

**Updates on Complaints
(Position as at 19.7.2012)**

I. Complaints handled by the Communications Authority and the Director-General of Communications

A. Complaints considered by the Communications Authority¹ which have been deliberated by Broadcast Complaints Committee covering the period from April to July 2012

Title	No. of Complaints	Substance of Complaint	Decision
Nil			

¹ The content of Section IA 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

B. Complaints dealt with by the Director-General of Communications² falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance³ covering the period from April to May 2012

Title	No. of Complaints	Substance of Complaint	Decision
		(For internal reference)	

² The content of complaints dealt with by the Director-General of Communications is no longer disclosed on the web. The content and decision on complaints listed in Section IB 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) (which replaced the Broadcasting Authority Ordinance (Cap 391) with effect from 1.4.2012) 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.

II. Archive of Complaints handled by the former Broadcasting Authority and the former Television and Entertainment Licensing Authority

C. Complaints dealt with by the former Broadcasting Authority Complaints Committee and considered by the former Broadcasting Authority covering March 2012

Title	No. of Complaints	Substance of Complaint	Decision
Nil			

D. Complaints dealt with by the former Television and Entertainment Licensing Authority falling under Section 11(1) of the former Broadcasting Authority Ordinance⁴ covering March 2012

Title	No. of Complaints	Substance of Complaint	Decision
<i>Accuracy</i>			
Traffic News (交通消息) RTHK Radio 1 30.1.2012	1	<ul style="list-style-type: none"> – the complainant alleged without specific channel detail that the reporter who reported traffic news at about 7:00am and 10:00am was unprofessional, inattentive and wrongly reported the time without any apology and correction – the complainant considered that the reporter should not use her English name in the Chinese programmes 	<ul style="list-style-type: none"> – the material broadcast at the specified time on RTHK Radio 1 and 2 were checked – in the traffic news broadcast on Radio 1 just before 7:00am, the reporter stammered “六點，咦，七點前，唔好意思，七點，應該六點前，七點前，七點前” – the reporter apologised for her stammering before she reported the time correctly – complaint <u>unsubstantiated</u> – the allegations on the reporter’s performance and the use of English name were outside section 11(1) of the Broadcasting Authority Ordinance

⁴ Section 11(1) of the former Broadcasting Authority Ordinance (Cap 391) provided that the former Broadcasting Authority shall refer to the former Complaints Committee complaints about contravention of the said Ordinance, Broadcasting Ordinance (Cap 562), Part IIIA of Telecommunications Ordinance (Cap 106), the terms or conditions of a licence or a Code of Practice. The Broadcasting (Miscellaneous Provisions) Ordinance (Cap 391) replaced the Broadcasting Authority Ordinance (Cap 391) with effect from 1.4.2012.

Title	No. of Complaints	Substance of Complaint	Decision
<i>Bad Influence on Children and Youth</i>			
<p>Made in Hong Kong (Made in Hong Kong 李志剛)</p> <p>RTHK Radio 2 16.12.2011</p>	1	<ul style="list-style-type: none"> – on discussing reports about a celebrity who committed drunk driving offence, the hosts remarked that the celebrity just exceeded the blood alcohol concentration limit slightly. The remark exerted a bad influence on children and youth – 對兒童和青少年有不良影響 	<ul style="list-style-type: none"> – light-hearted talk show broadcast at 1:00pm – 3:00pm – the hosts remarked that the celebrity pleaded guilty for drunk driving and according to the breath test, his blood alcohol concentration slightly exceeded the statutory limit – a host clearly remarked that drivers should not drive after drinking – there was no endorsement of drunk driving. It was unlikely that the remarks would be considered having a bad influence on children and youth or unacceptable for – complaint unsubstantiated
<i>Disturbing Remarks</i>			
<p>Crazy and Happy (瘋Show快活人)</p> <p>RTHK Radio 2 18.1.2012</p>	1	<ul style="list-style-type: none"> – the expressions “七孔流血” and “死人” were disturbing and should not be broadcast, especially during the Chinese year-end 	<ul style="list-style-type: none"> – light-hearted talk show (10:00am – 1:00pm) – in a dramatised skit, a host mischievously remarked that the happiest and warm moment for a son in getting along with his parents was that he was embraced by his father/mother sitting behind during a motorcycle ride. The hostess then playfully requested a ride on the host’s motorcycle and asked him why he got a nosebleed. The host jokingly replied “阿姑，你唔好箍到我咁緊啦，七孔流血啦” – the alleged expression “死人” was not found – the jocular presentation of the expression “七孔流血” in context was unlikely to be considered disturbing or unacceptable for broadcast at the scheduled timeslot – complaint <u>unsubstantiated</u>

Title	No. of Complaints	Substance of Complaint	Decision
<i>Language</i>			
Talkabout (千禧年代) RTHK Radio 1 6.2.2012	2	<ul style="list-style-type: none"> – the host did not stop and blame the caller for his remark “打死曾蔭權然後自殺” and his use of “仆街” to refer to the Chief Executive 	<ul style="list-style-type: none"> – a personal view programme – a caller expressed his dissatisfaction with the policies implemented by the Chief Executive and uttered a remark and expletive similar to the alleged ones – the host immediately reminded the caller not to say so as the discussion should be held on a rational and reasonable basis, and there was no need to use insulting expression. The host did not accept the caller’s remarks. The host’s treatment of the caller’s remarks was not unacceptable – complaints <u>unsubstantiated</u>
<i>Misleading</i>			
Hong Kong Connection (鏗鏘集) RTHK (TVB Jade) 29.1.2012	4	<ul style="list-style-type: none"> – the programme promoted the consumption of expired food by saying that the expiry date indicating the durability of prepackaged food could be ignored, the quality of expired food would not deteriorate, and eating expired food would not cause health problems; and by showing the test results on only a few samples of expired food that the food did not contain bacteria and carcinogenic substances – viewers, in particular the elderly, the poor and restaurant owners would be misled into believing that expired food was safe to consume 	<ul style="list-style-type: none"> – the documentary, entitled “「吃」的疑惑”, featured the labelling on durability indication of prepackaged food, the issue of food safety and food quality, and how different people dealt with expired food – the programme explained that according to the law, sale of food past the “use by” date (此日期前食用) was an offence and that food past the “best before” date (此日期前最佳) did not necessarily mean that the food had perished and the sale of such food was not prohibited – there were interviews with a soy sauce manufacturer and a food wholesaler on how food manufacturers determined expiry dates in accordance with their experiences or marketing concerns – experiments conducted by two universities on canned food and instant noodle beyond the best before dates indicated that the food did not contain certain bacteria and carcinogenic substances, and that subjects of the
			the experiments said that they could not tell whether the food had past expiry dates simply by the appearance and taste

Title	No. of Complaints	Substance of Complaint	Decision
			<ul style="list-style-type: none"> – there was footage of some people discarding expired food for health and safety reasons, while some treasured such food, saying that they considered it a waste to throw away food that was still edible – a food safety expert pointed out that food safety was an important issue when dealing with expired food and that the quality of food could deteriorate before expiry dates if not properly stored – the programme did not conclude that all expired food was safe to consume. Nor did it encourage viewers to buy or consume expired food without considering the possible health and safety risks – there was nothing misleading – complaints <u>unsubstantiated</u>
<p>Free As The Wind (講東講西)</p> <p>RTHK Radio 1 29.12.2011</p>	1	<ul style="list-style-type: none"> – a guest’s advice given to callers on food therapy (食療) was misleading since the sick should consult doctors rather than relying on food therapy 	<ul style="list-style-type: none"> – personal view programme (11:00pm – 1:00am) – in response to callers’ enquiries about their health problems, the guest suggested that they might eat or avoid certain type of food in order to alleviate the problems – the guest’s suggestions were clearly identified as personal views – listeners would unlikely be misled – complaint <u>unsubstantiated</u>
<p>Open Line Open View (自由風自由Phone)</p> <p>RTHK Radio 1 8.2.2012</p>	1	<ul style="list-style-type: none"> – the complainant alleged that the remarks made by two mainland human rights lawyers that the political system of China was not in accordance with the rule of law and that it must be reformed were incorrect – it was unfair that there was only discussion on the human rights condition in China but not that in other countries 	<ul style="list-style-type: none"> – personal view programme (PVP) on current affairs – in the specified segment, the topic of discussion was the proposed amendment of the Criminal Procedure Law (刑事訴訟法) of China – a lawyer from the China Human Rights Lawyers Concern Group (中國維權律師關注組) was the guest of the segment and pre-recorded interviews with two human rights lawyers in China and a human right activist who had fled to the US were found – the guest and the interviewees made comments and expressed their concerns on the proposed amendment

Title	No. of Complaints	Substance of Complaint	Decision
		<ul style="list-style-type: none"> - the programme misled listeners about the human rights condition in China 	<ul style="list-style-type: none"> - to the relevant law of China - the human rights activist proposed that the political system in China should be changed gradually to achieve the rule of law - the background and identities of the guest and the interviewees were made known to listeners and all remarks were clearly identified as personal views, not unacceptable for broadcast in a PVP - complaint unsubstantiated - the allegations on the programme presenting no discussion on human rights condition in other countries was outside section 11(1) of the Broadcasting Authority Ordinance
<i>Smoking</i>			
<p>Crazy and Happy (瘋Show快活人)</p> <p>RTHK Radio 2</p> <p>31.1.2012</p>	1	<ul style="list-style-type: none"> - a host's drawing analogy between eating many eggs and smoking promoted smoking 	<ul style="list-style-type: none"> - light-hearted talk show (10:00am – 1:00pm) - when discussing if eating more than four eggs a week was bad for health, a host was asked why he ate so many eggs even he believed so. The host remarked that many people smoked even though they knew smoking was not good for health and his eating eggs was better than smoking (呢個世界上有人知道食煙唔好，都好多人食煙。我食蛋好過食煙㗎)。A hostess said that he should not promote smoking and the host concerned declared that he had not approved of smoking - there was no promotion of smoking - complaint unsubstantiated
<i>Indirect Advertising</i>			
<p>E Zone (E 線金融網)</p> <p>RTHK Putonghua</p> <p>30.12.2011</p>	1	<ul style="list-style-type: none"> - a host's suggestion that listeners should read a newspaper amounted to indirect advertising 	<ul style="list-style-type: none"> - financial programme - in a segment answering callers' questions on stock investment, a caller enquired about the host's habit of reading the newspaper. The host replied that he considered the content in the front page of the

Title	No. of Complaints	Substance of Complaint	Decision
			<p>newspaper detailed and neutral but he did not buy the stocks as recommended in the booklet accompanied with the newspaper. When the host said that the caller should switch to the newspaper, the hostess immediately stopped him from discussing the topic further. The name of the newspaper was mentioned a couple of times</p> <ul style="list-style-type: none"> – it was unlikely that the incidental references to the newspaper in the host’ “ s discussion about his newspaper reading habits would be construed as indirect advertising – complaint unsubstantiated

Radio Television Hong Kong
August 2012