

**Updates on Complaints**  
**(Position as at 1.9.2013)**

**A. Complaints considered by the Communications Authority<sup>1</sup> which have been deliberated by Broadcast Complaints Committee from June to August 2013**

Title	Substance of Complaint	Decision
<p>LegCo Review (議事論事)</p> <p>RTHK (TVB Jade) 14.2.2013</p>	<p>496 members of the public complained about the television programme. The main allegations were –</p> <p>(a) the beeping of a word in a remark “我係咪建制派關你‘啱’事呀” made by a guest, the convener of an organization (“the Convener”) would mislead viewers to think that the guest had uttered a foul expression, which was unfair to the guest;</p> <p>(b) other complainants alleged that despite the beeping, viewers could still deduce by reading the Convener’s lips that she had spoken a foul expression. The remark with the beeped word was unsuitable for children and unsuitable for broadcast during the family viewing hours (“FVH”);</p> <p>(c) the remark “(the above organisation)批評我哋嘅公營電台係食屎嘅” made by another guest, the convener of a student</p>	<p>The Communications Authority (“CA”), having regard to the relevant facts of the case, considered that –</p> <p>(a) the programme adopted the format of a discussion forum in which persons with different political background expressed their views and responded to criticisms. While they might disagree with each other and were found involved in heated debates, guests with different stances were given sufficient opportunities to express their views. There was no evidence that the programme was partial or that any of the hosts or guests were unfairly treated;</p> <p>(b) the remark “我係咪建制派關你‘啱’ (original word beeped) 事呀” did not contain any foul expression. In a debate among political figures with opposing stance, it was unlikely that an average viewer would consider the above remark, as well as the other alleged remarks, or the strong wordings and opposing manner of the guests,</p>

<sup>1</sup> The content of Section A about complaints considered by the Communications Authority is extracted from the homepage of the Communications Authority:  
[http://www.coms-auth.hk/en/complaints/handle/broadcasting\\_services/complaints\\_ca/index.html](http://www.coms-auth.hk/en/complaints/handle/broadcasting_services/complaints_ca/index.html)

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	<p>organization, and a Legislative Council (“LegCo”) member’s criticizing the Convener as “政權嘅一條狗”, were crude, insulting and would exert a bad influence on children;</p> <p>(d) the remarks on the increasing number of pro-government rallies in Hong Kong, viz. “香港以往嘅遊行示威以抗議、反對為主，同政府唱對台戲，但係新一屆政府上場之後，撐政府遊行集會，一浪緊接一浪…撐政府活動喺西方民主社會極為罕見，喺網上輸入 pro-government rally, 即係「撐政府遊行」，會見到呢啲活動通常發生喺比較落後、極權，或者係專制嘅地方，其中嘅表表者係俄羅斯嘅愛國組織 Nashi，每當有反普京遊行，佢哋都會喺短時間內發起撐政府活動抗衡，類似嘅情景係咪有啲似曾相識呢” were partial and misleading;</p> <p>(e) the impolite wording and manner of the guests and their interruptions of the speaking of the others were frightening, unsuitable for children and warranted a “PG” (Parental Guidance Recommended) classification;</p> <p>(f) the Convener was ignorant, disrespected freedom of speech and freedom of the press; and</p> <p>(g) the guests promoted communism and independence of Hong Kong.</p>	<p>unacceptable for broadcast during the FVH, unsuitable for children or warranting a “PG” classification;</p> <p>(c) the beeping of the word concerned would have little effect on viewers’ comprehension of the above remark and would not cause distortion to it and resulted in unfairness to the Convener;</p> <p>(d) the remarks on the increasing number of pro-government rallies were presented clearly in the programme as the findings of an internet search, which were followed by a discussion on the other reasons that could have led to the split of society. Guests with different stances were allowed to express their views. The relevant discussion would unlikely be considered partial or misleading; and</p> <p>(e) the other allegations were outside the jurisdiction of the CA.</p> <p>In view of the above, the CA considered the complaints unsubstantiated.</p>

Title	Substance of Complaint	Decision
<p>Friends Unlimited (Sunday 任我行)</p> <p>RTHK Radio 1 4.3.2013</p>	<p>A member of the public complained that the lyrics of a song broadcast in the programme contained foul expressions.</p>	<p>The CA, having regard to the relevant facts of the case, considered that –</p> <p>(a) the concerned foul expression, though largely used as an emphatic expletive or a swearword in the song and might not be regarded as downright offensive, was repeated many times without prior warning to audiences. Moreover, some of the utterances about a man’s resentment towards his ex-girlfriend carried an offensive meaning in the song; and</p> <p>(b) the concerned version of the song was not suitable for broadcast on radio, even at a late-night time slot targeting mature audiences.</p> <p>In view of the above, the CA decided that RTHK should be strongly advised to observe more closely the relevant provision in the Radio Programme Code.</p>
<p>A Mission for Equal Opportunities (非常平等任務)</p> <p>RTHK (TVB Jade) 26.3.2013</p>	<p>33 members of the public complained about the captioned television programme. The main allegation was that the programme was partial. It misled viewers that there was no need to fold up strollers on bus, failed to make reference to the Public Bus Services Regulations (Cap 230A), smeared bus drivers, made inappropriate comparison between strollers and wheelchairs, promoted the abuse of discrimination laws and the complaint mechanism, promoted selfish behaviour, and calls to the hotline of the Equal Opportunities Commission (“EOC”) published in the programme were not answered.</p>	<p>The CA, having regard to the relevant facts of the case, considered that –</p> <p>(a) the relevant provisions in the TV Programme Code governing impartiality and fairness only apply to factual programmes. As the programme was a drama and not falling within the scope of factual programmes as stipulated in the TV Programme Code, there were no provisions applicable to the present case concerning impartiality and fairness of the drama;</p> <p>(b) in respect of the allegations that the programme made inappropriate comparison between strollers</p>

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		<p>and wheelchairs, that the father’s refusal to fold up the stroller on bus was misleading and might be in contravention of the Public Bus Services Regulations (Cap 230A), and that the EOC’s view on infringement of the Family Status Discrimination Ordinance (Cap 527) was objectionable, the CA considered that as the programme was a drama with fictitious contents, the dramatic portrayals should not be regarded as a contravention of the law; and</p> <p>(c) the allegation that calls to the EOC hotline were not answered was outside the jurisdiction of the CA.</p> <p>In view of the above, the CA considered the complaints unsubstantiated.</p>

**B. Complaints dealt with by the Director-General of Communications falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance<sup>2</sup> in May 2013**

<b>Title</b>	<b>No. of Complaints</b>	<b>Substance of Complaint</b>	<b>Decision</b>
Women Redefined 2013 (半世紀創新女性2013)  RTHK (TVB Jade) 6.3.2013	1	Inaccuracy	Minor Breach

**Radio Television Hong Kong  
September 2013**

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<sup>2</sup> Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance (Cap 391) provides that Communications Authority (which is established by section 3 of the Communications Authority Ordinance (Cap 616)) shall refer to the Broadcast Complaints Committee complaints about contravention of the said Ordinance, the Broadcasting Ordinance (Cap 562), Part IIIA of the Telecommunications Ordinance (Cap 106), the terms or conditions of a licence or a Code of Practice.