

Complaints dealt with by the Communications Authority (“CA”) (released on 14 June 2022)

The CA has considered the following complaint case –

[Television Programme “Death by Zero” \(殺手\) and Programme Promotion for “Death by Zero” \(「殺手」宣傳片\) broadcast by Television Broadcasts Limited \(“TVB”\)](#)

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 –

1. that the complaints against the television programme “Death by Zero” (殺手) and programme promotion for “Death by Zero” (「殺手」宣傳片) were **unsubstantiated** and no further action should be taken against TVB; 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](#).

14 June 2022

Case – Television Programme “Death by Zero” (殺手) and Programme Promotion for the same drama series broadcast respectively from 9:30pm to 10:30pm, 10 July 2020 and at 9:02pm, 29 June 2020 on Jade Channel of Television Broadcasts Limited (TVB)

A total of 11 public complaints were received about the captioned programme (the Programme) and the programme promotion (the Promo). The main allegations were that –

The Programme

- (a) the Programme contained violent scenes (in particular, portrayals of cutting off an ear of a man) which were overly bloody, brutal, unnerving and unsuitable for children;
- (b) there were unnecessary scenes of sexual contents, which were of bad theme;
- (c) the rape scene and the expression “仆街” (“bastard”) (the Expression) were unsuitable for broadcast during prime time; and

The Promo

- (d) the portrayals of a character using a weapon to cut a man’s neck with discernible bloodstain were overly violent and unsuitable for broadcast during the family viewing hours (FVHs).

The Communications Authority (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

The Programme

- (a) the Programme was one of the episodes of a drama series featuring contract killers. It was classified as “Parental Guidance Recommended” (PG) for occasional adult elements, coarse language and violence, and broadcast outside the FVHs (i.e. 9:30pm – 10:30pm). Relevant advice informing viewers of the classification of the Programme was shown before the start of the Programme;
- (b) it contained a number of violent scenes featuring, among others –
 - (i) a gang fight with brief and fragmented shots, in which a killer used a weapon to stab another man;
 - (ii) the triad boss punching the forehead of a man and hitting the head of another man with a torch;

- (iii) shots of the movements of a triad boss with screams in the background, suggesting that the triad boss was cutting off an ear of a man;
 - (iv) some brief shots of the triad boss pushing a sex worker to the bed and pulling down her dressing gown, revealing her shoulders;
- (c) the Expression was uttered twice by a father character in the Programme;

The Promo

- (d) the 40-second Promo, broadcast outside FVHs, was a thematic programme promotion for the said drama series; and
- (e) it featured a female character, who was a contract killer in the drama series, throwing a dagger towards a man and later threatening him by pressing another dagger against his throat with bloodstain discernible on his neck. The scene was intercut with some fleeting and fragmented excerpts of the drama series, showing the female character whirling daggers and attacking targets.

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

- (a) paragraph 2 of Chapter 2 – the FVHs are determined as the period between the hours of 4:00pm and 8:30pm on any day, during which time nothing which is unsuitable for children should be shown;
- (b) paragraph 6 of Chapter 2 – the licensee must not show material unsuitable for children or young viewers under circumstances such that large numbers of children and young viewers might be expected to be watching television;
- (c) paragraph 6 of Chapter 4 – downright offensive expressions are prohibited;
- (d) paragraph 6 of Chapter 5 – when a scene involves rape or indecent assault, strong consideration must be given to minimising the depiction of the details of the crime. Non-consenting sexual relations should not be presented as desirable. Rape should be portrayed as an act of violence subject to the stringent rules on violence in this Code, not a sexual act;
- (e) paragraph 8 of Chapter 6 – physical and psychological violence, or violent or assaultive language which threatens or encourages the use of violence may not be presented in such a manner as to cause alarm or distress to children within the FVHs. At other times any portrayal of violence, whether physical, verbal or psychological, must not be too frequent or impactful and must be essential to the story line or programme context;
- (f) paragraph 3 of Chapter 7 – for domestic free television programme services, the rules set out in paragraphs 4 to 10 in Chapter 7 must be observed during FVHs or at times when there is a large audience of children or young viewers;

- (g) paragraph 6 of Chapter 7 – the portrayal of dangerous behaviour easily imitated by children should be avoided; and
- (h) paragraph 4 of Chapter 8 – programmes classified “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian. The standards to be adopted in a “PG” programme are as follows :
 - (a) *Violence*
No overly realistic, bloody or horrific depictions of violence are permitted. Any violence depicted must not be too frequent or impactful and must be essential to the story line or programme context.
 - (b) *Language*
The use of language likely to cause offence to an average viewer, including bad language, must be defensible in terms of context and authenticity and in any case, excessive use should be avoided.
 - (c) *Sex and nudity*
The portrayal of sexual behaviour and nudity should be discreet and defensible in context.
 - (d) *Sexual violence*
Sexual violence should be suggestive and allowed only when absolutely relevant to the story line or programme context.

The CA’s Considerations

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

The Programme

Depictions of Violence / Sexual Violence

- (a) overall, the degree of violence depicted in the Programme was not excessive. Most of the scenes were presented by brief and fragmented shots, and violent acts were mostly masked with computer effects to make it less realistic and impactful;
- (b) regarding the alleged “ear-cutting” scene, while it might be impactful to some viewers, it was largely depicted off-screen, with only suggestive shots of the movements. The depiction was relevant to the programme context and should be within the expectation of most of the viewers. Hence, the overall presentation should be acceptable in a programme with a “PG” classification broadcast at the scheduled time;

- (c) as for the alleged rape scene, the depictions concerned were brief and justified for plot development and characterisation. There was no gratuitous depiction of sexual behaviour or nudity;

Use of Undesirable Expression

- (d) although unrefined, the Expression was not downright offensive or unacceptable for broadcast in a “PG” programme; and

The Promo

- (e) it was unlikely that the Promo would be considered unacceptable for broadcast at the scheduled time or in breach of the relevant provisions governing portrayal of dangerous behaviour.

Decision

In view of the above, the CA considered that the complaints were **unsubstantiated** and decided that no further action should be taken against TVB.

Appendix

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

Title	Broadcast Channel	Broadcast Date	Substance of Complaint	Decision Upheld
TV Programme "News Report" (新聞報道)	TVB News	23.7.2020	Inaccuracy	Unsubstantiated