

Complaints dealt with by the Communications Authority (“CA”) (released on 7 June 2021)

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

Complaint Case

[Television Programme “The Pulse” \(脈搏\) 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 television programme “The Pulse” (脈搏) were unsubstantiated and **no further action** should be taken against RTHK; and
2. to uphold the decision of the DG Com on a case of dissatisfaction with the decision of the DG Com. Details of the case are available in the [Appendix](#).

7 June 2021

Case – Television Programme “The Pulse” (脈搏) broadcast from 6:00pm to 6:30pm on 28 March 2020 on RTHK TV 31 Channel of Radio Television Hong Kong (RTHK)

210 complaints were received about the captioned television programme. The main allegations were –

- (a) the presentation of the report on the views of Dr Tedros Adhanom Ghebreyesus (“Dr Tedros”), Director-General of the World Health Organization (“WHO”), on China’s contribution in fighting the pandemic was biased;
- (b) the voice-over’s remark about Taiwan being shut out by China and the WHO was not based on facts, biased and had the effect of instigating viewers’ antipathy towards the nation and the WHO;
- (c) the interview with Dr Bruce Aylward (“Dr Aylward”), Assistant Director-General of the WHO, distorted his speech and was unfair to him and had damaged his reputation. The reporter pressing him for his view on whether the WHO would accept Taiwan as a member was biased, inappropriate, unprofessional and subversive, and had violated the Charter of Radio Television Hong Kong (“the Charter”); and
- (d) the question of whether the WHO would consider Taiwan’s membership was erroneously rendered in the corresponding subtitles.

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 an English current affairs programme. There was a report on the WHO’s views on the outbreak of COVID-19 and China’s role in controlling the pandemic. The voice-over mentioned that Taiwan was one of the few places that seemed to have the pandemic under control. Despite being shut out by China and the WHO, Taiwan’s efforts in combating the outbreak were recognised by the European Union;
- (b) in the subsequent online interview with Dr Aylward, the reporter asked Dr Aylward whether the WHO would consider Taiwan’s membership. The footage showed that online communication for the interview was terminated. When communication was re-established, the reporter asked Dr Aylward for his comments on Taiwan’s performance in containing the COVID-19. Dr Aylward replied that he had already talked about China and was of the view that all different areas in China had done quite a good job; and
- (c) RTHK admitted that the presentation and treatment of the part of the programme on WHO membership would give rise to strong public concern and might create an impression that the programme had an incorrect understanding of and

breached the One-China Principle. RTHK would take into account the views and feedbacks received to ensure that its programmes fulfil the public purposes and mission of RTHK as a public service broadcaster and that all its producers and programme staff have a clear and proper understanding of the One-China Principle. Notwithstanding the above, RTHK considered that the programme had not breached the relevant code of practice of the CA.

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

- (a) 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;
- (b) 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;
- (c) 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;
- (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;
- (e) Paragraph 13 of Chapter 9 – editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees; and
- (f) 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.

The CA's Consideration

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

Accuracy, Impartiality and Fairness

- (a) the programme showed footages to present various viewpoints, including a footage of Dr Tedros giving speeches and his Twitter post endorsing China's efforts in containing the spread of COVID-19 and donations to the WHO, a footage of Dr Michael Ryan, Executive Director of WHO Health Emergencies Programme, urging people to learn from China's experience, and an online

interview with Dr Aylward who further affirmed the measures taken by China in conducting extensive tests on suspect cases and isolating such cases. While the programme had brought up the views in some quarters that the WHO passed unjustified positive comments on China because of Chinese donations to the WHO, the programme had also presented the viewpoints of the WHO through the news footage and interviews with the WHO's representatives. As such, the programme should unlikely be considered in breach of the impartiality rules in the TV Programme Code;

- (b) regarding whether the interview with Dr Aylward was unfair to him and had damaged his reputation, taking into consideration the presentation of the interview, the interruption of communication, the changed focus of the interview after communication was re-established, and RTHK's confirmation that the questions and answers in the interview were presented as exactly recorded without re-shooting or editing which could distort or misrepresent Dr Aylward's comments, there was no evidence suggesting that the programme was being unfair to Dr Aylward or was capable of adversely affecting his reputation;
- (c) regarding the discrepancy between the word used by the reporter in the interview with Dr Aylward and the corresponding English subtitles, the CA considered that the difference had not resulted in significant change to the meaning of the reporter's question and should not be considered an error. As regards the remark about Taiwan being shut out by China and the WHO, RTHK explained in its submissions that the remark was made in the sense that the Taiwan authorities could not, on their own, participate in the WHO's emergency meetings on the pandemic. Given this explanation, there was insufficient evidence to establish that RTHK had not made reasonable efforts to ensure that the factual content of the general remark was accurate; and

Other Allegations

- (d) there are other allegations about the choice of interview questions, professionalism of the reporter, violation of the Charter, instigation of antipathy towards the nation and the WHO and subversion. In its latest representations, RTHK confessed that the presentation and treatment of the part of the programme on WHO membership would give rise to strong public concern and might create an impression that the programme had an incorrect understanding of and breached the One-China Principle, and undertook to ensure that its programmes would fulfil the public purposes and its mission as a public service broadcaster as enshrined in the Charter. However, these matters were outside the scope of the TV Programme Code and hence the remit of the CA.

Decision

In view of the above, the CA considered that the complaints were **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 "News at Seven-Thirty" (七點半新聞報道)	TVB Pearl	11.11.2019	Disturbing Material, Unsuitable for Children, Warning Caption	Unsubstantiated