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BOA Paper 12/2016
(For information on
26.9.2016)

Updates on Complaints (Position as at 1.9.2016)

A. Complaints considered by the Communications Authority¹ which have been deliberated by Broadcast Complaints Committee in July 2016

Title	No. of Complaints	Substance of Complaint	Decision
Nil	-	-	-

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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B. Complaints dealt with by the Director-General of Communications² falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance³ from February to May 2016

Title	No. of Complaints	Substance of Complaint	Decision
<i>Accuracy</i>			
News Report (新聞報道) RTHK Radio 1 31.10.2015	1	- In a news item about a statement released by Hong Kong Journalists Association (“HKJA”) (“記協”) regarding the injunction obtained by the University of Hong Kong, the anchor referred HKJA as “記協” at the beginning but “教協” (Hong Kong Professional Teachers’ Union) (“HKPTU”) subsequently.	- RTHK submitted that the term was accurately pronounced at the beginning and that when the anchor elaborated further, he mispronounced the word “記” as “教” once. - Taking into consideration that the listeners’ comprehension of the concerned news item would unlikely be seriously affected, the complaint was classified as a <u>minor breach</u> .
2016 LegCo By-election Forum (New Territories East) (2016立法會補選論壇 (新界東)) RTHK (TVB Jade) 21.2.2016	1	- While the host remarked that the polling hours of the By-election on 28 February would be “朝早七點半到夜晚十點半”, the information “早上七時至晚上十時半” was erroneously shown in the subtitles, which was misleading.	- RTHK admitted the lapse and submitted that the host correctly stated that the polling hours would be from 7:30am to 10:30pm but the subtitles shown at the bottom of the screen omitted the word “半”. The on-line version of the programme had already been amended subsequently. - Taking into consideration that the host’s remark was accurate and the impact of the inaccurate subtitle on viewers would not be significant, the complaint was classified as a <u>minor breach</u> .

² 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.

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.

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Title	No. of Complaints	Substance of Complaint	Decision
<i>Misleading</i>			
<p>News Report (新聞報道)</p> <p>RTHK Radio 4 3.10.2015</p>	1	<p>- In a news item about the plan of the University of Hong Kong (“HKU”) Alumni Concern Group to submit a motion of no confidence to University Convocation against the chairman of the University Council (the “Council”) and 12 other members over the rejection of Mr Johannes Chan as a pro-vice-chancellor, the remarks “The Council <u>has said</u> it rejected the appointment of Mr Chan – a former law dean – partly because he did not have a PhD” were wrong and misleading. In fact, the Council had never issued any statement explaining the rejection of Mr Chan’s appointment. Such a suggestion was only referred to by the president of the University’s Students’ Union (“SU”).</p>	<p>– RTHK admitted that a mistake was made in the concerned news report broadcast on 3 October 2015 and submitted that it had already amended the wordings in the news archive on its website.</p> <p>– Taking into consideration that RTHK had taken remedial measures after being aware of the mistake, the complaint was classified as a <u>minor breach</u>.</p>
<i>Accuracy</i>			
<p>This Week (視點31)</p> <p>RTHK TV 31 12.1.2016</p>	1	<p>- In the segment “BN(O), 另一個出口?”, which explored how a British National (Overseas) (“BN(O)”) passport could still be useful to Hong Kong people when holders of such passport did not have the right of abode in the United Kingdom (“UK”), the remarks of a current affairs commentator Martin Oei (黃世澤) (“Oei”) that “<u>根據歐盟的directive, 我們稱之為指引, 任何歐盟成員國的國籍持有人, 可以有權於歐盟國家享受自由行動的權利, BNO是member</u>”</p>	<p>– Unsubstantiated.</p>

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		<p>state (成員國)的nationality (國籍身分), 此事是很清楚的” were inaccurate, and RTHK had not made reasonable efforts to ensure the accuracy of the concerned factual contents of the current affairs programme by seeking confirmation from lawyers or relevant Government bureau. The complainant cited a Declaration made by the UK in the “Treaty of Accession” first signed in 1972 and amended in 1982, which gave definition of the term “nationals”, and the judgment of a court case in 2001 which confirmed the validity of the concerned Declaration as supporting information. The complainant alleged that the concerned Declaration specified which types of British nationality and hence the rights to which the person holding such nationality were entitled as a national of the European Union (“EU”)’s Member State (including the right to move freely within the territory of the EU’s member countries as mentioned by Oei) that the laws of the former European Communities (now the EU) were applicable to, and the concerned specified types of British nationality did not include BN(O).</p>	
<p>LegCo Meeting (立法會議會議)</p> <p>TVBNV, TVBN2, Cable Live News, now Direct</p>	4	<p>- 同一名投訴人投訴在該4個電視台及電台直播或轉播的立法會會議，指馬逢國議員在會議上表示「香港作曲家及作詞家協會」(CASH) 是一個代理機構時，曾說其會員「有好出名嘅、</p>	<p>- Unsubstantiated.</p>

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Title	No. of Complaints	Substance of Complaint	Decision
& LegCo Relay (《立法會會議》轉播) RTHK DAB 35 4.2.2016		已經離開咗我哋嘅顧家輝及黃霑等作曲作詞人」。投訴人指顧家輝仍然在生，認為馬議員的有關言論不正確，令人反感，及使顧家輝感到尷尬、憤怒及被冒犯。	
Stock Report (經濟行情報道) RTHK Radio 1 18.2.2016	1	<ul style="list-style-type: none"> - 投訴人指該電台差不多全年於整點及逢30分報道財經消息時均報錯外幣兌美元的匯價。投訴人列舉於所指日期上午10時35分播出的報道為例，表示有關「澳元兌美元0.71、加元兌美元1.37」的報道錯誤，認為兩個匯價不可能相差那麼遠。 	<ul style="list-style-type: none"> - Unsubstantiated.
<i>Accuracy & Impartiality</i>			
Free As The Wind (講東講西) RTHK Radio 1 28.12.2015	1	<ul style="list-style-type: none"> - 在討論警察阻止記者跟蹤教育局局長吳克儉一事時，嘉賓主持劉銳紹指1967年已有遊蕩罪的說法不符，投訴人指遊蕩罪在1980年後訂立。 - 在沒有指明具體節目內容的情況下，投訴人指節目嘉賓主持的觀點偏頗。 	<ul style="list-style-type: none"> - Unsubstantiated.
<i>Accuracy & Misleading</i>			
News at 6pm (傍晚新聞天地) RTHK Radio 1 5.1.2016	1	<ul style="list-style-type: none"> - 在有關保安委員會會議的報道中，吳亮星議員就銅鑼灣書店事件提出未經證實的失蹤原因。節目就上述未經證實的消息作出詳盡報道，是誤導市民，並違反新聞從業員的專業操守。 	<ul style="list-style-type: none"> - Unsubstantiated. - The allegation of breach of journalist professionalism was outside the remit of the Communications Authority (CA).

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Title	No. of Complaints	Substance of Complaint	Decision
<i>Accuracy, Misleading, Denigration & Indecency</i>			
BBC News (BBC World Services: AM675) RTHK Radio 6 5.1.2016	2	<ul style="list-style-type: none"> - 於當日下午6時播出報道未經查證便引述立法會議員吳亮星就銅鑼灣書店事件發表的言論，是失實及誤導，並引起公眾不安；有關言論無恥、抹黑失蹤人士，對他們構成「人格謀殺」。 - 另一投訴人則指下午6時30分播出的有關言論猥瑣。 	- Unsubstantiated.
<i>Discrimination, Illegal Act & Language</i>			
City Forum (城市論壇) RTHK (TVB Jade) & RTHK TV 31 31.1.2016	1	<ul style="list-style-type: none"> - 在台下發問的環節，一名「保衛香港運動」的成員侮辱講者嘉賓立法會議員陳志全為「基佬全」。投訴人認為有關用詞針對該議員的個人性取向進行攻擊及污蔑，違反《電視通用業務守則—節目標準》(《電視節目守則》)中有關條文的規定。另外，節目主持人未有即時對該組織成員的歧視言論作出警告，也是不可接受。 - 上述「保衛香港運動」的成員曾將一頂帽子拋到講台上，令到講台上的嘉賓的人身安全受到威脅，構成「普通襲擊」的犯法行為，有關節目因而違反了《電視節目守則》中「任何違法的事物均不得加入在節目中」的規定。 - 節目中出現頗為粗俗的用語，例如「搞屎棍」。 	- Unsubstantiated.

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Title	No. of Complaints	Substance of Complaint	Decision
<i>Disrespect</i>			
Crazy and Happy (瘋show快活人) RTHK Radio 2 22.12.2015	1	<ul style="list-style-type: none"> - A host's remarks about the recent Shenzhen landslide industrial accident were heartless and disrespectful to the deceased and the injured. - The complainant also alleged that the host always expressed his political stance in the programme, attacked the Government and delivered indecent jokes. 	- Unsubstantiated.
<i>Fairness & Insult</i>			
Who Am I (我係乜乜乜) RTHK TV 31 2.1.2016	1	<ul style="list-style-type: none"> - The remark “市面上的政黨全部都幾垃圾” made by the male guest (劉鳴偉) was inappropriate, repulsive and insulted political parties in Hong Kong. - The tests about “男神選舉” and “秒測港女” amounted to gender stereotypes and were unfair to females. 	- Unsubstantiated.
<i>Homosexuality</i>			
Police Magazine (警訊) RTHK TV 31 22.4.2016	1	<ul style="list-style-type: none"> - In a segment about household burglary cases, the portrayals of a lesbian-like woman putting her arm around her female friend's waist promoted homosexuality and damaged the image of the Police. 	- Unsubstantiated.
<i>Human Relationship</i>			
Crazy and Happy (瘋show快活人)	1	<ul style="list-style-type: none"> - 主持人嘲笑嬰兒的哭聲，並說唯一解決方法是不回家睡覺。投訴人認為該 	- Unsubstantiated.

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Title	No. of Complaints	Substance of Complaint	Decision
RTHK Radio 2 24.12.2015		節目散播錯誤的道德觀念。	
<i>Illegal Act</i>			
Crazy and Happy (瘋show快活人) RTHK Radio 2 28.1.2016	1	- 主持人曾志豪在上午10時至10時30分指每一個城市都應有盜賊，並讚揚盜賊的存在，更教唆香港人要接受盜賊與犯法的行為，是支持香港人有意圖地犯法。	- Unsubstantiated.
Crazy and Happy (瘋show快活人) RTHK Radio 2 9.2.2016	1	- 一位男主持在節目中支持於年初一晚至年初二凌晨在旺角發生的警民衝突事件(「旺角事件」)的暴徒，鼓勵他們計劃好再衝刺。	- Unsubstantiated.
<i>Impartiality</i>			
Letter to Hong Kong (給香港的信) RTHK Radio 3 2.8.2015	1	- The programme which invited a guest from the pro-democratic camp to present his views on the deferred appointment of a pro-vice chancellor of the HKU was partial. - RTHK was biased towards the pro-democratic camp as it invited the concerned guest to present his views first in the programme instead of giving a chance to victims of the incident to express their views.	- Unsubstantiated. - The allegation on RTHK's choice of guest was outside the remit of the CA.
News Report (新聞報道) RTHK Radio 4	1	- In a news item about the protest against parallel traders in Sheung Shui, RTHK interviewed only one protester who claimed to be a Sheung Shui resident,	- Unsubstantiated.

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7.9.2015		<p>without mentioning the condemnation of the Secretary for Commerce and Economic Development (“SCED”) against the protest as covered by other media reports on the same day, criticisms by passers-by or shop owners and the counter-protests by other groups.</p> <p>- RTHK had completely ignored different views in the report and the fact that parallel-trading activities in the area had declined considerably over the months, which rendered the news report one-sided and incomplete.</p>	
<p>Morning Brew</p> <p>RTHK Radio 3</p> <p>17.12.2015</p>	1	<p>- The one-hour session hosted by programme presenter Phil Whelan and freelance columnist Steve Vines every Thursday could not meet the required standard of professionalism and impartiality as it always ended up as a succession of commentaries as to what they disliked about Hong Kong and its current affairs, which was neither entertaining nor educational. The edition broadcast on 17 December 2015 was cited for investigation.</p>	<p>- Unsubstantiated.</p> <p>- The allegation of professionalism was outside the remit of the CA.</p>
<p>2015 Year Ender: Hong Kong Domestic Affairs (2015香港政情大事回顧)</p> <p>RTHK TV 31</p> <p>24.12.2015</p>	1	<p>- The programme, presented as a news programme and not indicated as a PVP, was partial and did not distinguish commentary and analysis from news and facts.</p>	<p>- Unsubstantiated.</p>

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Title	No. of Complaints	Substance of Complaint	Decision
<p>Pentaprisim (左右紅藍綠)</p> <p>RTHK (TVB Jade) 28.12.2015</p>	2	<ul style="list-style-type: none"> - 節目內容偏頗，把現任香港大學(「港大」)學生會會長吹捧為港大英雄，沒有提醒觀眾其行為違反守則，宣傳反政府的訊息。 - 一名投訴人認為有關節目應被列為「家長指引」類別，並須播出聲明指嘉賓意見只屬其個人立場，以免令青年人認同違反規則是正確爭取溝通的手段。 	- Unsubstantiated.
<p>Headliner (頭條新聞)</p> <p>RTHK (TVB Jade) 6.2.2016</p>	1	<ul style="list-style-type: none"> - 投訴人認為這節目近兩年內容偏頗，深化市民和政府之間的矛盾，並舉有關一集播出的「《頭條好聲音》之滅聲王比賽」為例，指(1)節目突顯「強力部門」贊助該比賽，是帶出「強力部門」消滅社會聲音的意念，引導觀眾對所謂「強力部門」產生厭惡；及(2)嘉賓主持周博賢在無證據的情況下說出「敢言、批評政府和說真話的都會受滅聲」的言論，又提倡反政府，表示若通過「網絡廿三條」，就會封殺未來創作，節目卻沒有播出另一方的回應。 	- Unsubstantiated.
<p>LegCo Review (議事論事)</p> <p>RTHK (now Business News Channel) 20.2.2016</p>	1	<ul style="list-style-type: none"> - The contents about the riot in Mong Kok were extremely biased as there was no coverage of the violent acts of the rioters, such as them throwing bricks and attacking the policemen, and the programme only interviewed a person who hated the Police but not other citizens who were shocked by the violence of the rioters. 	- Unsubstantiated.
<p>City Forum (城市論壇)</p>	2	<ul style="list-style-type: none"> - 一名投訴人指節目涉嫌讓戴耀廷宣傳他倡議的「雷動計劃」，而且只邀 	- Unsubstantiated.

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RTHK (TVB Jade)& RTHK Radio 1 6.3.2016		<p>請泛民及支持「本土」主義的激進反建制、反政府的人士擔任嘉賓，散播偏頗的言論。</p> <p>- 另一名投訴人不滿作為公營電台的香港電台舉辦一個宣揚港獨及攻擊政府的論壇，以及節目沒有包含相反的意見。</p>	
City Forum (城市論壇) RTHK (TVB Jade) -	1	- The complainant alleged without citing any specific edition or broadcast date that a host's opinions and his control of time, regardless of the guests and audience invited, were biased.	- Unsubstantiated.
<i>Impartiality & Fairness</i>			
English In NEWS RTHK Radio 2 11.10.2015	1	- The programme was unfair and partial by making frequent references to "Yellow Umbrella Revolution" and commemorating the Occupy Movement (the "Movement").	- Unsubstantiated.
City Forum (城市論壇) RTHK (TVB Jade) & RTHK Radio 1 3.1.2016	3	- 節目主持人不公正，立場偏頗，偏幫民主派，任由劉慧卿、梁家傑離題，又針對鍾樹根的發言，並將一名表示社運人士楊匡曾在內地被捕的台下觀眾的麥克風關掉，打壓市民發表意見的言論自由。	<p>- Unsubstantiated.</p> <p>- The allegation of stance of host and his handling of guests and audience were outside the remit of the CA.</p>
<i>Impartiality & Political Advertising</i>			
Pentaprism (左右紅藍綠) RTHK (TVB Jade) 21.3.2016	1	- 節目中一名評論員高度讚揚公民黨建黨十年對香港民主運動的貢獻，例如舉辦真普選運動、雨傘運動等。投訴人指很多香港人都認為上述運動是撕裂香港社會的主要事件，認為香	- Unsubstantiated.

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		港電台作為政府部門應保持中立，停止用納稅人的錢搞政黨宣傳，更不應支持某些黨派從事撕裂香港社會的活動。	
<i>Impartiality & Violence</i>			
Headliner (頭條新聞) RTHK (TVB Jade) 12.3.2016	2	<ul style="list-style-type: none"> - 其中一名投訴人指兩名節目主持就公立醫院輪候時間長及高鐵撥款獲通過等事件所作的諷刺性演譯十分偏頗。 - 兩名投訴人均不滿主持的言論「以後如果再有人在街掙磚，政府唔好再問人點解」，指有關言論鼓吹暴力、誤導、煽動和意識不良，令人覺得在街「掙磚」是一件很普通的事，亦暗示可用「掙磚」對政府表達不滿，對年輕一代有洗腦效果。 	- Unsubstantiated.
<i>Indirect Advertising & Impartiality in Arts and Culture Programme</i>			
The Works (藝坊星期天) RTHK (TVB Jade) 7.2.2016 & The Works (藝坊) RTHK (TVB Pearl) & RTHK TV 31 2& 3.2.2016	1	<ul style="list-style-type: none"> - The complainant alleged that in the concerned programme broadcast on TVB Jade and its English version broadcast a few days earlier (without specifying the channel), the segment on the local movie “Ten Years” (十年) was partial as all the interviewees praised the movie and agreed with its visions and sentiments while others holding different views were not represented. The segment also amounted to promotional materials for the concerned movie. - Another segment on the Copyright 	- Unsubstantiated.

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		(Amendment) Bill 2014 (the “Bill”) was also partial and misleading as only people being critical of the Bill were interviewed, while views of the copyright holders were not represented and lawyers’ views were not sought to determine whether some of the fears or opinions of the interviewees were unwarranted or misleading.	
<i>Insult</i>			
Free As The Wind (講東講西) RTHK Radio 2 13.12.2015	1	- 一名主持人在早上11時10分多次用「小丑」一詞侮辱前國家領導人毛澤東，對中國政權說三道四。又說有很多共產黨黨員退黨。投訴人指有關主持人用詞偏頗及矮化現今中國官場的無知，有關內容亦脫離了節目的主題。	- Unsubstantiated.
LegCo Meeting (立法會會議) TVBNV, TVBN 2, Cable Live News, now Direct & LegCo Relay (《立法會會議》轉播) RTHK DAB 35 16.12.2015	4	- A LegCo Member’s remark that psychiatrists would become insane themselves (“會癡線埋”) as they heard more from mental patients was insulting to psychiatrists and mental patients.	- Unsubstantiated.

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<i>Irresponsible Remarks</i>			
Rightable Wrong (有冇搞錯) RTHK Radio 2 12.4.2016	1	- 一名男主持指一名學生選擇工作量少及地方偏遠的工作是有遠見，但沒有評論另一名女學生選擇工作量多及時間過得充實的工作，有關言論鼓勵青少年不踏實，對青少年造成不良影響。	- Unsubstantiated.
<i>Language</i>			
Crazy and Happy (瘋show快活人) RTHK Radio 2 14.12.2015	1	- 投訴人指一位主持暗示他的朋友可以流利地說出十一個字的粗口，有推廣粗言穢語之意。	- Unsubstantiated.
Crazy and Happy (瘋show快活人) RTHK Radio 2 24.2.2016	1	- 主持在上午10時18分至25分期間說出「能樣」這個粗言。	- Unsubstantiated.
<i>Loudness Level</i>			
Unspecified Programme RTHK TV 31 -	1	- 投訴人指港台電視31台的節目聲音時大時細。	- Unsubstantiated.