

Complaints dealt with by the Communications Authority (“CA”) (released on 24 February 2022)

The CA has considered the following complaint cases –

1. [Television Programme “The Couples’ Gambit” \(賭命夫妻\) broadcast by HK Television Entertainment Company Limited \(“HKTVE”\)](#)
2. [Radio Programme “On a Clear Day” \(在晴朗的一天出發\) broadcast by Hong Kong Commercial Broadcasting Company Limited \(“CRHK”\)](#)

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

1. a **strong advice** should be given to HKTVE on the complaints against the television programme “The Couples’ Gambit” (賭命夫妻); and
2. a **strong advice** should be given to CRHK on the complaint against the radio programme “On a Clear Day” (在晴朗的一天出發).

24 February 2022

Case 1 – Television Programme “The Couples’ Gambit” (賭命夫妻) broadcast from 9:30pm to 10:30pm on 11 to 15 and 18 to 22 October 2021 on the ViuTV Channel of HK Television Entertainment Company Limited (HKTVE)

A total of 66 members of the public complained about 10 episodes of the captioned television programme (*Episodes 1 to 10*) broadcast on 11 to 15 and 18 to 22 October 2021. The main allegations were –

- (a) the programme was against the moral standards about marriage and marital relationship;
- (b) the programme was sexually explicit and should be classified into “Mature” (M) category and broadcast after 11:00pm; and
- (c) the contents in *Episode 5* amounted to indecent assault and denigration to women.

The Communications Authority (CA)’s Findings

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

Details of the Case

- (a) the programme concerned was a 15-episode reality show, featuring five real married couples participating in different games, which the programme claimed were aimed at testing the mutual understanding, trust and fidelity of the couples. All of the 10 episodes under complaint were classified as “Parental Guidance Recommended” (PG) for adult contents, indecent language and inappropriate behaviour, and were broadcast outside the family viewing hours (FVH) at 9:30pm to 10:30pm. Aural and visual advices were given before the start of each episode;
- (b) there was a game in *Episode 1* featuring chit-chats on the sex lives of the married couples. Advisory caption regarding contents about sex was displayed. Special effects were applied to cover / blur some words / drawings about sex and to cover / mute some terms about sex in the conversation concerned;
- (c) *Episodes 2 and 3* and *Episodes 4 and 5* featured a camp participated by the couples, in which the wives and the husbands were asked to interact with “part-time boyfriends” (PTBF) and “part-time girlfriends” (PTGF);
- (d) *Episodes 6 to 10* mainly featured different games which tested the couples’ mutual trust / understanding; and
- (e) HKTVE submitted, among others, that the programme was a light entertainment / reality show which aimed at exploring marital relationship in a

designed and light-hearted manner. The featured PTBF / PTGF were actors / actresses acting under guidance and that viewers would not have perceived that the reality show was completely real.

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

- (a) paragraph 1 of Chapter 2 – great care and sensitivity should be exercised in programme scheduling to avoid offending the audience;
- (b) paragraph 1 of Chapter 3 – programmes should be handled in a responsible manner and should avoid needlessly offending audiences;
- (c) paragraph 2(a) of Chapter 3 – programmes should not include any indecent material which is not ordinarily acceptable to the viewers taking into consideration the circumstances in which they are shown;
- (d) paragraph 2(b) of Chapter 3 – programmes should not include any material which is likely considered to be denigrating to any person(s) or group(s) on the basis of gender;
- (e) paragraph 3 of Chapter 3 – to preserve decency and decorum in production so as to avoid offence to viewers;
- (f) paragraph 4 of Chapter 3 – the portrayal of family and similarly important human relationships and the presentation of any material with sexual connotations should be treated with sensitivity and not in an exploitative or irresponsible manner;
- (g) paragraph 1 of Chapter 5 – due care is necessary in treatment of sex and nudity to avoid offending the viewing public;
- (h) paragraph 5 of Chapter 5 – at times outside the “FVH”, depiction of sexual behaviour or nudity must be discreet and appropriate to the story line or programme context; and
- (i) paragraph 4(c) of Chapter 8 – in programmes classified “PG”, portrayal of sexual behaviour and nudity should be discreet and defensible in context.

The CA’s Consideration

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

- (a) the programme was presented to viewers as a reality show featuring real married couples. It was unlikely that viewers would have perceived the contents therein to be purely fictitious. In assessing the complaints, the CA had given regard to the specific facts and circumstances of the case, including the extent of the impact of the contents on viewers which would be amplified by the programme being presented as a reality show;

Treatment of Marriage / Marital Relationship

- (b) there were various remarks of the participants, hosts, guests or in the voice-over on marriage which were likely to be considered positive, notwithstanding the materials on extramarital relationship / casual relation in the 10 episodes under complaint. Different games and segments for the couples to understand their mutual trust and understanding were featured. There was insufficient evidence suggesting that HKTVE had portrayed marriage / marital relationship in the programme (including *Episodes 1 to 10*) without sensitivity and in an exploitative or irresponsible manner;

Scheduling and Handling of Programme

- (c) the programme (mainly *Episodes 1 to 5*) featured real married couples and was laden with adult contents with in-depth discussions concerning extramarital relationship / casual relationship. In *Episode 1*, there were chit-chats with strong sexual overtones revolving around the sex lives of real married couples, including an explicit discussion on the couple's preferred sex postures with illustration by the figures they drew. And in *Episodes 2 to 5*, there were contents relating to PTBF / PTGF and extramarital temptations. Such materials were obviously of an adult nature and highly sensitive. There were reasonable grounds to consider that an average viewer would find the contents concerned offensive and unsuitable for broadcast in a "PG" programme and the broadcast of those contents should more appropriately be classified into "M" category and scheduled at a later timeslot. The CA considered that HKTVE failed to schedule *Episodes 1 to 5* for broadcast with great care and sensitivity and avoid needlessly offending audience;

Depiction of Nudity and Sex

- (d) all participants of the episodes under complaint were decently clad and no nudity was found. Discussion / depiction of sex in the episodes under complaint was generally contextually justified;
- (e) for the game featured in *Episode 1*, given the adult nature of the programme, that real married couples were featured, and the programme was presented as a reality show, viewers would find such contents to be offensive and unacceptable for broadcast in a programme classified as "PG" at a timeslot potentially with minor viewers, even though advisory caption was provided to alert viewers and depictions of explicit contents were accompanied with special effects. There were reasonable grounds to consider that HKTVE had not exercised due care in the treatment of sex in *Episode 1* and the related contents had exceeded the acceptable bounds of programmes broadcast at the scheduled time and classified as "PG"; and

Denigration

- (f) there was no evidence of indecent assault in the scenes in *Episode 5* under concern and the relevant depictions were unlikely be considered denigrating on the basis of gender.

Decision

In view of the above, the CA considered that the complaints in respect of (a) scheduling and responsible handling of programme were justified for the broadcast of *Episodes 1 to 5*; and (b) decency and treatment / depiction of sex were justified for the broadcast of *Episode 1*. Accordingly, HKTVE was in breach of paragraph 1 of Chapter 2 and paragraph 1 of Chapter 3 of the TV Programme Code regarding the broadcast of *Episodes 1 to 5* on 11 to 15 October 2021, and contravened paragraphs 2(a) and 3 of Chapter 3; paragraphs 1 and 5 of Chapter 5; and paragraph 4(c) of Chapter 8 of the TV Programme Code regarding the broadcast of *Episode 1* on 11 October 2021.

Having taken into account the specific facts, the circumstances of the present complaints and relevant factors, the CA decided that HKTVE should be **strongly advised** to observe more closely the relevant provisions of the TV Programme Code.

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

A member of the public complained about the captioned programme. The substance of the complaint was that a soundbite contained a verbal abuse against police officers which was denigrating to the Police.

The 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 the account the relevant aspects of the case, including the following –

Details of the case

- (a) the programme under complaint, identified as a personal view programme, was a talk show on various social topics;
- (b) at around 8:13am, a pre-recorded soundbite by one of the hosts “一句「死黑警」就要晚八朝七宵禁，不准離港。如果講埋下一句「死全家」係咪即時還押幾個月後候審呢？如果係咁，直接問候返佢哋娘親，簡單得多” (“The mere saying of ‘damned bent cops’ led to a curfew order from 8:00pm to 7:00am and a ban from leaving Hong Kong. If one follows up with the next line ‘may your whole family die’, will he be immediately remanded in custody for several months? If so, one might as well be simpler and directly sends ‘greetings’ to their mothers.”) was broadcast; and
- (c) CRHK submitted, among others, that the relevant terms in the soundbite was quoted from media reports and not the personal views of the host concerned.

***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(b) – 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 social status.

The CA's Consideration

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

- (a) the soundbite alluded to a court case on disorder in public places (the Court Case) heard on the day before the programme under complaint was broadcast. Given the soundbite was mainly a critique of the Court Case, there was insufficient evidence suggesting that the soundbite was in breach of paragraph 7(b) of the Radio Programme Code; and
- (b) nevertheless, the soundbite was clearly offensive to listeners when read as a whole, thereby constituted a breach of paragraph 6 of the Radio Programme Code.

Decision

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