

Press Release for the Broadcasting Authority Meeting on 20 January 2007

In December 2006, the Broadcasting Authority (BA) considered one complaint case and one appeal case, concerning 23 public complaints, substantiated. The first case was about the television programme "An Autumn's Tale" (秋天的童話) broadcast on the Jade channel of Television Broadcasts Limited (TVB) on 1 October 2006 from 1:18pm to 3:19pm. The second case was an appeal against the decision of the Commissioner for Television and Entertainment Licensing on the complaints about the television programme of Radio Television Hong Kong (RTHK) "Hong Kong Connection" (鏗鏘集) broadcast on the Jade channel of TVB on 9 July 2006 from 7:35pm to 8:00pm. Please see **Annex** for details.

The BA also noted that in December 2006, the Commissioner for Television and Entertainment Licensing dealt with 70 cases (250 complaints) under her delegated authority, of which four cases (four complaints) were classified as minor breaches, and 50 cases (226 complaints) as unsubstantiated, under section 11 of the Broadcasting Authority Ordinance (BAO). 16 cases (20 complaints) were outside section 11 of the BAO. Please refer to the BA website: www.hkba.hk for details of the complaints.

Broadcasting Authority
Secretariat

20 January 2007

Annex

Summary of Substantiated Complaint and Appeal Cases

Case 1 - Television programme "An Autumn's Tale" (秋天的童話) broadcast on the Jade Channel of TVB on 1 October 2006 from 1:18pm to 3:19pm

A member of the public complained that the programme contained foul language which exerted a bad influence on children and was unsuitable for broadcast at the scheduled time.

The BA noted that the programme contained some coarse expressions and downright offensive expressions. The BA considered that -

- a. the downright offensive expressions used in the programme were unacceptable for broadcast on television at all times; and
- b. the coarse expressions, which were used frequently and without moderation despite the fact that they were used for characterization purpose, were unacceptable for broadcast in the programme under complaint. Even though the programme under complaint was a "PG" (Parental Guidance Recommended) programme broadcast outside the family viewing hours (FVH), it was broadcast in daytime on Sunday when there might be a large number of children watching television. The BA considered that the licensee should be vigilant in the scheduling of programmes even outside FVH. Material unsuitable for children or young viewers should not be shown when large numbers of children or young viewers might be expected to be watching television, particularly during school holidays.

The BA also considered that the provision of verbal and written warning prior to the broadcast of the programme should not be regarded as a means to relieve the licensee's responsibility in complying with the codes.

TVB was **advised** to observe more closely paragraph 6 of Chapter 4 of the Generic Code of Practice on Television Programme Standards (Television Programme Code) prohibiting the use of downright offensive expressions.

Case 2 - Appeal against the Decision of the Commissioner for Television and Entertainment Licensing on Public Complaints about RTHK's Television Programme "Hong Kong Connection" (鏗鏘集) broadcast on the Jade Channel of TVB on 9 July 2006 from 7:35pm to 8:00pm

A member of the public appealed against the Commissioner for Television and Entertainment Licensing's (CTEL) decision on 22 complaints concerning the RTHK's television programme "Hong Kong Connection" (鏗鏘集) broadcast on the Jade Channel of TVB on 9 July 2006 from 7:35pm to 8:00pm. The substance of the complaints was that -

- a. the programme was biased towards homosexuality, promoted homosexuality and contained discriminating elements;
- b. it was unsuitable for broadcast at the scheduled time and exerted a bad influence on children and youths;
- c. it was unfair to Christians as a whole as the reference to opposition from a Christian in the programme gave viewers a misleading impression that all Christians were irrational;
- d. it did not mention the undesirable aspects of homosexuality such as AIDS; and
- e. it did not contain a warning caption.

The BA noted that the programme, entitled "同志·戀人" and featuring the personal experiences of a pair of lesbians and a gay man, was produced by RTHK and broadcast on TVB Jade at 7:35pm-8:00pm during the family viewing hours (FVH), and that the broadcast of the programme was preceded by an advisory caption "本節目涉及同性戀題材 敬請留意" ("Please note that the programme concerned matters relating to homosexuality").

The BA considered the allegations (c) to (e), i.e., that the programme was unfair to Christians; that the programme did not mention the undesirable aspects of homosexuality such as AIDS; and that the programme did not contain a warning caption, unjustified. The BA upheld CTCL's previous decision that these aspects of the complaints were unsubstantiated as -

1. the programme did not contain anything which was misleading and unfair to Christians. The reference to opposition from one individual Christian shown in the programme did not amount to a generalization that all Christians were irrational;
2. the major cause of AIDs was unprotected sex rather than homosexual sex; and
3. a warning caption was provided at the beginning of the programme.

The BA, however, considered that the programme was presented in the form of a documentary and that the contents of the programme about homosexuality and the legalization of homosexual marriage were controversial in many societies including Hong Kong. The programme was therefore a factual programme dealing with matters of public policy or controversial issues of public importance in Hong Kong and should be subject to the impartiality rule under the relevant code. However, the programme presented only the merits of homosexual marriage and featured only the views of three homosexuals on the legislation of homosexual marriage, rendering the presentation unfair, partial and biased towards homosexuality and having the effect of promoting the acceptance of homosexual marriage.

The BA also considered the programme unsuitable for broadcast within the FVH 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.

RTHK was **strongly advised** to observe more closely paragraph 2 of Chapter 2 (family viewing policy), paragraph 1 of Chapter 7 (likely effects of all material shown on television on children), and paragraphs 2 and 3 of Chapter 9 (impartiality) of the Generic Code of Practice on Television Programme Code.

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