

Complaints dealt with by the Communications Authority (“CA”) (released on 8 August 2022)

The CA has considered the following complaint cases –

1. [Radio Programme “On a Clear Day” \(在晴朗的一天出發\) broadcast by Hong Kong Commercial Broadcasting Company Limited \(“CRHK”\)](#)
2. [Television Programme “News Roundup” \(晚間新聞\) broadcast by Television Broadcasts Limited \(“TVB”\)](#)
3. [Television Programme “Abracadabra” \(對號入座\) broadcast by HK Television Entertainment Company Limited \(“HKTVE”\)](#)

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

1. a **warning** should be given to CRHK on the complaints against the radio programme “On a Clear Day” (在晴朗的一天出發).
2. that the complaints against the television programme “News Roundup” (晚間新聞) were **unsubstantiated** and no further action should be taken against TVB; and
3. that the complaints against the television programme “Abracadabra” (對號入座) were **unsubstantiated** and no further action should be taken against HKTVE.

8 August 2022

Case 1 – Radio Programme “On a Clear Day” (在晴朗的一天出發) broadcast from 8:00am to 10:00am, 16 June 2020 on CR 2 Channel of Hong Kong Commercial Broadcasting Company Limited (CRHK)

A total of 78 members of the public complained about the captioned programme. The main allegation was that the hosts of the programme discussed an incident involving an alleged sex crime in a joking manner, which were of bad taste, inappropriate and disrespectful.

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) in a 17-minute segment (the Segment), the hosts discussed a series of alleged sex crimes as reported by media, in which a number of males were allegedly extorted to filming sexually explicit videos (the Incident). In their discussions, the hosts made repeated references to the details of the Incident, including the non-consensual sex acts which allegedly took place in the Incident;
- (b) the Segment contained a mock interview (the Interview) in which a staff member of CRHK played the role of one of the victims of the Incident (the Character). During the Interview, a host put a series of questions to the Character about the Incident in a joking manner, with the other hosts laughing and commenting on the details described by the Character in a frivolous manner;
- (c) in a later edition of the programme broadcast on 19 June 2020, the hosts concerned apologised to listeners for the way the Incident was discussed in the Segment; and
- (d) CRHK submitted, among others, that the hosts did not use insulting or satirical expressions to poke fun at the victims of the Incident and that the Character had no intention to impersonate the victims of the Incident.

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;
- (b) paragraph 7(a) – a licensee should not include in its programmes any material which is, among others, of bad taste which is not ordinarily acceptable to the listeners taking into consideration the circumstances of the broadcast of the programme;

- (c) paragraph 8 – the presentation of any material with sexual connotations should be treated with sensitivity and not in an exploitative or irresponsible manner;
- (d) paragraph 9 – crime should not be portrayed in a favourable light and criminal activities should not be presented as acceptable behaviour, nor should criminals be glorified; and
- (e) paragraph 16 – programming should present such subjects as violence and sex without undue emphasis and only as required by plot development or character delineation.

The CA's Consideration

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

Responsible Handling / Treatment of Programme

- (a) the hosts were aware that the Incident involved alleged serious offences. However, in discussing the Incident, the hosts failed to handle the relevant contents in a responsible manner. During the Segment, the hosts treated the Incident as an anecdote, commenting on the Incident in a playful manner and got carried away. Some of the remarks could be considered as shaming the victims of the Incident. The hosts ignored the fact that they were discussing a serious news topic involving sex crimes, and showed a lack of sympathy for the victims of the Incident;
- (b) while the hosts made an apology to listeners in a later edition of the programme, CRHK failed to recognise any mistake in the programme in its representations. CRHK also did not undertake to review, monitor or commit not to repeat similar lapses in the future;
- (c) as such, the programme was in breach of paragraphs 6 and 8 of the Radio Programme Code;

Depiction of Sex / Violence

- (d) in the Segment, undue emphasis was given to describing the non-consensual sex acts allegedly took place in the Incident. The discussion in the Segment was of bad taste and was not ordinarily acceptable to the listeners expecting a light-hearted satire scheduled for morning hours. As such, the programme was in breach of paragraphs 7(a) and 16 of the Radio Programme Code; and

Depiction of Criminal Activities

- (e) the hosts had in the Segment expressed condemnation of the alleged sex crime. As such, there was insufficient evidence to establish that the criminal activities mentioned in the Segment were presented in a favourable light or being glorified.

Decision

In view of the above, the CA considered that the complaints in respect of handling / treatment of programme and depiction of sex / violence within programme were justified. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that CRHK should be **warned** to observe more closely the relevant provisions of the Radio Programme Code.

Case 2 – Television Programme “News Roundup” (晚間新聞) broadcast from 11:15pm to 11:45pm, 4 February 2022 on Jade Channel of Television Broadcasts Limited (TVB)

A total of 525 members of the public complained about the captioned programme. The substance of the complaints was that the news anchor mispronounced the term “警員” (“police officers”) as “警犬” (“police dogs”), which was misleading and partial, and the news anchor did not rectify the mistake in the programme. The complainants alleged that the news anchor deliberately incited hatred against police officers, and denigrated and insulted police officers.

The 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

- (a) in the news programme under complaint, there was a news item on the COVID-19 epidemic (the News Item), which mentioned that pursuant to the restriction-testing declarations (RTD) made by the Government on 4 February 2022, the Police was carrying out RTD operations in several areas. During the report, the relevant news anchor (the Anchor) read a phrase which, to some, could have sounded like “有警[犬]喺大廈外面” (“there are police [dogs] outside the building”), while the corresponding on-screen subtitles showed “有警員在大廈外” (“there are police officers outside the building”); and
- (b) TVB submitted in its representation, among others, that the Anchor unintentionally mispronounced the word “員” as “丸(jyun2)”. Following the incident, TVB required the Anchor to attend training and reminded its anchors and reporters of the importance of correct pronunciation and timely rectification of a lapse.

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

- (a) paragraph 1 of Chapter 9 – the licensees should ensure that news is presented with accuracy and due impartiality;

- (b) paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news are accurate;
- (c) paragraph 7(e) of Chapter 9 – correction of factual errors should be made as soon as practicable after the original error;
- (d) paragraph 2(b) 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 to be denigrating or insulting to any person(s) or group(s) on the basis of, among others, social status; and
- (e) paragraph 2 of Chapter 9 – the licensees must ensure that due impartiality is preserved in news programmes.

The CA's Considerations

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

Accuracy

- (a) while it was evident that the Anchor did not precisely enunciate the term “警員” (“police officers”) in reading out the News Item, viewers should still be able to grasp the contents of the News Item from the subtitles and the sentence as a whole. Hence, there was insufficient evidence to establish a breach of the provisions governing accuracy;
- (b) in the following news programme scheduled for early morning hours on the next day, the News Item was reported by another anchor who pronounced the term “警員” correctly. Hence, there was insufficient evidence to establish a breach of the provision governing correction of factual errors;

Incitement of Hatred, Denigration and Insult

- (c) given the Anchor had mispronounced the same term in the past in reporting news, the present case might have led to public suspicion that the Anchor was deliberate with the intention to denigrate or insult police officers. Nevertheless, the mispronunciation appeared only once and then very briefly in the news programme concerned. It should unlikely constitute materials encouraging hatred against police officers and/or be considered as denigrating or insulting police officers. Hence, there was insufficient evidence to establish a breach of the relevant provision; and

Impartiality

- (d) the News Item aimed at reporting the anti-epidemic operation of the Government, and did not aim at presenting opposing points of view. It was therefore unlikely that the mispronunciation would render the News Item partial.

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.

Case 3 – Television Programme “Abracadabra” (對號入座) broadcast from 11:00pm to 11:25pm, 28 July 2020 on ViuTV Channel of HK Television Entertainment Company Limited (HKTVE)

Two members of the public complained about the captioned programme, alleging that the remarks of one of the guests (the Guest) promoted casual sexual relationships and exerted a bad influence on youths.

The 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 was a talk show on astrology. The episode under complaint was shown from 11:00pm to 11:25pm and classified as “Parental Guidance Recommended” (PG) for adult contents, indecent language and sensitive elements, with an aural and visual advice on its classification broadcast before the start of the programme. A visual advice regarding contents about sex was displayed at the beginning of the programme and when the programme recommenced after its break;
- (b) the episode concerned featured discussion about the differences in characters and traits in sex of people born under different zodiac signs. The Guest made comments on the sexual performance of her two ex-boyfriends, including some verbal descriptions of sexual acts / postures (the Remarks); and
- (c) HKTVE submitted, among others, that the programme was a light-hearted talk show. The related remarks of the Guest were not explicit, not presented in an exploitative manner, and had not promoted casual sexual relationships.

Relevant Provisions in the TV Programme Code

- (a) 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;
- (b) paragraph 1 of Chapter 5 – due care is necessary in treatment of sex to avoid offending the viewing public;

- (c) paragraph 5 of Chapter 5 – at times outside the family viewing hours, depictions of sexual behaviour must be discreet and appropriate to the programme context; and
- (d) paragraph 4(c) of Chapter 8 – in programmes classified “PG”, portrayal of sexual behaviour should be discreet and defensible in context.

The CA’s Considerations

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

Treatment of Discussion on Sexual Relationships

- (a) the Remarks did not touch on casual relationship / unethical relationship regarding family or similarly important human relationships. The Remarks also did not encourage any casual sexual relationship. There was insufficient evidence to consider that the Remarks had portrayed family and similarly important human relationship without sensitivity and / or in an irresponsible manner; and

Treatment / Depiction of Sex

- (b) although the Remarks carried sexual connotations, they were overall presented in a relatively discreet manner without detailed elaboration. No graphical presentation of sexual behaviour was depicted. The Remarks could be considered contextually justified, not offensive to the viewing public, and within the acceptable bounds of a programme with a “PG” classification scheduled at late night.

Decision

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