



**Submission of the Blessed Minority Christian Fellowship
on the Broadcasting Authority's strong advice on
RTHK's Television Programme "Gay Lovers"**

1. We, the Hong Kong Blessed Minority Christian Fellowship, is a non-denominational Church of the Christian faith which welcomes people of different sexual orientations.
2. We are greatly disappointed by the strong advice issued by the Broadcasting Authority ("BA") dated 20 January 2007 over Radio Television Hong Kong ("RTHK")'s television programme "Hong Kong Connection" – "Gay Lovers" ("the programme"), broadcasted on 9 July 2006.
3. We consider that the strong advice issued by the BA is unwarranted, and ignores the difficulties faced by gays and lesbians in the community, and is itself a form of discrimination.

Impartiality of the programme

4. The BA suggested that by presenting "*only the merits*" of homosexual marriage, and "*only the views*" of three homosexuals, the programme was rendered "*unfair, partial and biased towards homosexuals*".
5. However, there is no stipulation in the Generic Code of Practice on Television Programme Standards (Broadcasting Authority, 10 November 2006) ("the Code") that for a documentary, opposing viewpoints have to be presented. The programme is an honest and revealing programme which gave voice to the repressed gay and lesbian community. It focused on presenting the couple's daily life and the problems that they face. A relationship is a matter between two persons. It ought to be told without being judged or commented by others. It is unnecessary for RTHK to interview the 'opposing side' and ask for their comments in a programme of this nature.
6. In fact, the aforesaid approach is endorsed by paragraph 4 of Chapter 9 of the Code:

"In achieving due impartiality, the term 'due' is to be interpreted



as meaning adequate or appropriate to the nature of the subject and the type of programme or programme segment. Due impartiality does not mean that ‘balance’ is required in the sense of equal time or an equal number of lines in the script being devoted to each view, nor does it require absolute neutrality on every controversial issue. Judgement will always be called for by the licensees.”

7. Sadly, however, while RTHK was strongly advised to observe paragraphs 2 and 3 of Chapter 9, no mention was made to the importance of the above paragraph 4 of the same Chapter.
8. We believe the BA had taken no consideration of the above paragraph 4 and had rigidly applied the impartiality rule so that the voiceless is further being misunderstood by society. Members of the lesbian, gay, bisexual and transgender (“LGBT”) community seldom have the opportunity to share their stories with others. They have been discriminated against without being given a chance to voice out their concerns and reach out to the public. Given the lack of legislation in Hong Kong to fight against discrimination of people having different sexual orientations, and society’s general misunderstanding of the LGBT community, members of this community are reluctant to reveal their sexual orientation to others, for fear of exposure, loss of their job or the love of their families.
9. The programme attempts to alleviate this situation by reflecting the difficulties gays and lesbians have in society, told from a first-person perspective. If the programme (or similar ones) is not allowed to be broadcasted to the public, the means through which voices of the LGBT community can be heard will be severely limited. Accordingly, the public will have less chance to understand more about homosexual relationships without bias or misconception.
10. We believe that the programme meaningfully captures the views of gays and lesbians. RTHK should be accredited for providing such a perspective, thus allowing a balanced discussion of sexuality in the community. We trust that professional judgment will continue to be exercised by RTHK to foster due impartiality in its programmes.

Freedom of expression

11. According to the BA, the programme “*presented only the merits of homosexual marriage and featured only the views of three homosexuals on the legislation of homosexual marriage ... having the effect of promoting the acceptance of homosexual marriage.*”
12. While we respect the views of those who object to the recognition and regulation of same-sex relationships in society, we appreciate that their views will have no lack of means to express. On the other hand, individuals who wish to advocate for the recognition of same-sex relationships do not have as many opportunities as they like.
13. A distinction should be drawn between personal views expressed by interviewed subjects in a programme, and the official views expressed by RTHK as a broadcaster. In the programme, we can only find the existence of the former. The situation would have been different if presenters of the programme expressed views on behalf of RTHK. Such is not the case here.

Family Viewing Policy

14. The BA considered the programme unsuitable for broadcast within family viewing hours “*as children and young viewers watching the programme might have no knowledge of homosexuality and might be adversely affected by the partial contents of the programme if parental guidance was not provided*”.
15. However, no research has ever indicated that children and youngsters would be “adversely affected” – we take it to mean that they would be more inclined towards accepting homosexuality – by being aware of others who are homosexual. Rather, it has been shown that the more one knows about homosexuality, the less misunderstanding he or she would have, and less unease would be shown, towards homosexuals.
16. According to the *Guidelines on Sex Education in Schools* (Curriculum Development Council, 1997), sex education in schools, beginning from junior secondary school, should “promote openness, providing opportunities for



students to ... understand divergent sexual orientations, explore controversial sexual issues, and respect and tolerate other people's sexual values and individuality" (paragraph 2.2(g)). Given that discussion of different sexual orientations is currently encouraged at schools, we cannot see why the programme cannot be broadcasted during family viewing hours, particularly since this is an honest depiction of same-sex relationships.

17. The Administration is committed to using educational and publicity measures "to address common misunderstandings about the homosexual community and to gain greater acceptance of that community's right to equal opportunities"¹. We believe the programme is a positive contribution to civic and sex education in Hong Kong and should be welcomed.
18. There was no depiction of sex or nudity in the programme. It was not classified into Parental Guidance Recommended or Mature categories. Nor has the BA suggested that it should have been. The broadcast of the programme was preceded by an advisory caption "Please note that the programme concerned matters relating to homosexuality". We trust that parents and teachers should be able to provide balanced and objective guidance to children and youngsters when this kind of programme is shown.

Editorial independence of RTHK

19. Public service broadcasting is different from commercial broadcasting. The latter is entirely market-oriented, which means that the programming must be appealing to the majority of people in order to attract advertisers. The most important function of public service broadcasting is to make up for the inadequacies in the market, produce diversified programmes of high quality, and cater for the needs of the marginalized and the socially disadvantaged groups by providing a platform for the expression of different opinions. The ultimate protection for this function is editorial independence.
20. Editors from RTHK and other media organizations should be given editorial independence and freedom in the production of programmes. We hope the

¹ 'Sexual Orientation', *The Rights of the Individuals*, Home Affairs Bureau, the Hong Kong Special Administrative Region, 2006
(http://www.hab.gov.hk/en/policy_responsibilities/the_rights_of_the_individuals/equal.htm)



Administration can maintain its commitment to editorial independence of RTHK, otherwise this would set a bad precedent and further limit the space of not only the LGBT community, but other voiceless and marginalized groups in Hong Kong.

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