

Updates on Complaints¹
(Position as at 11.4.2012)

A. Complaints dealt with by the Broadcasting Authority Complaints Committee and considered by the Broadcasting Authority² covering the period from January to February 2012

Title	No. of Complaints	Substance of Complaint	Decision
Nil			

B. Complaints dealt with by the Television and Entertainment Licensing Authority falling under Section 11(1) of the Broadcasting Authority Ordinance³ covering the period from January to February 2012

Title	No. of Complaints	Substance of Complaint	Decision
<i>Accuracy</i>			
Free As The Wind (講東講西) RTHK Radio 1 9.12.2011	1	– the expression “一夫四妻” (one husband and four wives) uttered by a host when talking about Islamic beliefs was inaccurate	– personal view programme (11:00pm – 1:00am) – a host said that in ancient China, a man might have many concubines (妾) but only one wife and this custom differed from the polygyny (一夫多妻制) in Islam under which all wives were equal. Another host responded that four wives of a Muslim should be

¹ Content of this paper is extracted from the homepage of the Communications Authority: http://ba_archives.ofca.gov.hk/en/complaints/archives.html.

² The Broadcasting Authority (BA) ceased to function on 31.3.2012. Its powers and duties are transferred to the Communications Authority (CA), which was established on 1.4.2012. Complaints contained in this paper were handled by BA before CA was established.

³ Section 11(1) of Broadcasting Authority Ordinance, Cap 391 (replaced by Broadcasting (Miscellaneous Provisions) Ordinance, Cap 391 wef 1.4.2012) provides that BA shall refer to the Complaints Committee complaints about contravention of the said Ordinance, Broadcasting Ordinance (Cap 562), Part III A of Telecommunication Ordinance (Cap 106), terms or conditions of a licence or Code of Practice.

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			<p>treated equally</p> <ul style="list-style-type: none"> – according to information available on the Internet, a Muslim might marry up to four wives on the condition that he dealt with them justly – the hosts' remarks would unlikely be considered inaccurate – complaint <u>unsubstantiated</u>
<i>Accuracy, Impartiality and Conflict of Interest</i>			
<p>Smile Family (笑容從家開始)</p> <p>RTHK Radio 5 28.1.2010, 4.3.2010, 27.5.2010, 20.9.2010 & 21.10.2010</p>	<p>1</p>	<ul style="list-style-type: none"> – the complaint was lodged on 20 December 2011 – the guest, a registered medical practitioner and psychiatrist, claimed that homosexuality could be changed. Besides, he claimed that acquired factors contributed more to homosexuality than congenital factors, that homosexuality was mostly caused by childhood experience and parenting and that experience of sexual abuse would affect sexual preference. In support of his theories regarding the causes of homosexuality, the guest remarked on 20 September 2010 that a teenage girl might be willing to lose her virginity to senior female schoolmate and on 21 October 2010 that parents would based on society's gender expectations nurture their children and family influence was quite important. On 21 October 2010, the hostess confirmed the guest's view by saying that family's issues, such 	<ul style="list-style-type: none"> – personal view programme (PVP) – the recordings of the episodes broadcast on 28 January 2010, 4 March 2010 and 27 May 2010 were no longer available due to the lapse of time. Under such circumstances, it was not possible to establish evidence that these episodes were in breach of the Radio Programme Code – on 20 September 2010, the guest said that some persons were not yet certain about their sexual orientation in their teens and that a teenage girl might have sex for the first time with a senior homosexual female schoolmate due to friendship and this did not necessarily mean that the teenage girl was a homosexual. He then said that besides congenital factors, acquired factors also contributed to homosexuality. On 21 October 2010, when discussing the means to help children having gender identity disorder (性別認同障礙), the guest said that society's gender expectations and family's issues influenced children's recognition with their born gender. The guest's remarks were mainly referred to those children and teenagers who were not certain about their sex orientation or had gender identification problem – when talking about gender identity disorder on 21 October 2010, the hostess remarked that she had heard

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		<p>as divorce and family violence would affect the child’s view on gender identification. The remarks did not accord with established medical views and were therefore inaccurate</p> <ul style="list-style-type: none"> – the programme conflated the concepts of “sexual orientation” and “gender identity”. The view that there was a causal connection between gender identity and homosexuality was unfounded. On 21 October 2010, the hostess also conflated the issues by saying that she knew homosexuals who felt that they had an opposite sex identity when they were small – the programme was unbalanced and partial. First, the guest only mentioned the positive effects of reparative therapy (a therapy to change a homosexual’s sexual orientation) but not the negative effects. Secondly, both the guest and the hostess conducted their speeches on the premise that homosexuality was a problem. For instance, on 20 September 2010, the guest remarked that “I am worried that most of the time, such movies are glorifying homosexuality” and the hostess, on discussing teenagers getting confused about their sexual orientation, asked “what can be done by the parents” – the guest was the chairman of an organisation (Organisation) that offered reparative therapy for 	<p>that some homosexuals or transgender people felt in their childhood that they were the opposite sex. The guest also said that children having gender identity disorder had a higher chance of becoming homosexuals and gender identity disorder was a pre-homosexuality phenomenon (前同性戀現象). However, the guest clearly remarked that children having gender identity disorder did not necessarily become homosexuals. It was unlikely that the remarks would be considered confusing regarding the concepts of “sexual orientation” and “gender identity” or misleading</p> <ul style="list-style-type: none"> – on 20 September 2010 and 21 October 2010, the guest did not mention reparative therapy. Neither did he say that homosexuality was a problem. On 20 September 2010, in response to the hostess’ question on what parents could do to help their children explore their sexual orientation, the guest remarked that parents should talk with their teenage sons and daughters about homosexuality besides heterosexuality and that parents should be open-minded and respect their children’s decisions. He considered that parents could discuss with their children about video clips on homosexuality but those movies glorifying homosexuality might not be suitable for the purpose. On 21 October 2010, he clearly confirmed that homosexuality was not a mental illness – all remarks were clearly identified as personal views, not unacceptable in a PVP – there was no mention of the alleged Organisation in the episodes broadcast on 20 September 2010 and 21 October 2010. On 21 October 2010, the guest suggested that parents might read books or consult psychiatrists in order to help children having difficulty in recognising their born gender but he did not invite

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		<p>remuneration and therefore he had a financial interest in presenting his views. Moreover, the Organisation upheld the value of “<i>marriage between one man and one woman</i>” and its medical advice was influenced by non-medical understanding of homosexuality. However, RTHK failed to disclose a potential conflict of interest and potential cause of bias due to his chairmanship in the Organisation. The guest repeatedly invited listeners to his clinic and the hostess even mentioned on 27 May 2010 the telephone number of the Organisation</p> <ul style="list-style-type: none"> – the programme was therefore in contravention of paragraph 20A (on accuracy), paragraphs 21 and 22 (on impartiality) and paragraph 27 (on conflict of interest) of the Radio Code of Practice on Programme Standards (the Radio Programme Code), as well as RTHK’s <i>Producer’s Guidelines</i> 	<p>listeners to his clinic nor give his contact details. The hostess mentioned the guest’s name at the beginning of the programme segments. No undue prominence was given to him. Paragraph 27 of the Radio Programme Code governed conflict of interest of programme presenters (節目主持人) but not guests</p> <ul style="list-style-type: none"> – complaint <u>unsubstantiated</u> – the allegation on RTHK’s contravention of its <i>Producer’s Guidelines</i> was outside section 11(1) of the Broadcasting Authority Ordinance
<i>Discrimination & Bad Taste</i>			
<p>Police Magazine (警訊) RTHK (TVB Jade) 8.10.2011</p>	<p>1</p>	<ul style="list-style-type: none"> – complaint lodged on 7 December 2011, alleging that the programme always stereotyped homosexuals negatively as sissy and poked fun at them, which was of bad taste and discriminatory. He quoted the segment about scams of “blessing gang” (祈福黨) targeting young 	<ul style="list-style-type: none"> – co-production of RTHK and the Police Public Relations Branch, broadcast during the family viewing hours (7:00pm – 7:30pm) – due to the lapse of time and that no specific details about the case on internet crime were provided for investigation, it was not possible to establish that there was a breach of the relevant provisions in this respect – regarding the 8 October episode, the segment on

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		<p>people broadcast on 8 October and a case on internet crime broadcast about one year ago as examples</p> <ul style="list-style-type: none"> – the content of the programme on 8 October 2011 was weak for it took 4 minutes to portray the homosexual relationship in order to show why the female protagonist needed to seek help from “blessing gang” which was wasted and unnecessary, and the “blessing gang” segment took 10 minutes while the whole programme only lasted for 22 minutes 	<p>“blessing gang” lasted about 10 minutes. A young woman’s boyfriend, a homosexual, had abandoned her. She sought help from a feng shui master over the internet, who turned out to be a swindler and took away all her money. A brief segment of about 1.5 minutes showed a homosexual couple revealing the truth to this woman over the phone. One of them held the other’s hand</p> <ul style="list-style-type: none"> – the brief portrayal in context would unlikely be considered discriminating against any person, of bad taste or unacceptable for broadcast – complaint <u>unsubstantiated</u> – the allegation about weak programme content was outside section 11(1) of the Broadcasting Authority Ordinance
<i>Horrifying to Children</i>			
<p>Gimme 5 RTHK 2 Thursdays Gimme 5</p>	<p>3</p>	<ul style="list-style-type: none"> – the complainants alleged without citing any specific episode that the content on “廣播道、陰陽路” broadcast on every Thursday was horrifying and unsuitable for children 	<ul style="list-style-type: none"> – a light-hearted talk show for youth broadcast at 5:00pm – 7:00pm – spot check of the episode broadcast on 10 November 2011 (around the complaint receipt dates) revealed that the hosts and callers told ghost stories and the hosts made jocular remarks from time to time – it was unlikely that the programme, delivered in a light-hearted manner, would be considered overly horrifying or unacceptable for broadcast – complaints <u>unsubstantiated</u>
<i>Impartiality</i>			
<p>2011 Year Ender (2011香港政情大事回顧) RTHK (TVB iNews) 1.1.2012</p>	<p>1</p>	<ul style="list-style-type: none"> – the programme was partial. It bashed Hong Kong government, was filled with subjective comments and created a sinister depiction 	<ul style="list-style-type: none"> – alleged programme not found at the time, date and channel specified – complaint <u>unsubstantiated</u>

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<i>Indirect Advertising</i>			
388 Call and Talk (388放題) RTHK Radio 2 16.12.2011	1	<ul style="list-style-type: none"> – a host invited his son as a guest of the programme and promoted his son’s concert, amounting to indirect advertising – the complainant was dissatisfied that when she phoned in, a staff hung up on her before she finished her conversation 	<ul style="list-style-type: none"> – the host’s son, a pianist, appeared in the programme as a guest – the host repeatedly remarked that the guest was his son and that he would perform the repertoire of Franz Liszt (李斯特) on 27 December 2011 in a concert organised by RTHK Radio 4 – the host invited the two callers to the concert. At the end of the programme, the hosts said that listeners might call or fax RTHK to get tickets of the concert – no undue prominence was given to the host’s son as a guest. The concert was subsequently broadcast in the programme “Live on 4” (第四台音樂會) on RTHK Radio 4 on 30 December 2011. The host’s reference to the programme content to be broadcast on RTHK’s channel did not amount to advertising material – complaint <u>unsubstantiated</u> – the allegation on the telephone manner of a RTHK staff was outside section 11(1) of the Broadcasting Authority Ordinance
<i>Misleading Material</i>			
Immigration Department – 50 th Anniversary Special (半世紀的人和事) RTHK (TVB Jade) 8.10.2011	1	<ul style="list-style-type: none"> – the over-glorification of a staff of the Immigration Department (ID) who was killed while on duty as a hero would have misled children and youth and promoted personality cult 	<ul style="list-style-type: none"> – documentary on the history and development of the ID – in the segment about the arson attack on ID in the Immigration Tower by some right of abode claimants from the Mainland in year 2000, there were fleeting shots of the claimants in demonstrations, a burnt reception counter, victims being evacuated and people paying homage at a funeral, followed by the Director of Immigration’s remarks that their staff always performed duties in conformity with the laws and no grievance should be vented on particular individuals or departments – the alleged glorification was not found in the

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			concerned segment – complaint <u>unsubstantiated</u>
<i>Conflict of Interest</i>			
Open Line Open View (自由風自由 Phone) RTHK Radio 1 24.11.2011	1	– the discussion on the incident of the host's being informed that his contract with RTHK would not be renewed in the programme undermined the impartiality of the host and amounted to conflict of interest	– personal view programme (PVP) – before the alleged discussion, the female host had explained the background of the widely reported issue concerned and that the host of the programme was one of the concerned parties in the incident. Possible conflict of interest had been disclosed before the start of the discussion – Head of the public affairs unit of RTHK was invited to explain the reasons and the logistics behind RTHK's decision – callers with different views on the issue were given opportunities to express their opinions – all remarks were clearly identified as personal views, not unacceptable for broadcast in a PVP – complaint <u>unsubstantiated</u>
<i>Indirect Advertising</i>			
Happy Daily (開心日報) RTHK Radio 1 18.11.2011	1	– a host's remark reminding listeners to watch the last episode of a television programme amounted to indirect advertising	– light-hearted talk show (10:20am – 12:00 noon) – the host remarked in passing that the last episode of the alleged television programme would be broadcast that night. No further details were given – the host's brief remark did not amount to indirect advertising – complaint <u>unsubstantiated</u>
<i>Indirect Advertising & Unacceptable Service</i>			

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<p>Hong Kong Connection (鏗鏘集)</p> <p>RTHK (TVB Jade, TVB Pay Vision TVBN2 & Cable Live News) 12.9.2011</p>	<p>1</p>	<p>– the programme promoted a property acquiring company, which was suspected to have triad background and adopted improper business practice, and mentioned its telephone number</p>	<p>– documentary on acquisitions of old buildings in Hong Kong, looking into the impact of the lowering of the application threshold for compulsory sale of old buildings on petty proprietors</p> <p>– verbal references to the name of the concerned company were found in the voice-over and the interviews with a petty proprietor and a district councilor</p> <p>– some banners and billboards carrying the names, logos and telephone numbers of the related property acquiring companies, hung on the external walls of the buildings under acquisition, were shown in separated shots. The company names or logos printed on the headers of some acquisition documents were briefly seen</p> <p>– no undue prominence was given to any property acquiring company in the context which would amount to advertising</p> <p>– complaint <u>unsubstantiated</u></p>
<p><i>Irresponsible Remark</i></p>			
<p>Pentaprism (左右紅藍綠)</p> <p>RTHK (TVB Jade) 28.11.2011</p>	<p>1</p>	<p>– the hostess and producer of the programme incited audience to hold marching in streets to support the overseas protest movement "佔領華爾街"(Occupy Wall Street)</p>	<p>– personal view programme (PVP)</p> <p>– the hostess analysed the reasons why the protest movement "佔領中環"(Occupy Central) in Hong Kong was less popular as compared to the overseas protest movements, and the themes and significance of such kind of movements</p> <p>– the hostess' remarks, clearly identified as her personal views, were not unacceptable in a PVP</p> <p>– complaint <u>unsubstantiated</u></p>

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<i>Sex and Bad Influence on Youth</i>			
Crazy and Happy (瘋 Show 快活人) RTHK Radio 2 1.12.2011	1	– the content about sex and the number of times having sex was unacceptable and exerted a bad influence on youth	– light-hearted talk show (10:00am – 1:00pm) – the hosts chatted about a research on number of times men and women had sexual fantasy (性幻想) per day. A host said some persons who were sick might think of sexual organ when seeing a pole in a mass transit railway train and had sexual fantasy. He later remarked that he wished to grasp the moments women had sexual fantasies – the hosts' remarks, though carrying sexual connotation, would unlikely be considered indecent, obscene or unacceptable for broadcast in a light-hearted talk show not targeting children – complaint <u>unsubstantiated</u>
<i>Unnerving Material</i>			
Promo for "Crazy and Happy" (瘋 Show 快活人宣傳聲帶) RTHK Radio 2 22.11.2011	1	– the lyrics of a song cursing people that they would die soon were unnerving	– the hosts jokingly sang a song containing the lyrics " 個個笑到就嚟死"(everyone is laughing to death) – it was unlikely that the jocular lyrics would be considered unnerving or unacceptable for broadcast – complaint <u>unsubstantiated</u>