

Complaints dealt with by the Communications Authority (“CA”) (released on 27 February 2023)

The CA has considered the following complaint cases –

1. [Television Programme “Noon News” \(午間新聞\) broadcast by HK Television Entertainment Company Limited \(“HKTVE”\)](#)
2. [Television Programme “Web Rumour Go Go Go” \(流言追追追\) broadcast by Fantastic Television Limited \(“Fantastic TV”\)](#)
3. [Television Programmes “Psychic King” \(通靈之王\) and “Psychic King Dictionary” \(通靈字典\), and Programme Promotions for “Psychic King” and “Psychic King Dictionary” \(「通靈之王」及「通靈字典」宣傳片\) broadcast by Television Broadcast 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 that –

1. an **advice** should be given to HKTVE on the complaint against the television programme “Noon News” (午間新聞);
2. an **advice** should be given to Fantastic TV on the complaint against the television programme “Web Rumour Go Go Go” (流言追追追);
3. the complaints against the television programmes “Psychic King” (通靈之王) and “Psychic King Dictionary” (通靈字典), and programme promotions for “Psychic King” and “Psychic King Dictionary” (「通靈之王」及「通靈字典」宣傳片) were **unsubstantiated** and no further action should be taken against TVB; and
4. the decision of the DG Com on the complaint case should be upheld. Details of the case are set out in the [Appendix](#).

27 February 2023

Case 1 – Television Programme “Noon News” (午間新聞) broadcast at 12:00 noon, 28 November 2021 on the ViuTV Channel of HK Television Entertainment Company Limited (HKTVE)

A member of the public complained about the captioned programme, alleging that in a news item in which a few candidates running for the 2021 Legislative Council General Election (the Election) were mentioned, instead of listing out the names of all other candidates in the relevant constituencies, the programme showed a Quick Reference (QR) code which linked to the information of the candidates.

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) in the programme under complaint, there was a news item in which some candidates running in different geographical/functional constituencies in the Election were mentioned. Not all the names of the candidates contesting in the constituencies concerned were mentioned in the programme or shown on screen. At the end of the report, two QR codes were shown on screen and the anchor advised that viewers might scan the QR codes for information of the candidates;
- (b) according to the Electoral Affairs Commission (EAC), HKTVE did not follow the relevant requirement under the guidelines on the Election that the mention of the names of other candidates of the same constituency should be made in the same programme; and
- (c) HKTVE submitted, among others, that it had carried out internal review to rectify the situation with a view to observing all the regulations and guidelines in connection with elections issued by EAC.

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

- (a) paragraph 9 of Chapter 12 – licensees should observe all the regulations and guidelines in connection with elections issued by EAC.

The CA’s Consideration

The CA, having regard to the relevant facts of the case including EAC’s finding that HKTVE did not follow the relevant requirement under the guidelines on the Election, considered that HKTVE was in breach of paragraph 9 of Chapter 12 of the TV Programme Code. The CA also noted that HKTVE had reviewed its internal process to ensure compliance with the relevant requirement in future.

Decision

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

Case 2 – Television Programme “Web Rumour Go Go Go” (流言追追追) broadcast from 4:00pm to 4:30pm, 26 December 2021 on the Hong Kong Open TV Channel¹ of Fantastic Television Limited (Fantastic TV)

A member of the public complained that the captioned programme, which was classified as “Parental Guidance Recommended” (PG) for dangerous acts, was broadcast during the family viewing hours (FVHs) (viz. 4:00pm – 8:30pm).

The CA’s Findings

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

Details of the Case

- (a) the programme under complaint was an information programme themed on escape from entrapment in cars by breaking windows, which was classified as “PG” for dangerous acts and was broadcast from 4:00pm to 4:30pm (i.e. within the FVHs);
- (b) aural and visual advice on the “PG” classification was broadcast before the start of the programme, with warning captions against imitation of the dangerous acts intermittently shown therein; and
- (c) Fantastic TV submitted, among others, that the lapse was an inadvertent technical oversight in programme scheduling, and preventive measures would be taken to avoid recurrence.

Relevant Provisions in the 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; and
- (b) paragraph 5 of Chapter 2 – no programmes classified as “PG” should be included within FVHs.

¹ The channel was renamed as HOY TV with effect from 18 October 2022.

The CA's Consideration

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

- (a) the programme, classified as “PG” and broadcast during the FVHs, contained portrayal of dangerous acts which carried the risk of imitation by children. It was unsuitable for viewing by children in the absence of parental guidance; and
- (b) there was a clear breach of paragraphs 2 and 5 of Chapter 2 of the TV Programme Code by Fantastic TV.

Decision

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

Case 3 – Television Programmes “Psychic King” (通靈之王) & “Psychic King Dictionary” (通靈字典) broadcast respectively from 10:30pm to 11:05pm during 11 July and 10 August 2022 and at 11:05pm during 11 and 27 July 2022 on Jade Channel of Television Broadcasts Limited (TVB), and Programme Promotions for the same two programmes broadcast at various time slots on Jade, J2 and TVB Finance & Information Channels of TVB

A total of 450 members of the public complained about the captioned two programmes (the Programmes) and the programme promotions (the Promos), mainly alleging that the Programmes and the Promos –

- (a) encouraged / promoted superstition and supernatural beliefs;
- (b) were horrifying, disturbing, unnerving and emotionally distressing; and
- (c) were of a bad theme and unsuitable for viewing by children / youths or broadcast at the scheduled time.

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

“Psychic King”

- (a) the programme was a 15-episode contest about psychic powers, featuring 15 contestants, who claimed to possess different mediumship abilities,

participating in different challenges in order to compete for the title of “Psychic King”. In certain parts of the programme, a number of “consultants” gave advices on different schools of mediumship methods and served as the judges of the contest. All episodes under complaint were classified as “PG” for superstition and emotionally unnerving contents, and were broadcast outside the FVHs from 10:30pm to 11:05pm. Related aural and visual advice was broadcast before the start of the programme. Also, a visual advice reminding the audience that metaphysics was not exact science and the programme contents were for reference only (the Disclaimer) was displayed on screen when the programme commenced. At the end of a number of episodes, the host of the programme reminded viewers to improve their ability of discernment and not to be superstitious;

- (b) in the various stages of challenges set up throughout the programme, the contestants were arranged to perform specific tasks using their psychic power, including finding out the location within the site with the most spirits, telling someone’s fortune by using one’s mobile number, selecting out of others the one who had won a windfall, telling what had happened in a flat in which a murder had taken place, etc. In those challenges, the contestants employed various methods to derive the answer, including using their “third eye”, summoning the spirit, face reading, drawing tarot cards, BaZi, inviting possession by spirits, etc.;

“Psychic King Dictionary”

- (c) the programme, scheduled for broadcast at 11:05pm right after the programme “Psychic King”, was a two-minute programme featuring the study of mediumship. Different schools of psychic methods were introduced in the nine episodes under complaint, which were all classified as “PG” for superstition contents with related aural and visual advice broadcast before the start of each episode. The Disclaimer was also displayed on screen when the programme commenced;

The Promos

- (d) the Promos had different versions with durations ranging from 15 to 30 seconds, some of which were broadcast during the FVHs on the channels concerned. In the Promos, the host briefly introduced that 15 contestants would participate in the contest for the title of “Psychic King”, accompanied with some brief shots of the contestants participating in the audition. At the end of the Promo, the voice-over also mentioned the programme “Psychic King Dictionary”; and
- (e) TVB submitted, among others, that the claims of possession of psychic powers appeared in the Programmes were not presented as an incontrovertible fact, but were clearly portrayed as personal feelings experienced by individual contestants. The Programmes did not promote harmful superstition / supernatural beliefs. Instead, they advised the viewers not to be superstitious by the Disclaimer broadcast when the Programmes commenced. The depictions of the psychic practice and supernatural in the Programmes were restrained and discreet.

Relevant Provisions in the TV Programme Code

- (a) paragraphs 2 and 3 of Chapter 2 – during the FVHs (viz. 4:00pm and 8:30pm), nothing which is unsuitable for children should be shown. The Family Viewing Policy assumes that there is a progressive decline in the proportion of children present in the audience throughout the evening. The restriction on the provision of material unsuitable for children should only be relaxed on a gradual and progressive basis after 8:30pm. Factors for a programme to be considered unsuitable for family viewing include, among others, innuendo, scenes of extreme distress, the deliberate use of horror for its own sake, morbid sound effects intended to anticipate or simulate death or injury, the use of the supernatural or superstition so as to arouse anxiety or fear, any matter likely to lead to hysteria, nightmares or other undesirable emotional disturbances in children;
- (b) paragraph 6 of Chapter 2 – the licensee must not show material unsuitable for children or young viewers at times when programmes targeting children or young viewers are normally included or under circumstances such that large numbers of children and young viewers might be expected to be watching television, particularly during school holidays;
- (c) paragraph 1 of Chapter 3 – licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast;
- (d) paragraph 11 of Chapter 3 – the promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Programmes based on or pertaining to fortune-telling, fung-shui, occultism, astrology, phrenology, palm-reading, numerology, mind-reading, character-reading, spiritualism and the like should not encourage people to regard such activities as providing commonly accepted appraisals of life or give the impression that these are exact sciences. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young viewers;
- (e) paragraph 1 of Chapter 7 – the licensee should be vigilant on the likely effects of all material shown on television on children. Children covers a wide age range. It is, therefore, necessary for the licensee to exercise judgement on the capacity of children in different age groups in coping with the depiction and treatment of material which may not be suitable for them; and
- (f) paragraph 4(k) of Chapter 8 – in programmes classified as “PG”, exorcism, psychic or occultic practice and depiction of the supernatural should not be included in factual programming unless they are the subject of a legitimate investigation. Particular care should be taken not to induce fear and disturbances in children even when they are accompanied by adults in watching the programme. Fictional depiction of such phenomena should not be overly realistic so as to unsettle young minds. In certain cases, clear advance warnings should be provided.

The CA's Consideration

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

“Psychic King”

- (a) there were clear prior advice informing viewers of the superstition contents in the programme and the Disclaimer reminding audience that metaphysics was not exact science and the programme contents were for reference only. In some episodes, the host also reminded the audiences to improve their ability of discernment and not to be superstitious;
- (b) the remarks by the voice-over, hosts and related participants in the programme were not presented as incontrovertible facts but as personal experiences. The depictions showing the contestants using their so-called psychic powers and the relevant remarks were contextually justified for a contest about psychic powers. Throughout the different stages of the contest, the programme did not depict any contestant(s) as all-powerful or omnipotent. Instances of the contestants failing in some of the challenges were candidly depicted and the host did not mince words in pointing out their failings;
- (c) given the above, there was insufficient evidence suggesting that the programme had the effect of promoting harmful superstition and supernatural beliefs or encouraging people to regard psychic powers as providing commonly accepted appraisals of life or giving the impression that these were exact sciences;
- (d) though presented as a form of contest featuring psychics, with the arrangement of contestants experiencing successes and failures in different stages of challenges throughout the programme which was somehow dramatic or entertaining, together with the Disclaimer and prior clear advice that the programme involved superstition contents, it was unlikely that average viewers would treat the psychic practices and supernatural featured therein seriously and as a depiction of real matters in life;
- (e) the featuring of most of the challenges was accompanied by dim lighting and suspenseful background music, which were contextually justified. The depictions of psychic practices and supernatural in the programme were mostly restrained and discreet, and there were no bloody or overly scary and disturbing scene in the programme. It was therefore unlikely that viewers would find the psychic practices and supernatural depicted therein as overly realistic so as to unsettle young minds. With the prior advice informing viewers of the superstition and emotionally unnerving contents, there was insufficient evidence to take the view that the programme would have created undue fear and anxiety to viewers;
- (f) there was a two-hour time gap between the broadcast time of the programme and the end of the FVHs at 8:30pm, the depiction of the psychic practice and supernatural in the programme was restrained and discreet, and that viewers were clearly informed of the details of the classification before the start of the programme. There were insufficient grounds to consider that the “PG”

programme, being a contest on psychic powers not targeting children, was unacceptable for broadcast at the scheduled time;

“Psychic King Dictionary”

- (g) an aural and visual advice was broadcast before each episode to remind audience of the superstition contents, and that the Disclaimer was broadcast at the beginning of each episode. The concise introduction of different schools of mediumship by the host together with brief demonstrations on the use of some psychic tools were considered relevant to the nature of the programme. As such, the mini-programme would unlikely have the effect of promoting harmful superstition / supernatural beliefs, encouraging people to regard psychic powers as providing commonly accepted appraisals of life, or giving the impression that these were exact sciences;
- (h) the introduction of different schools of mediumship and the related demonstration / explanation shown in the programme were overall brief. Graphically, no bloody, scary or unnerving materials were depicted. With the provision of relevant prior advice and the Disclaimer, there was insufficient evidence suggesting that the programme was in breach of the relevant provisions governing depiction of psychic practice and supernatural;
- (i) the mini-programme was classified as “PG” for superstition contents and scheduled for broadcast at 11:05pm, with a significant time gap between its broadcast time and the end of the FVHs at 8:30pm. The overall presentation / demonstration of the matters relating to the study of mediumship was brief, and that viewers were clearly informed of the classification of the programme and the principal elements which contributed to the classification. It was hence unlikely that the programme would be considered unacceptable for broadcast at the scheduled time; and

The Promos

- (j) in the Promos, the brief introduction of the Programmes, accompanied with some brief shots of the contestants and / or extracts from the programme “Psychic King”, were contextually justified for promoting the Programmes. Related portrayals in the Promos were fragmented which contained no bloody, scary or unnecessary scenes. Those versions scheduled for broadcast outside the FVHs presented more details about supernatural matters relating to the Programmes, while for those scheduled within the FVHs, only brief descriptions about the contest were featured. All versions of the Promos did not contain any depictions of horrifying or unnerving materials which might arouse anxiety or fear, or create undesirable emotional disturbances to viewers. In view of the above, there was insufficient evidence that the Promos were in breach of the relevant provisions.

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 Programmes “Late News” (晚間新聞) & “News Roundup” (晚間新聞)	TVB News & TVB Jade	11.4.2022	Inaccuracy	Unsubstantiated