encompassed a wide range of views on the relevant issues. There was insufficient evidence that TVB had not presented the news on the events/incidents arising from the Bill in accordance with the relevant provisions in the TV Programme Code governing due impartiality and fairness;
- (d) as the allegations about inaccuracy of the reports were of a general nature without provision of specific references to any broadcast materials, it was not possible to establish that there was a breach of the relevant provisions in the TV Programme Code. This notwithstanding, the CA noted the news reports concerned as a whole gave a factual account of various issues arising from the Bill, including the 612 Confrontations and the responses from different parties on the Bill and the Decision;
- (e) as for the allegations about the report coverage relating to the Incident and the rally scheduled for 16 June 2019, the CA considered that the choice of a specific news item was the editorial decision of a licensee, which was outside the jurisdiction of the CA; and
- (f) there was no provision in the TV Programme Code governing the repeated broadcast of news content.

Decision

In view of the above, the CA considered the complaints **unsubstantiated** and decided that **no further action** should be taken against TVB.

Case 3 – Television Programme “News Roundup” (晚間新聞) broadcast from 11:00pm to 11:30pm on 12 August 2019 on the Jade Channel of Television Broadcasts Limited (“TVB”)

403 complaints were received against the captioned programme. The substance of the complaints was that when an anchor reported on the arrests of protesters made by covert police officers, she pronounced “警員” (“police officers”) as “警犬” (“police dogs”) or the police operation concerned as “警犬行動” (“police dogs’ operation”) while the corresponding on-screen subtitles for police officers were “警員”. The complainants alleged that the references concerned insulted and incited hatred against the Police; were partial and inaccurate and that no correction of error was made. Some complainants complained about the anchor’s attitude and alleged that she violated the professional ethics for journalists, intensified polarisation and dissension within society.

The CA's Findings

In line with 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 –

Details of the Case

- (a) in the news programme under complaint, there were several news items regarding the demonstrations and clashes happening on the previous day (i.e. 11 August 2019), including a report that police officers were disguising as protesters during the arrest operation in Causeway Bay. In the lead-in, the anchor read a phrase which, to some, could have sounded like “警犬行動裡面” (“police dogs in the operation”) while the corresponding on-screen subtitles showed “警員在行動中” (“police officers in the operation”); and
- (b) TVB submitted, among others, that the anchor in question inadvertently mispronounced the word “員” as “遠(jyun5)” due to a slip of the tongue, which was misheard by some viewers as “犬(hyun2)”; and that neither the anchor concerned nor TVB’s news staff had any intention to refer to police officers or their operation with the term “警犬”.

Relevant Provisions in the Generic Code of Practice on Television Programme Standards

- (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, social status;
- (b) paragraph 1 of Chapter 9 – news programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality;
- (c) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (d) paragraph 2 of Chapter 9 – the licensees must ensure that due impartiality is preserved in news programmes; and
- (e) paragraph 7(e) of Chapter 9 – correction of factual errors should be made as soon as practicable after the original error.

The CA's Considerations

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

- (a) the news item under concern gave a factual account of the police operation in the evening of 11 August 2019, including the footage of a police officer responding to media enquiries in the press conference held on the following day. With the exception of the utterance in question in the lead-in which was swift and not very clear, the term “警員” or “警方” was accurately presented throughout the report, accompanied by correct subtitles;
- (b) there was insufficient evidence to treat the utterance in question as intentional, and that it was unlikely that the pronunciation concerned would affect viewers' comprehension of the news as a whole, or render the news partial, insulting to or inciting hatred against the Police; and
- (c) other allegations such as the attitude and professional ethics of the anchor were outside the jurisdiction of the CA.

Decision

In view of the above, the CA considered the complaints **unsubstantiated** and decided that **no further action** should be taken against TVB.

Case 4 – Radio Programme “C Hing Temple” (C Hing 祠堂) broadcast from 12:05am to 2:00am on 22 June 2019 on the Radio 2 Channel of Radio Television Hong Kong (“RTHK”)

36 complaints were received against the captioned programme. The main allegations were that the remarks made by the host –

- (a) ridiculed police officers inside the Hong Kong Police Headquarters (“HKPHQ”), which was surrounded by protesters during the broadcast of the programme, that they were unable to get off work on time on a Friday evening;
- (b) insulted police officers, incited hatred against the Police and implied that the Police had done something wrong that caused the protesters' besieging of the HKPHQ;

- (c) instigated people on the scene to storm the HKPHQ, caused more to go there to participate in the siege and stirred people to participate in the riot and engage in illegal activities; and
- (d) provoked social conflicts; failed to reflect the real situation at HKPHQ impartially; and misled listeners by confounding right and wrong.

Some complainants were dissatisfied that listeners could not rebut those remarks since the programme was not a current affairs programme, and that the hosts lacked professionalism and had a sub-standard hosting manner.

The CA's Findings

In line with 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 –

Details of the Case

- (a) the programme concerned was a light-hearted talk show broadcast in late night, which covered hot topics and trendy issues;
- (b) at the beginning of the programme, the host briefly mentioned the Police's relationship with the community and said that “成日都會講話警民關係、警民關係，警民，警民，警察都係市民啫，但係問下自己，點解要做呢一件事先？入面嘅人想出嚟，隔住塊玻璃，講到「un」好打都有用啦。明明一般人六點鐘禮拜五晚Happy Friday收得工㗎喇，隔咗六個鐘都未走得，點解呢？無論點都好，香港人，小心，小心，小心” and “頭盔嘅裡面，盾牌嘅背後，有冇諗過點解呢？值唔值得呢？”. Later, the host discussed how some people could get off work on time on a Friday to enjoy their evening while some had to stay behind to work overtime owing to their own shortcomings such as inefficiency;
- (c) during the rest of the programme, the hosts mainly chitchatted about how to get off work on time, travelling to their native towns and overseas countries, as well as other topics, without making any reference to the Police or protests in Hong Kong; and
- (d) RTHK submitted, among others, that the remarks concerned would neither mislead listeners nor make insults to any person or group and that the host had no intention to encourage hatred or instigate people to participate in riot or illegal activities.

***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 – 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, social status; or anything which is in contravention of the law.

The CA's Considerations

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

- (a) except for some brief references about the Police at the beginning of the programme, other remarks did not contain clear references to any specific group of people and/or specific incident, albeit listeners might associate the remarks with contemporaneous incidents. Overall speaking, the sarcastic remarks were expressed in a jokey manner, which were unlikely considered irresponsible, insulting to or inciting hatred / violence against any person(s) or group(s) or unacceptable for broadcast in a light-hearted talk show;
- (b) regarding the allegation that the remarks concerned instigated people to storm the HKPHQ or stirred them to participate in riot or engage in illegal activities, the CA considered that the jokey remarks did not amount to incitement of the alleged behaviours and that there was no evidence suggesting that these remarks would encourage any unlawful behaviour; and
- (c) the provisions in the Radio Programme Code governing impartiality and accuracy were not applicable to talk shows. Other allegations such as the lack of professionalism and the sub-standard hosting manner of the host(s) were outside the jurisdiction of the CA.

Decision

In view of the above, the CA considered the complaints **unsubstantiated** and decided that **no further action** should be taken against RTHK.

Appendix

Case of Dissatisfaction with the DG Com's Decision

Title	Channel	Broadcast Date	Substance of Complaint	Decision being upheld
TV Programme “Finance at 10” (十點無綫財經)	TVB Finance & Information	2.9.2019	Editorial Decision	Outside the remit of the CA