

Complaints dealt with by the Communications Authority (“CA”) (released on 28 September 2023)

The CA has considered the following complaint cases –

1. [Television Programme “Hong Kong Connection” \(鏗鏘集\) broadcast by Radio Television Hong Kong \(“RTHK”\)](#)
2. [Television Programme “The Unmatchable Match” \(風雨同路\) broadcast by RTHK](#)

The CA also reviewed the decisions of the Director-General of Communications (“DG Com”) on nine complaint cases.

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

1. the complaints against the television programme “Hong Kong Connection” (鏗鏘集) were **unsubstantiated** and no further action should be taken against RTHK;
2. the complaint against the television programme “The Unmatchable Match” (風雨同路) was **unsubstantiated** and no further action should be taken against RTHK; and
3. the decisions of the DG Com on the complaint cases should be upheld. Details of the cases are set out in the [Appendix](#).

28 September 2023

Case 1 – Television Programme “Hong Kong Connection” (鏗鏘集) broadcast from 8:00pm to 8:30pm on 13 July 2020 on RTHK TV 31 Channel of Radio Television Hong Kong (RTHK)

Eight members of the public complained about the captioned programme. The main allegations were that –

- (a) the programme was partial by failing to give a comprehensive account of the confrontations which took place in Yuen Long in the evening of 21 July 2019 between people clad in white and people clad in black (the Incident), focusing on the attacks carried out by the white-clad people, failing to show the provocative behaviours of the black-clad people and presenting one-sided comments of two interviewees of dubious background;
- (b) the programme contained criticisms which smeared and damaged the reputation of the Police in relation to its handling of the Incident, and wrongly identified a passer-by as a police officer in plain clothes;
- (c) the conduct of online applications for Certificates of Particulars of Motor Vehicle (the Online Application) to identify the owners of some vehicles for interviews in the programme had deviated from the permitted usage of such information, and misled viewers into believing that making false statements was acceptable; and
- (d) the report on the Incident was unprofessional, the programme had violated the Charter of Radio Television Hong Kong, and RTHK did not respond to the complainant’s enquiries and opinions.

The Communications Authority (CA)’s Findings

In line with the established practice, the CA considered the complaint case and the representations of RTHK 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 current affairs programme. Shortly after the start of the programme, the voice-over remarked that during the year after the Incident, the narrative of the Incident had changed from “white-clad people attacking people” to “violent conflicts between the white-clad people and the black-clad people”, and there was a suggestion that the Incident was provoked by the black-clad people. The programme examined CCTV footages and footages on the Internet to trace the people involved with the aim of finding out the “truth” about the Incident from these people’s point of view;
- (b) the programme showed CCTV and Internet footages of fights and attacks involving white-clad and black-clad people during the Incident. A number of people being identified in the footages were believed to be present at the scene of the Incident or related to the white-clad people. The programme tried to contact those people for interviews but only managed to reach a few of them;

- (c) the programme briefly mentioned its effort in identifying some of the owners of the vehicles captured in the footages through the Online Application. In this connection, on the conviction of the producer of the programme for the Online Application, the Court of Final Appeal handed down judgment on 5 June 2023, quashing the convictions on the producer (the CFA's judgment); and
- (d) the programme interviewed a Member of the Legislative Council with Internet footages on him having interactions with people who had appeared at MTR Yuen Long Station during the Incident. The programme also interviewed a man who claimed to have been beaten up by the white-clad people before the Incident and a shop owner who provided CCTV footages to the programme, both expressing their views on the Incident including dissatisfaction over the handling of the Incident by the Police. It was alleged that a man seen in the CCTV footages holding something resembling a police warrant card and walking back and forth along a street was a police officer in plain clothes. There were also references to the Police that there was no person found causing any breach of the public peace or committing crimes that night, and the Police's written reply to the programme's inquiry.

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

- (a) paragraph 5 of Chapter 3 – criminal activities should not be presented as acceptable behaviour, nor criminal techniques be presented in such a way as to be instructional or invite imitation;
- (b) paragraph 1A of Chapter 9 – the licensee shall make reasonable efforts to ensure that factual contents of, among others, current affairs programmes and programmes adopting an investigative style of reporting, are accurate;
- (c) paragraph 2, 3 and 4 of Chapter 9 – due impartiality rules applicable to current affairs programmes;
- (d) paragraph 9 of Chapter 9 – the licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion, and should also avoid misleading the audience in a way which would be unfair to those featured in the programme;
- (e) paragraph 15 of Chapter 9 – the licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations, and take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented; and
- (f) paragraph 16 of Chapter 9 – where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticised should be given an appropriate and timely opportunity to respond.

The CA's Consideration

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

Impartiality

- (a) the programme adopted an investigative style of presentation with video footages collected from different sources, and presented these footages with interviews of the parties concerned;
- (b) the programme tried to uncover details of the Incident by comparing CCTV and Internet footages of the Incident and investigating the identities of the white-clad people identified in the footages. As some of them could not be found or had refused to be interviewed, the reporter talked to some other people allegedly related to them;
- (c) the programme had given the interviewees the opportunities to respond. The interviewees' denials and rebukes of the speculations on their involvement in the Incident were reported at length. Overall speaking, viewers had been presented with the principal opposing viewpoints about the Incident and should be able to form their own opinions on this basis. The programme had not suggested that the opinions expressed in it by any parties were indisputable;
- (d) given the above, there was insufficient ground to take the view that the programme had violated the relevant provisions governing the impartiality rules;

Accuracy and fairness

- (e) regarding the allegation that the programme smeared and damaged the reputation of the Police, it was noted that in respect of the views of the two interviewees who had criticised the Police, the programme featured some findings of the thematic study by the Independent Police Complaints Council published in May 2020 and that the Police had arrested some persons in connection with the Incident. The programme also tried to verify the identity of the alleged plain-clothes police officer with the Police and mentioned the response of the Police to the criticisms raised. There was insufficient evidence suggesting that the programme was being unfair to the Police or was capable of adversely affecting the reputation of the Police;

Crime

- (f) regarding the allegation that the Online Application had deviated from the permitted usage of the obtained information and misled viewers that making false statements was acceptable, taking into consideration the relevant facts, including the CFA's judgment, the programme under complaint did not contain any material which could amount to a breach of the relevant provision governing the presentation of crime; and
- (g) as for other allegations, they were outside the jurisdiction of the CA.

Decision

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

Case 2 – Television Programme “The Unmatchable Match” (風雨同路) broadcast from 9:30pm to 11:10pm on 8 April 2023 on RTHK TV 31 Channel of RTHK

A member of the public complained that the programme contained a coarse expression.

The CA’s Findings

In line with the established practice, the CA considered the complaint case and the representations of RTHK 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 Hong Kong film broadcast outside the family viewing hours (FVH) from 9:30pm to 11:10pm and classified as “Parental Guidance Recommended” (PG) for coarse language, violence and undesirable behaviours, with related aural and visual advice announced before the start of the programme; and
- (b) the film was about an undercover police officer (the main character) befriending a gangster to investigate a diamond robbery case. The coarse expression “冚家窿” (literally means “whole family dies”) (the Expression) was uttered by the main character three times when he talked to himself about dissatisfaction with his supervisor, despised the gangster, and expressed his fear when being chased by a group of gangsters.

Relevant Provisions in the TV Programme Code

- (a) paragraph 5 of Chapter 4 – expressions not so widely accepted, which may still be considered offensive by the average viewers, should not be used within the FVH. At other times they may be presented with discretion and in moderation. Other offensive language may only be used infrequently after 11:00pm where they are defensible in terms of context; and
- (b) paragraph 6 of Chapter 4 – downright offensive expressions are prohibited.

The CA’s Considerations

The CA, having regard to the relevant facts of the case, considered that the Expression was not downright offensive, and was not unacceptable in daily language by today’s standards. The Expression uttered by the main character to himself was to express his dissatisfaction or anxiety and was not used to curse other characters. The utterances

of the Expression were contextually justified for the said characterisation purpose. Having regard to the circumstances of the present case including that the programme was of entertainment nature and broadcast after 9:30pm with a “PG” programme classification with prior advice informing viewers of the coarse language content, the CA considered that the utterances of the Expression in the context did not amount to any breach of the relevant provisions.

Decision

In view of the above, the CA considered that the complaint was **unsubstantiated** and decided that no further action should be taken against RTHK.

Appendix

Review of the Director-General of Communications' Decisions on Complaint Cases by the Communications Authority

Title	Broadcast Channel	Broadcast Date	Substance of Complaint	Decision Upheld
TV Advertisement for “Vita Green Amazing Vegan Chicken Essence” (「維特健靈素滴雞精」廣告)	TVB Jade	31.8.2021	Factual Claim	Unsubstantiated
Radio Programme “World in a Nutshell” (十萬八千里)	RTHK Radio 1	27.11.2021	Inaccuracy	Unsubstantiated
TV Programme “History Filler” (港歷史)	HKTVE ViuTV	2.2.2022	Inaccuracy	Unsubstantiated
TV Programme “Chill Club Song Promotion” (Chill Club推介)	HKTVE ViuTV	7.3.2023	Unsuitable for Children	Unsubstantiated
TV Programme “A Perfect Gentleman” (極度俏郎君)	HKTVE ViuTV	24.4.2023	Language	Unsubstantiated
TV Advertisement for “Life Must Go On” (「深宵閃避球」廣告)	HKTVE ViuTV	6.10.2022	Bad Taste	Unsubstantiated
Radio Programme “Summit” (光明頂)	CR 1	21.10.2022	Inaccuracy & Incitement of Hatred	Unsubstantiated
TV Programme “Boyscation” (仔仔一堂)	TVB J2	28.11.2022	Bad Theme & Bad Influence on Children	Unsubstantiated
Promo for TV Programme “Finance 2100” (「9點講股」宣傳片)	HKCTV i-Cable News Channel	31.5.2023	Programme Change	Unsubstantiated