

Updates on Complaints
(Position as at 1.11.2013)

A. Complaints considered by the Communications Authority¹ which have been deliberated by Broadcast Complaints Committee from September to November 2013

Title	Substance of Complaint	Decision
Made in Hong Kong (Made in Hong Kong 李志剛) RTHK Radio 2 1.5.2013	A member of the public complained that in a segment of the radio programme, a guest who was invited to talk about her recent project of a celebrity second hand shop, which was alleged by the complainant as the business of a hostess of the programme, deliberately gave details of the shop, amounting to advertising for the shop.	The Communications Authority (“CA”), having regard to the relevant facts of the case, considered that – (a) the segment as a whole did not present itself as one to explore the entrepreneurial attitude of young people today but rather to promote the concerned upstairs shop and its products; (b) the repeated mentioning of the shop name and the details of the concerned sales including a host’s recap of details of the shop towards the end of the interview was gratuitous and not editorially justified; (c) the broadcast of the interview three days before the ten-day special sales was too coincidental; and (d) undue prominence was deliberately given in the concerned programme to the upstairs shop and its business, the effect of which amounted to

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

Title	Substance of Complaint	Decision
		<p>advertising.</p> <p>In view of the above, the CA considered that RTHK should be strongly advised to observe more closely the relevant provision of the Radio Programme Code.</p>
<p>Morning Suite (晨光第一線)</p> <p>RTHK Radio 2 5.4.2013</p>	<p>A member of the public complained that a programme host gave favourable remarks to a restaurant in Shatin and introduced its pigeon dish, which amounted to advertising.</p>	<p>The CA, having regard to the relevant facts of the case, considered that –</p> <p>(a) the host’s detailed description of the dish and its preparation, in particular the reference to the restaurant’s strict criteria in the selection of quality pigeons and the complimentary remarks appeared to have gone beyond the purpose of discussion of topical issues or reminiscing old customs. In addition, the name of the restaurant was repeatedly mentioned in the short segment and the remarks about the restaurant being a reputed pigeon dish provider and its being famed the king of pigeon dish were promotional in nature and appeared to have given undue prominence to the restaurant; and</p> <p>(b) regarding RTHK’s submission that the scripts were based on a news article and RTHK did not receive any kind of consideration, it was the responsibility of the broadcaster to ensure that anything broadcast on its service was in compliance with the codes of practice.</p> <p>In view of the above, the CA decided that RTHK should be advised to observe more closely the relevant provision in the Radio Programme Code.</p>

B. Complaints dealt with by the Director-General of Communications² falling under Section 11(1) of the Broadcasting (Miscellaneous Provisions) Ordinance³ from June to August 2013

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

**Radio Television Hong Kong
November 2013**

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.