

# RESTRICTED

BOA Paper 6/2020  
(For information on  
29.5.2020)

## Updates on Complaints (Position as at 1.5.2020)

### A. Complaints considered by the Communications Authority<sup>1</sup> which have been deliberated by Broadcast Complaints Committee released in from February to April 2020

Title	No. of Complaints	Substance of Complaint	Decision
“C Hing Temple” (C Hing 祠堂) RTHK Radio 2 12:05am – 2:00am 9.7.2019	1	A member of the public complained about the programme. The substance of the complaint was that a programme host’s utterance of a foul expression twice was of low quality, unprofessional and exerted a bad influence on youth.	The Communications Authority (CA) considered that the foul expression in question was clearly audible and was used more than once during the programme. The expression was blatantly an offensive one which was unacceptable for broadcast at all times; and the broadcast of such an expression constituted a breach of paragraph 15 of the Radio Programme Code. In view of the above, the CA considered that the complaint was justified and decided that RTHK should be <u>strongly advised</u> to observe more closely paragraph 15 of the Radio Programme Code.
“Pentaprism” (左右紅藍綠) RTHK TV31 & TV31A 2:00pm – 2:05pm 20.11.2019	1	A total of 347 members of the public complained about the programme. The main allegations were - the remarks made by the host of the programme (the host) regarding the actions taken by the Police during the confrontations between the Police and protesters at the campuses of the Chinese University of Hong Kong and the Hong Kong Polytechnic University distorted facts, were baseless, misleading, biased,	The CA took the view that the complaints in respect of accuracy, incitement of hatred, fairness and factual contents of personal view programmes were justified and RTHK was in breach of paragraphs 1 and 2(b) of Chapter 3, and paragraphs 1A, 9, 15, and 17(b) of Chapter 9 of the TV Programme Code and decided that RTHK should be <u>seriously warned</u> to observe more closely the relevant provisions of the TV Programme Code.

<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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Title	No. of Complaints	Substance of Complaint	Decision
		<p>partial, and defamed and incited hatred against the Government/Police, and endorsed/promoted the violent/illegal acts of protesters;</p> <ul style="list-style-type: none"> <li>- the programme only focused on and exaggerated the force used by the Police, but turned a blind eye on the protesters' acts of violence against the Police and vandalism over the previous months; and</li> <li>- it was irresponsible for RTHK, being a public service broadcaster to broadcast biased, smearing and inciting remarks of the host without verifying the truthfulness of such remarks.</li> </ul>	<p>The CA recognises and respects the freedom of expression and editorial independence of broadcasters. This notwithstanding, such rights are not without limits. Any broadcaster has the responsibility to ensure that its programmes fully comply with the relevant provisions of the codes of practice issued by the CA in accordance with the law. By virtue of its Charter, RTHK is committed to the same compliance with the codes of practice issued by the CA, and the CA may decide whether complaints against RTHK's programme contents are substantiated on the same basis as complaints against commercial broadcasters.</p>

**B. Complaints dealt with by the Director-General of Communications<sup>2</sup> falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance<sup>3</sup> from March 2019**

Types of cases	Substance of Complaint	Decision
Not yet available		

**Radio Television Hong Kong**  
**May 2020**

<sup>2</sup> The content of complaints dealt with by the Director-General of Communications is no longer disclosed on the web with effect from April 2012. The content and decisions on complaints listed in Section B are issued by the Communications Authority for internal reference of broadcasters concerned and should not be disclosed to other parties.

<sup>3</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.