

Complaints dealt with by the Communications Authority (“CA”) (released on 24 April 2020)

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

Complaint Cases

1. [News Reports on the incident occurred in Sham Shui Po on 6 October 2019 broadcast by Television Broadcasts Limited \(“TVB”\)](#)
2. [Radio Programme “Open Line Open View” \(自由風自由Phone\) broadcast by Radio Television Hong Kong \(“RTHK”\)](#)

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

1. the complaints against the news reports on the incident occurred in Sham Shui Po on 6 October 2019 broadcast by TVB were unsubstantiated and **no further action** should be taken against TVB; and
2. the complaints against the radio programme “Open Line Open View” (自由風自由Phone) were unsubstantiated and **no further action** should be taken against RTHK.

24 April 2020

Case 1 – News reports on the incident occurred in Sham Shui Po on 6 October 2019 in various news programmes broadcast on the Jade, News, Pearl and Finance & Information Channels of Television Broadcasts Limited (“TVB”) on 6 and 7 October 2019

Over 2 200 members of the public complained about the captioned news reports. The main allegations were summarised below –

- (a) the news reports, which covered the incident occurring on 6 October 2019 in Sham Shui Po where a protest rally was held in the vicinity and a taxi reportedly mounted the pavement outside the Cheung Sha Wan Government Offices, hitting a number of people, with a man in red clothes, purportedly the driver of the taxi involved (“the Man”), subsequently beaten by a crowd (“The Incident”), were distorted, misleading, partial, biased, amounted to fake news and selective reporting, and unfair to the people in the crowd/the protesters, as –
 - (i) the news reports presented the Incident as a crowd of people violently beating up the Man who had a different political opinion, with no coverage of what the Man did before the beating, including deliberately ramming his taxi into the pedestrians who were on the pavement, notwithstanding that a footage of such actions was widely circulated on the Internet soon after the Incident and the news reports of other television stations had also covered such actions in detail;
 - (ii) the news reports contained detailed coverage of the injuries sustained by the Man after he was beaten by the crowd, but there was no coverage of the fact that the beating by the crowd was the aftermath of what the Man had done before, and the injuries sustained by people hit by the taxi, including a woman with serious fractures to her legs and being taken to hospital in a critical condition. The Man, who was in fact a perpetrator, was portrayed as the only victim in the news reports;
 - (iii) the news reports did not mention that the Man was a taxi driver who rammed his taxi into the pedestrians who were on the pavement and/or only referred to the Man as a man in red clothes (“紅衣男子”). Such reports were slanted by the concealment of facts;
 - (iv) the subtitles “的士上了行人路” (“the taxi mounted the pavement”) shown in the news reports were inaccurate and misleading, as it downplayed the seriousness of the crash caused by the Man;
 - (v) the news reports only focused on the crowd’s beating of the Man, which gave viewers the impression that the crowd/protesters/those clad in black were rioters and/or always resorted to violence to settle disputes; and
- (b) the news reports promoted violence, deprived the public of the right to know, defamed the protesters and deepened and/or incited conflicts and contradictions in the society.

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) the news programmes broadcast on the channels concerned reported on a wide range of events relating to protests and confrontations between different parties which took place in various districts on 6 October 2019. The Incident happened at around 5:00pm on that day. The news about the Incident were broadcast roughly every half-hour on TVB News Channel from the evening of 6 October 2019 to the next morning of 7 October 2019. The relevant news were also broadcast in “News at 6:30” at 6:30pm, and “News Roundup” at 11:30pm on the Jade Channel; “News at Seven Thirty” at 7:30pm and “News Roundup” at 11:15pm on the Pearl Channel on 6 October 2019;

Live Coverage of the Incident on TVB News Channel

- (b) on TVB News Channel, live coverage of the Incident was shown from 5:19pm to 5:22pm on one of the split screens on the news programme. In the live footage, a man, who was in red clothes, was seen lying on the ground, his face and head covered in blood, surrounded and treated by some people. Against the footage, the reporter reported that the person was injured and it was believed that he was a taxi driver (“受傷嘅人相信係的士司機嚟嘅”); he appeared to have sustained a head injury and the bleeding appeared to be serious (“相信係頭部有受傷，流血情況相信都嚴重嘅”); and that the taxi appeared to have been driven against the direction of traffic and rammed into the pavement (“嗰部的士...似乎呢係逆線剷上行人路嘅”);

News Reports on the Incident broadcast on 6 October 2019 on TVB's Channels

- (c) in “News at 6:30” broadcast at 6:30pm on the Jade Channel, and “News Report” at 6:30pm, 7:00pm and 7:30pm on the TVB News Channel on the same day, the reporter remarked “喺長沙灣政府合署對出，有的士剷咗上行人路，一個著紅衫嘅男人被拖喺地上面圍毆。有人手持鎚仔；遇襲男人身體多處受傷，有人幫佢急救；又有人集結喺欽州街一帶，防暴警察到場，發射咗至少一槍防暴槍，人群之後向內街散去” (“Outside the Cheung Sha Wan Government Offices, a taxi rammed into the pavement, a man in red clothes was dragged to the ground and beaten up by a crowd. Some people held hammers; the beaten man was injured in various parts of his body, and was provided first-aid treatment. Some people gathered around Yen Chow Street; the riot police arrived and fired at least one shot of riot guns; the crowd then dispersed towards the inner streets”). The corresponding subtitles for the verbal remark “有的士剷咗上行人路” (“a taxi rammed into the pavement”) were shown as “有的士上了行人路” (“a taxi mounted the

pavement”). Similar news reports about the Incident were broadcast on TVB News Channel in the same evening;

- (d) in “News at Seven Thirty” and “News Roundup” broadcast at 7:30pm and 11:15pm respectively on the Pearl Channel, it was reported that “Over in Cheung Sha Wan, violence spread as scuffles broke out between people with different political opinions. At around 5:00pm, a man was beaten up. Some eventually succeeded in persuading others in the group to stop the assault. The injured man was later treated. While the cause of altercations was unclear, the man had reportedly attempted to ram a protester with his taxi. In the area, police charged at the crowd on Yen Chow Street at around 5:30pm and fired riot guns. The crowds later dispersed.”;
- (e) in “News Roundup” broadcast at 11:30pm on the Jade Channel, it was reported that “...各區都有人因為影相或政見不同起爭執被圍毆...下晝五點幾，長沙灣政府合署對出，有的士剷上行人路，黑衣人包圍的士，打爛車窗。一個著紅色衫嘅男人被拖喺地上，被人圍毆。有人不停用遮等打佢；有人嘗試阻止；有人就拎住鎚仔。遇襲嘅男人身體多處受傷，有人為佢急救；消防其後到場協助。警方話事後接報，指有的士撞向途人，一人受傷送院” (“... due to disputes over photo taking or differences in political opinions, there were people being sieged and assaulted in various districts ... at around 5:00pm, a taxi rammed into the pavement outside the Cheung Sha Wan Government Offices. Some people clad in black surrounded the taxi and smashed its windows. A man in red clothes was dragged to the ground and beaten up by a crowd. Some beat him repeatedly with umbrellas; some tried to stop the beating; and some held hammers. The beaten man was injured in various parts of his body, and was provided with first-aid treatment; the firemen later arrived to offer assistance. The Police said that they received a report afterwards about a taxi ramming into pedestrians, and one person was injured and sent to hospital”). The corresponding subtitles shown matched the verbal remark “有的士剷上行人路” (“a taxi rammed into the pavement”). Similar news reports about the Incident were broadcast on TVB News Channel in “Late News” at 11:43pm and “Good Morning Hong Kong” at 7:38am on 7 October 2019;
- (f) the relevant footage in the news reports mentioned in sub-paragraphs (c) to (e) above showed that some people clad in black surrounded a taxi and hit the windows of the car. The Man was seen lying on the ground, besieged and beaten by a crowd of people with various objects. Someone was holding a hammer, while some people shielded the Man and tried to stop the beating. The Man was covered in blood and later treated by firefighters and some other people including those clad in black; and

News Reports on the Incident broadcast on 8 October 2019 on TVB News Channel at 1:48am and 4:06pm

- (g) on 8 October 2019, in the “Overnight News” broadcast at 1:48am on TVB News Channel, reports of the Incident and its aftermath, including updates on the injured woman’s condition as quoted from the Police were presented by the

anchor: “前日一架的士喺深水埗撞向途人，導致兩個人受傷，的士司機之後被黑衣人圍毆；警方話架的士撞人之前先被襲擊。警方話架的士喺南昌街近龍悅道避開路障時，被多人追打，於是沿欽州街駛走，之後的士擋風玻璃被人用鐵枝打穿，司機喺車內被人用鐵枝襲擊同拉扯，的士失控撞上行入路，撞到兩個女人，司機被拉落車圍毆。警方又話，的士內遺失大約兩萬蚊現金，同一隻大約值十四萬元手表。案件暫列作暴動、傷人、刑事毀壞、盜竊同交通意外有人受傷處理，未有人被捕。至於被撞傷嘅兩個女人，據了解，其中一人腿部骨折，仍然留醫” (“On the day before yesterday, a taxi rammed into pedestrians in Sham Shui Po, resulting in two people being injured. The taxi driver was later beaten by some people clad in black; the Police remarked that the taxi was attacked before it knocked down people. The Police said that the taxi was pursued and attacked by some people when the driver tried to avoid the roadblocks in Nan Cheong Street near Lung Yuet Road, and then the taxi was driven away along Yen Chow Street. The windshield of the taxi was smashed by people with iron rods. The driver in the vehicle was beaten by steel bars and dragged by people. The taxi lost control and rammed into the pavement, knocking down two women, and the driver was dragged out of the car and beaten by a crowd. The Police also said that \$20,000 cash and a watch worth about \$140,000 in the taxi were lost, and the case was temporarily classified as rioting, wounding, criminal damage, theft and traffic accident causing injury, and none was arrested. As for the two injured women, it was understood that one of them suffered fractures to her leg and was still hospitalised”). Similar report was found at around 4:06pm on the same day, with updates on the arrest of one suspect.

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

- (a) paragraph 2(c) of Chapter 3 – licensees should not include in its programmes anything which is in contravention of the law;
- (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) paragraphs 2, 3, 4 & 6 of Chapter 9 – due impartiality rules applicable to news programmes;
- (e) 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; and
- (f) paragraph 15 of Chapter 9 - licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals or other organisations. Licensees should take all reasonable care to satisfy

themselves that all material facts are so far as possible fairly and accurately presented.

The CA's Consideration

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

Impartiality and Misleadingness

- (a) the reports broadcast at 6:30pm mentioned that a taxi had been driven onto the pavement and a man in red clothes was beaten. In the reports broadcast at 11:30pm, apart from the remarks about a taxi driven onto the pavement and a man in red clothes being beaten, there were updates that scuffles broke out between people with different political opinions, and information that a taxi had reportedly rammed into the pedestrians and an injured person was sent to hospital was quoted from the Police. Similar reports were found in the early morning on 7 October 2019. The above reports did not clearly mention that the Man, who was beaten by a crowd, was “believed to be the taxi-driver” in relation to the Incident. This notwithstanding, TVB did report in the live coverage of the Incident the condition of the Man’s injury and remarked that the Man (who was in red clothes as seen from the live footage) was believed to be the taxi driver concerned, and that the taxi in question appeared to have been driven against the direction of traffic onto the pavement. Also, all the reports concerned mentioned that the taxi mounted the pavement;
- (b) TVB explained that the reason it did not report what the Man had done before he came to be beaten by the crowd (including ramming his taxi into the pedestrians who were on the pavement) was that its news crew was not present at the scene at the material time, and hence could not verify the truthfulness of such saying. In this regard, the news reports broadcast at around 11:30pm provided an update that, according to the Police, the taxi was alleged to have rammed into the pedestrians. Also, more detailed follow-up reports about what had happened before and after the crowd’s beating of the Man, as well as updates on the injured pedestrian’s condition quoted from the Police, were presented in the news reports in the early morning on 8 October 2019. Specifically, the reports referred to the Man as a taxi driver who rammed his taxi into pedestrians, and mentioned that the taxi lost control and drove onto the pavement, knocked down two women resulting in one of them sustaining fractures to her leg; and the Man was then dragged out of the vehicle and beaten;
- (c) given the above, it seemed reasonable that in exercising its editorial judgment, TVB was entitled to decide that certain facts of the Incident (including that the Man, who was the taxi driver, was accused of ramming his taxi into the pedestrians) should only be included in its news reports after verification with the Police. As for the allegation about the omission of the word “產” (“ram into”) in the subtitles “的士上了行人路” (“a taxi mounted the pavement”), given TVB’s explanation that it was due to a genuine slip in typing which had

been corrected in the subsequent newscasts, and that clear verbal remarks and visual images were provided in the news reports concerned, it was unlikely that viewers' comprehension of the news reports would be significantly affected. As such, there was also no reasonable ground to consider that TVB had downplayed the seriousness of the crash;

- (d) as for the allegation that TVB did not adopt the relevant footage available on the Internet in its reports, TVB explained that it could not verify the truthfulness of the accusation against the Man at the material time, its journalistic professionalism also prohibited it from casually using any footages on the Internet and jumping to a conclusion without first verifying the authenticity and integrity of the footages and clearing the copyright issues. The CA considered that TVB's explanation seemed reasonable. Also, according to the media report submitted by TVB, the Man had not been prosecuted by the Police so far and the Incident was still under investigation, and therefore the assertion that the Man had deliberately rammed his taxi into the pedestrians remained an allegation only;
- (e) taking into account the circumstances of the case, including the overall presentation of the news reports concerned and the representations of TVB, and the fact that the news programmes concerned had covered a wide range of events relating to protests and confrontations which took place in various districts on 6 October 2019, the CA considered that there was insufficient evidence to conclude that TVB had concealed any facts of the Incident, which rendered the relevant news coverage misleading and partial;

Fairness

- (f) while the footages used in the reports showed that some people were smashing the windows of the taxi and beating the Man who was covered in blood, the same footages also showed some other people in the crowd, including those clad in black, were trying to stop the beating and treating the Man's injuries. Neither did the reports mention that the crowd / protesters / those clad in black were rioters, nor showed any prejudice against the Man, the protesters or the injured pedestrians. As such, the CA took the view that there was insufficient evidence to support the allegation that the factual coverage of the Incident had rendered any individual or group of people being unfairly treated;

Violence

- (g) nothing contained in the factual accounts of the reports should be considered as promoting or endorsing violence or illegal acts; and

Other Allegations

- (h) other allegations such as depriving the public of the right to know, defaming the protesters and deepening and/or inciting conflicts and contradictions in the society, the matters 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 2 – Radio Programme “Open Line Open View” (自由風自由Phone) broadcast on the Radio 1 Channel of Radio Television Hong Kong (“RTHK”) from 5:00pm to 8:00pm on 24 October 2019

426 members of the public complained about the captioned programme. The main allegations were that –

- (a) in a segment entitled “有人發起香港加泰人權自由集會” (“The organisation of the Hong Kong-Catalonia Solidarity Assembly”) (the “segment”), the remarks made by a commentator and a guest, who was the organiser of an assembly held in the evening of 24 October 2019 (the “assembly”), were partial, distorted facts, advocated the independence of Hong Kong, and defamed and incited hatred against the Hong Kong Police Force (“the Police”) by exaggerating the force used by the Police in its operations in recent protests; and
- (b) the presentation of the segment concerned violated the public purposes and mission of RTHK as set out in the Charter of Radio Television Hong Kong (“the Charter”), which required RTHK, as a public service broadcaster in Hong Kong, to promote understanding of our community, our nation and the world through accurate and impartial news, information, perspectives and analyses, etc.

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 –

Details of the Case

- (a) the programme under complaint, which contained the segment, was identified as a personal view programme (“PVP”);
- (b) speaking of the assembly, a programme host and the commentator remarked that the assembly invited controversy. They said, among others, that some netizens expressed concern that a high profile support of the Catalan protests in the assembly might create an impression that the protesters in Hong Kong were advocating Hong Kong independence. The host remarked that according to some media reports, the Catalan protesters were not so much protesting in support of Catalan independence as protesting against the alleged violence of the Catalan police. This was followed by the commentator’s

remark “亦都有好多唔同嘅輿論都有嘗試比較過，就好似話其實加泰羅尼亞嗰邊嘅一啲示威其實係反而學咗近呢幾個月香港嗰啲嘅示威模式呀” (“there were different public opinions that the Catalan protesters were in fact modelling on the tactics recently used by the protesters in Hong Kong”) and a telephone interview with a guest, the organiser of the assembly;

- (c) in responding to the netizens’ concerns cited by the host and the commentator, the guest explained in the telephone interview that the purpose of the assembly was not to support the Catalan independence movement, but to protest against what he perceived to be violations of human rights and police brutality in Catalonia, and allow the participants to contemplate the problems the Catalans were facing. The guest drew an analogy between the recent incidents in Hong Kong and Catalonia and claimed that there were many similarities in the recent incidents in both places, in particular the use of force by the police force of the two places. Near the end of the telephone interview, the guest remarked that while he could not prevent any participants in the assembly from advocating Hong Kong independence, such views did not represent the position of the assembly;
- (d) after the telephone interview with the guest, the commentator concluded that the assembly would seem to be uncontroversial if its organiser could uphold the principles and position as expressed in (c) above and focus on the matters relating to the alleged violations of human rights and police brutality in Catalonia. He also mentioned, among others, that although the guest had repeatedly claimed that there was “無大台” in the assembly (i.e. that the assembly had a highly decentralised leadership), the guest, as the organiser of the assembly, held the responsibility of reminding the participants of the purposes of the assembly and the principles advocated by the organiser of the assembly so as to avoid possible public misunderstanding; and
- (e) RTHK submitted, among others, that the focus of the discussion in the segment concerned was the controversy of the assembly, but not the appropriateness of the force used by the Police. During the discussion, both the guest and the commentator did provide abundant viewpoints of various parties (such as netizens, academics on international relations and opinion leaders) from different perspectives. There was also no evidence that the discussion therein advocated the independence of Hong Kong, and defamed and incited hatred against the Police.

Relevant Provisions in the Radio Code of Practice on Programme Standards

- (a) paragraph 7(b) – licensees 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 20A – licensees shall make reasonable efforts to ensure that the factual contents of PVPs are accurate; and

- (c) paragraph 36(b), (c) & (d) – for all PVPs on matters of public policy or controversial issues of public importance in Hong Kong, facts must be respected and the opinion expressed, however partial, should not rest upon false evidence; a suitable opportunity for response to the programme should be provided in the same programme, in the same series of programmes or in similar types of programmes targeting a like audience within an appropriate period; and licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of PVPs.

The CA’s Considerations

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

Accuracy and Impartiality

- (a) the programme under complaint was identified as a PVP and the topics discussed therein concerned matters/issues of public importance in Hong Kong. Therefore, the relevant rules governing PVPs are applicable to the present case;
- (b) the segment under complaint discussed the controversy of the assembly and mainly contained comments or personal opinions expressed by the host / guest on the issues relating thereto. According to media reports submitted by RTHK, there had indeed been discussions and comments in the media comparing the incidents in Hong Kong and Catalonia. The remark “我哋係譴責一切嘅警察暴力，特別係針對和平示威者嘅暴力啦” (“We condemn all sorts of police brutality, especially police brutality against peaceful demonstrators”) was made by the guest, the organiser of the assembly, in the context of explaining the purpose of the assembly to the programme host. Nonetheless, there was no further elaboration or details of any of the accusations of violence of the Police throughout the segment;
- (c) as for the allegation concerning advocacy of independence of Hong Kong, the guest had clarified in the telephone interview that the purpose of the assembly was not to advocate the independence of Hong Kong. The views / comments expressed in the programme had not specifically advocated the independence of Hong Kong *per se*, although the guest, in the context of explaining the situation of Catalonia, did express “...同香港近嚟自決派嘅講法完全一樣，呢個 right to self-determination，呢個自決嘅權利其實就係聯合國賦予嘅...任何地方嘅人民絕對有佢嘅權力決定佢自己嘅未來，一個人民作為一個人有權決定自己嘅未來...” (“As advocated by pro-self-determination groups recently, the right to self-determination which was granted by the United Nations provides that the people of any locality are absolutely empowered to determine their future. The people, as humans, are empowered to determine their future.”) which might be interpreted by some as advocating the same. In the segment, the host and the commentator made an effort to raise pertinent questions (including prompting the guest to clarify some issues about the

controversy over the assembly) and to cite the opposing views on the Catalan independence movement, etc.;

- (d) in view of the above, there was insufficient evidence to conclude that the programme under complaint had breached the relevant provisions governing PVPs;

Incitement of Hatred

- (e) there was no elaboration or details of any of the accusations of violence of the Police throughout the segment. It was unlikely that the brief remarks concerned could be considered as inciting hatred against the Police; and

Compliance with the Charter

- (f) according to the Charter, RTHK should ensure that all television and radio programmes broadcast by it should comply with the relevant codes of practice issued by the CA. While the CA should investigate all complaints received by it against RTHK programmes and might impose appropriate sanction on RTHK if the complaints were found to be in breach of the relevant codes of practice, the matter of whether RTHK's programmes complied with the Charter (including fulfillment of its purposes and mission) was 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.
