

**Complaints dealt with by the Communications Authority (“CA”) (released on 20 January 2022)**

The CA has considered the following complaint case –

[Radio Programme “On a Clear Day” \(在晴朗的一天出發\) broadcast by Hong Kong Commercial Broadcasting Company Limited \(“CRHK”\)](#)

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

Having considered the recommendations of the Broadcast Complaints Committee, the CA decided that –

1. an **advice** should be given to CRHK on the complaints against the radio programme “On a Clear Day” (在晴朗的一天出發); and
2. the decision of the DG Com on the complaint case should be upheld. Details of the case are set out in the [Appendix](#).

20 January 2022

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

Two members of the public complained about the use of an objectionable term in the captioned programme.

**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) during the discussion about an overseas talk show, a host commented on foreigners’ perception of the physical traits of Easterners and another host described the stereotyped perception of facial characteristics of Easterners as “支那人樣” (the looks of “Sheen-na” people) (the Term).

*Relevant Provisions in the Radio Code of Practice on Programme Standards (Radio Programme Code)*

- (a) paragraph 6 – licensee 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(b) – a licensee should not include in its programme 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, ethnicity, nationality or race.

**The CA’s Consideration**

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

- (a) the use of the Term is considered offensive by reasonable people;
- (b) the use of the Term was not necessary nor contextually justified and the host failed to take necessary care to avoid the use of language which was clearly offensive to listeners; and
- (c) on the other hand, the Term was uttered in passing, and the host added that stereotyping of appearance could amount to discrimination. There was insufficient evidence suggesting that the Term was used with an intent to denigrate any person(s) or group(s) on the basis of ethnicity, nationality or race.

## **Decision**

In view of the above, the CA considered that the complaints were justified and that CRHK was in breach of paragraph 6 of the Radio Programme Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that CRHK should be **advised** to observe more closely the relevant provision of the Radio Programme Code.

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## Appendix

### Review of the Director-General of Communications' Decision on Complaint Case by the Communications Authority

<b>Title</b>	<b>Broadcast Channel</b>	<b>Broadcast Date</b>	<b>Substance of Complaint</b>	<b>Decision Upheld</b>
Horse Racing Programmes (賽馬節目)	TVB J2	Various Racing Days	Promotion of Gambling & Unsuitable for Youths	Unsubstantiated