

Complaints dealt with by the Communications Authority (“CA”) (released on 29 January 2024)

The CA has considered the following complaint case –

[Television Programme “Scoop” \(東張西望\) broadcast by Television Broadcasts Limited \(“TVB”\)](#)

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

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

1. a **warning** should be given to TVB on the complaint against the television programme “Scoop” (東張西望); and
2. the decisions of the DG Com on the complaint cases should be upheld. Details of the cases are set out in the [Appendix](#).

29 January 2024

Case – Television Programme “Scoop” (東張西望) broadcast from 7:30pm to 8:00pm, 30 October 2022 on the Jade Channel of Television Broadcasts Limited (TVB)

One complaint was received about the captioned programme. The main allegations were that –

- (a) the programme made multiple false, misleading and defamatory allegations in a segment regarding a veterinary medical centre (the Centre);
- (b) the contents of the segment resulted in substantial reputational damage to the Centre; and
- (c) the Centre was not given any opportunity to respond to the contents in question before the broadcast of the programme.

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

- (a) the programme was an infotainment programme, which contained a segment featuring a pet owner (the Interviewee)’s dissatisfaction with the service provided by a veterinary surgeon and the Centre (the Segment);
- (b) the Segment contained various remarks presented in the voice-over/an interview, which mainly reflected the Interviewee’s dissatisfaction with/critiques on the professional performance of the veterinary surgeon concerned or the services provided by the Centre. Specifically, the related remarks were essentially matters concerning the medical diagnosis of the Interviewee’s pet dog; the risk of the surgery involved; the personal views and critiques of the Interviewee on her discontent with the concerned veterinary surgeon’s explanation on the medical procedures; the running of the Centre; and the grief over the loss of the Interviewee’s pet dog;
- (c) the redacted correspondence between TVB and the Centre on the matters featured in the Segment was shown on screen. Also, throughout the Segment, there were various shots of the exterior of a veterinary medical centre. While part of the name/logo on the shopfront was blurred with computer effects, the road sign which was captured outside the Centre was shown; and
- (d) TVB submitted, among others, that the Segment provided a factual account of the Interviewee’s testimony or personal opinion. The allegations therein were supported by medical/professional records and the Centre’s responses were fully presented on screen.

Relevant Provisions in the Generic Code of Practice on Television Programme Standards (TV Programme Code)¹

- (a) paragraph 9 of Chapter 9 – 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. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme;
- (b) paragraph 15 of Chapter 9 – licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented; and
- (c) paragraph 16 of Chapter 9 – where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organisation, those criticised should be given an appropriate and timely opportunity to respond.

The CA’s Considerations

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

- (a) the relevant requirements under paragraphs 9, 15 and 16 of Chapter 9 of the TV Programme Code impose a responsibility on a licensee to exercise special care in factual programmes to avoid unfairness to individuals/organisations and to allow those being criticised to have an opportunity to respond;
- (b) most of the contents in the Segment mainly reflected the Interviewee’s personal dissatisfaction with/a critique on the professional performance of a veterinary surgeon and the services provided by the Centre. Such matters were in essence a dispute between the parties over medical issues and the handling of Interviewee’s complaint against the veterinary surgeon concerned by the Centre. Under such circumstances and on the basis of the information provided by the relevant parties, it would be difficult for the CA to ascertain each and every aspect of those remarks and come to a definite view on the authenticity of the relevant information provided by the parties concerned. Notwithstanding this, one of the remarks featured in the Segment did have the effect of misleading viewers into believing that the Centre charged high prices for its medical services on a regular basis, which was unfair to the Centre. TVB failed to take reasonable care to satisfy itself that the fact concerned was fairly presented;

¹ On 15 December 2023, the CA published in the Gazette the revised television and radio codes of practice on programme and advertising standards, which took effect on the same day. The relevant provisions in the TV Programme Code cited above were in effect at the time the programme under complaint was broadcast (i.e. 30 October 2022).

- (c) the way of presenting the individual/organisation concerned would also testify to the efforts of care exercised by TVB in avoiding unfair treatment. For the present case, there were sufficient grounds to take the view that a significant proportion of the viewing public, especially pet owners who are the main clientele of the Centre, could reasonably infer from the material broadcast as a whole that the Centre was the institution which was referred to in the Segment;
- (d) in addition to the above, the Segment also contained various remarks which could reasonably be considered as containing damaging critiques of the veterinary surgeon concerned and/or the Centre which were capable of adversely affecting their reputation. TVB submitted that the Centre had been given an opportunity to respond and the related correspondence between the parties were fully presented on screen. However, based on the information available, the Centre had not been clearly informed of those specific critiques concerning the veterinary surgeon and/or the Centre before the broadcast of the programme. Nor did TVB choose to give any further opportunity for the Centre to respond or make any further clarification despite the Centre's concern. It was reasonable to take the view that TVB had not given the Centre an appropriate and timely opportunity to respond to those damaging critiques, and failed to take special care when the programme was capable of adversely affecting the reputation of the veterinary surgeon concerned and/or the Centre; and
- (e) on the basis of the above, TVB had breached paragraphs 9, 15 and 16 of Chapter 9 of the TV Programme Code.

Decision

In view of the above, the CA considered that the complaint in respect of fairness and right of reply was justified and that TVB was in breach of paragraphs 9, 15 and 16 of Chapter 9 of the TV Programme Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that TVB should be **warned** to observe more closely the relevant provisions of the TV Programme Code.

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 Programme “now Late News” (now 深宵新聞)	now News	29.5.2022	Inaccuracy	Unsubstantiated
Radio Programme “Siubo and Dominic (少寶與文狄)	RTHK Radio 1	20.5.2023	Inappropriate Content	Unsubstantiated
Radio Programme “Crazy & Happy” (瘋 Show 快活人)	RTHK Radio 2	20.7.2023	Sexual Innuendo	Unsubstantiated
TV Programme “Scoop” (東張西望)	TVB Jade	7.9.2023	Inaccuracy in Infotainment Programme, Contents amount to Libel & Dissatisfaction with TV Station's Crew	Outside the remit of the CA
TV Programme “Noon News” (午間新聞)	TVB Jade	6.7.2022	Inaccuracy	Unsubstantiated
TV Programme “Lo and Behold” & its Promo (「愛・回家之開心速遞」及其宣傳片)	TVB Jade	27.10.2022	Language, Bloody & Violence	Unsubstantiated