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BOA Paper 11/2020
(For information on
30.11.2020)

Updates on Complaints (Position as at 1.11.2020)

A. Complaints considered by the Communications Authority¹ which have been deliberated by Broadcast Complaints Committee released in September and October 2020

Title	No. of Complaints	Substance of Complaint	Decision
“Pentaprism” (左右紅藍綠) RTHK TV 31 and TV 31A 2:00pm to 2:05pm 4.9.2019 7&15.10.2019 13.11.2019	1	One complaint was received about four editions of the captioned programme, namely the editions broadcast on 4 September 2019 (the “4 September Edition”), 7 October 2019 (the “7 October Edition”), 15 October 2019 (the “15 October Edition”) and 13 November 2019 (the “13 November Edition”) (collectively, “the Four Editions”). The main allegations were that the remarks of the hosts of the Four Editions on the Police’s enforcement actions in	The Communication Authority considered that – (a) each of the Four Editions was identified as a PVP and the topic discussed therein concerned matters/issues of public importance in Hong Kong. The Four Editions contained comments/criticisms made by the hosts concerned on the Police’s enforcement actions in recent social events, which were presented and identified as his/her personal opinions; <i>Suitable Opportunity for Response</i> (b) although RTHK submitted that its current affairs programmes had separately invited the Police for interview or response, RTHK did not state whether it had approached the Police for response to the particular comments made by the hosts of the Four Editions. As regards RTHK’s submission that “Pentaprism” was produced under a tight schedule, meeting any production deadlines self-imposed by RTHK itself could not serve as a justification for the breach of the provision of giving a suitable opportunity for response in the TV

¹ 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

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		<p>recent social events were partial, one-sided and made sweeping generalisations, and the Police had not been given a suitable opportunity to respond in the programme or at other times.</p>	<p>Programme Code;</p> <p>(c) RTHK submitted that it had broadcast the Police's response on the incidents concerned in similar types of programmes targeting a like audience within an appropriate period of time on the RTHK TV 31 Channel. However, the broadcast of the Police's statements or replies to media enquiries before the broadcast of the Four Editions cannot be treated as giving the Police a chance to respond to the specific comments raised by the hosts of the Four Editions nor regarded as fulfilling the requirement in paragraph 17(c) of Chapter 9 of the TV Programme Code;</p> <p>(d) given the above, the CA considered that RTHK failed to provide a suitable opportunity for response to the comments made by the hosts of the Four Editions on the specific incidents discussed in the same programme, in the same series of programmes or in similar types of programmes targeting a like audience within an appropriate period, as required under paragraph 17(c) of Chapter 9 of the TV Programme Code;</p> <p><i>Broad Range of Views in PVPs</i></p> <p>(e) RTHK submitted that a number of its other programmes contained the Police's factual account or response to media enquiries on the events/issues mentioned by the hosts of the Four Editions. However, none of these programmes cited by RTHK were identified as a PVP. Also, while RTHK submitted that from June 2019 onwards, opinion leaders from opposing camps had been invited to give comments on various issues, no broad range of views on the</p>
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particular events/issues discussed in the Four Editions were expressed. RTHK accordingly failed to fulfil the requirement under paragraph 17(d) of Chapter 9 of the TV Programme Code;

Right of Reply

The 4 September Edition

(f) while the host's criticism of the Police's enforcement actions might affect reputation, the relevant material facts were generally not unfairly presented. Nonetheless, while the edition contained a damaging critique, there was no evidence suggesting that the criticised party had been given an appropriate and timely opportunity to respond;

The 7 October Edition

(g) the host made criticisms on the Police's explanation on its enforcement actions which might affect reputation. However, a basic and crucial material fact in relation to the Police's explanation was omitted in the edition. Hence, the relevant material facts were not fairly presented. Also, while the edition contained a damaging critique, there was no evidence suggesting that the criticised party had been given an appropriate and timely opportunity to respond;

The 15 October Edition

(h) the host made accusations on the Police's enforcement actions and impugned the motive of the operations which could affect reputation. However, the brief footage broadcast in the edition did not actually show anything which could support the accusation, and a crucial material fact was omitted. Also, while the edition contained a damaging critique, there was no evidence suggesting that the criticised party had been given an appropriate and timely opportunity

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			<p>to respond;</p> <p><u>The 13 November Edition</u></p> <p>(i) the host made serious accusations against two police officers capable of affecting reputation. However, no material facts were presented to support the accusations. Also, while the edition contained a damaging critique, there was no evidence suggesting that the criticised party had been given an appropriate and timely opportunity to respond.</p> <p>In view of the above, the CA considered that the complaint was justified and decided that RTHK should be <u>warned</u> to observe more closely the relevant provisions of the TV Programme Code.</p>
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B. Complaints dealt with by the Director-General of Communications² falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance³ from June 2019

Types of cases	Number of Cases
Minor Breach	Not yet available
Unsubstantiated	
Total :	
Remarks: Sanctions of the Communications Authority applicable to RTHK in the sequence of order is (1) Minor Breach; (2) Advice; (3) Strong Advice; (4) Warning; (5) Serious Warning; and (6) Issue Correction and/or Apology	

Radio Television Hong Kong November 2020

² 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.

³ 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.