

Complaints dealt with by the Communications Authority (“CA”) (released on 29 March 2021)

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

Complaint Cases

1. [Television Programme “Taiwan Stories 3” \(台灣故事III\) broadcast by Radio Television Hong Kong \(“RTHK”\)](#)
2. [Television Advertisement for “Blue Girl Beer” \(藍妹啤酒\) broadcast by Fantastic Television Limited \(“Fantastic TV”\)](#)
3. [Television Programme “感動中國 情滿香江” broadcast by RTHK](#)

The CA also considered cases of dissatisfaction with the decisions of the Director-General of Communications (“DG Com”) on complaint cases.

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

1. that an **advice** should be given to RTHK on the complaints against the television programme “Taiwan Stories 3” (台灣故事III);
2. that an **advice** should be given to Fantastic TV on the complaint against the television advertisement for “Blue Girl Beer” (藍妹啤酒);
3. that the complaint against the television programme “感動中國 情滿香江” was unsubstantiated and **no further action** should be taken against RTHK; and
4. to uphold the decisions of the DG Com on six cases of dissatisfaction with the decisions of the DG Com. The list of the cases is available in the [Appendix](#).

29 March 2021

Case 1 – Television Programme “Taiwan Stories 3” (台灣故事 III) broadcast from 7:30pm to 8:00pm on 28 March 2020 on RTHK TV 31 and RTHK TV 31A Channels of Radio Television Hong Kong (RTHK)

Two complaints were received on the captioned programme. The main allegations were that in the programme, Taiwan was portrayed as a “country” which was inaccurate, and that the programme was partial, incited hatred against the People’s Republic of China and insulted the national sovereignty.

The Communications Authority (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 the following –

Details of the Case

- (a) the programme, entitled “斷交之後” (“After the Severance”), was a 30-minute documentary. The first part of the programme presented the campus life of students from Burkina Faso studying in Taiwan. The second part of the programme presented the community projects in the Republic of Malawi;
- (b) the narrator and the interviewees used such terms as “兩國邦交” (“diplomatic relations between the two countries”) and “斷交” (“break off diplomatic relations”) in the programme when referring to the former relationship between Burkina Faso/the Republic of Malawi and Taiwan; and
- (c) RTHK admitted that the use of the term “兩國邦交” was inappropriate in its reply to a press enquiry after the broadcast of the programme.

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

- (a) paragraphs 2(b) and 2(c) 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 denigrating or insulting to any person(s) or group(s) on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or anything which is in contravention of the law;
- (b) paragraph 1A of Chapter 9 - the licensee shall make reasonable efforts to ensure that the factual contents of, among others, news are accurate; and
- (c) paragraph 2 of Chapter 9 - the licensees must ensure that due impartiality is preserved in factual programmes (including documentaries) or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong.

The CA's Consideration

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

- (a) the use of the terms “兩國邦交” and “斷交” suggested that Taiwan was a sovereign state capable of establishing formal diplomatic relations, and was inaccurate. The use of such terms constituted a clear breach of paragraph 1A of Chapter 9 of TV Programme Code which requires the factual contents of documentary programmes to be accurate;
- (b) regarding the allegation concerning impartiality, the relevant provisions were not applicable to the programme which was not dealing with matters of public policy or controversial issues of public importance in Hong Kong; and
- (c) regarding the allegation about the incitement of hatred against the People's Republic of China and insult to the national sovereignty, there was no evidence that RTHK had included any material which was 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 ethnicity, nationality or race, over and above the inaccuracy of factual contents as set out in paragraphs (a) and (b) above.

Decision

In view of the above, the CA considered that the complaints in respect of the inaccurate use of the terms “兩國邦交” and “斷交” in the programme were justified and that RTHK was in breach of paragraph 1A of Chapter 9 of the TV Programme Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that RTHK should be **advised** to observe more closely the relevant provision of the TV Programme Code.

Case 2 – Television Advertisement for “Blue Girl Beer” (「藍妹啤酒」電視廣告) broadcast at 8:27pm on 12 August 2020 on Hong Kong Open TV Channel of Fantastic Television Limited (Fantastic TV)

A member of the public complained about the captioned advertisement. The substance of the complaint was that the advertisement for a liquor product was broadcast during the family viewing hours (FVHs) (viz. 4:00pm - 8:30pm).

The CA's Findings

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

Details of the Case

- (a) a 20-second advertisement for a brand of beer was broadcast on 12 August 2020 at 8:27pm within the FVHs on the channel concerned; and

- (b) Fantastic TV admitted the lapse and submitted, among others, that it did classify the advertisement as a beer category which was prohibited from scheduling during the FVHs. It was due to technical errors that the advertisement was accidentally shown three minutes prior to the start of the time slot during which the broadcast of advertising of liquor was allowed. Fantastic TV had immediately rectified the loopholes to prevent similar cases from happening again.

Relevant Provision in the Generic Code of Practice on Television Advertising Standards (TV Advertising Code)

- (a) paragraph 2(c) of Chapter 6 - for **domestic free television programme services**, the licensee should not include in its licensed service between the hours of 4:00pm and 8:30pm each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product.

The CA's Considerations

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

- (a) the advertisement for a brand of beer was broadcast within the FVHs which clearly constituted a breach of paragraph 2(c) of Chapter 6 of the TV Advertising Code; and
- (b) it was due to technical errors that the advertisement concerned was mistakenly broadcast at the time very close to the end of the FVHs.

Decision

In view of the above, the CA considered that the complaint was justified. Having taken into account the specific facts and the circumstances of the present complaint, the CA decided that Fantastic TV should be **advised** to observe more closely the relevant provision of the TV Advertising Code.

Case 3 – Television Programme “感動中國 情滿香江” broadcast from 10:30pm to 11:30pm on 5 July 2020 on RTHK TV 33 Channel of Radio Television Hong Kong (RTHK)

One complaint was received about the captioned television programme. The main allegations were that the programme failed to present different viewpoints in a balanced way; was misleading and unfair by failing to present the full picture of events or making groundless accusations; spread hatred and amounted to denigration; broadcast scenes of protests without prior warning and was offensive and of bad taste.

The Communications Authority (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 the following –

Details of the Case

- (a) the programme was a documentary produced by China Central Television (“CCTV”) broadcast on the RTHK TV 33 Channel of RTHK, a channel that relayed the live feed of China Central Television Channel 1 (“CCTV-1”); and
- (b) the programme recounted the social events in 2019 with some footages shown, and aspired to the restoration of law and order in Hong Kong after the enactment of the Law of People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region. There were criticisms on the use of violence, doxing and bullying, and the disruption of social order during the social events in 2019. At the end of the programme, a flip card with the caption “中央廣播電視總台” was shown.

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

- (a) Paragraph 9(g) of Chapter 1 - the licensee should ensure that appropriate information such as clear and specific warnings or labelling is available to assist viewers in their choice of television programmes. Such information should be employed where there is a likelihood that some viewers may find a programme disturbing;
- (b) Paragraph 1 of Chapter 3 - licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast;
- (c) Paragraphs 2 of Chapter 3 - a licensee should not include in its programmes (a) any material of bad taste which is not ordinarily acceptable to the viewers taking into consideration the circumstances in which the programme is shown; (b) 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 ethnicity, nationality, race, gender, sexual preference, religion, age, social status, or physical or mental disability; or (c) anything which is in contravention of the law;
- (d) Paragraph 1A of Chapter 9 - the licensees shall make reasonable efforts to ensure that the factual contents of, among others, current affairs programmes and documentaries are accurate;
- (e) Paragraph 2 of Chapter 9 - the licensees must ensure that due impartiality is preserved as respects of any factual programmes or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong;

- (f) Paragraph 3 of Chapter 9 - due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme or programme segment. Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes or programme segments under concern should not be slanted by the concealment of facts or by misleading emphasis;
- (g) Paragraph 4 of Chapter 9 - in achieving due impartiality, the term “due” is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme or programme segment;
- (h) 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. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme;
- (i) Paragraph 15 of Chapter 9 - licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented; and
- (j) Paragraph 16 of Chapter 9 - where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organisation, those criticised should be given an appropriate and timely opportunity to respond.

The CA’s Consideration

The programme was a documentary on controversial issues of public importance in Hong Kong. Nevertheless, having regard to the relevant facts of the case including the information submitted by RTHK, the CA noted that the programme was not a local production and was broadcast on CCTV-1 Channel, which was transmitted by the RTHK TV 33 Channel in fulfillment of its obligation as a public service broadcaster to provide for relay of national broadcasting pursuant to the Charter of RTHK. RTHK had no editorial control over CCTV-1’s contents. Furthermore, there was value of the programme for local viewers to be aware of the prevalent views on the Mainland on important public issues and major events in Hong Kong.

Decision

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

Appendix

List of Cases of Dissatisfaction with the DG Com's Decisions

Title	Channel	Broadcast Date	Substance of Complaint	Decision being upheld
TV Programme “Lo And Behold” (愛·回家之開心速遞)	TVB Jade	2.3.2020	Discrimination & Inappropriate Broadcast Time	Unsubstantiated
TV Programme “News at 6:30” (六點半新聞報道)	TVB Jade	31.3.2020	Unfairness	Unsubstantiated & Outside the remit of the CA
TV Programme “早晨保抗力”	RTHK TV 32	16.6.2020, 4 & 10.8.2020	Inaccuracy, Denigration & Bad Influence on the Next Generation	Unsubstantiated
TV Programme “This Week” (視點31)	RTHK TV 31	18.8.2020	Inaccuracy, Partiality, Inciting Hatred, Promotion of Illegal Acts & Anti-Government Propaganda	Unsubstantiated & Outside the remit of the CA
TV Programme “LegCo Review” (議事論事)	RTHK TV 31	29.10.2020	Editorial Decision	Outside the remit of the CA
TV Programme “Scoop” (東張西望)	TVB Jade	22.12.2020	Denigrating a Specific Street, Inaccuracy in Infotainment Programme, Behaviour of Reporters & Editorial Decision	Outside the remit of the CA