

Chapter 9 Accuracy, Impartiality and Fairness

GENERAL PRINCIPLE FOR ALL CATEGORIES OF SERVICES

1. News programmes should offer viewers an intelligent and informed account of issues that enables them to form their own views. The licensees should ensure that news is presented with accuracy and due impartiality. Impartiality does not require editorial staff to be unquestioning; nor is it necessary for all sides of an issue be devoted the same amount of time. But it requires reporting to be dispassionate and give viewers an even-handed account of events.

SPECIFIC APPLICATIONS FOR DIFFERENT CATEGORIES OF SERVICES

DOMESTIC FREE AND DOMESTIC PAY TELEVISION PROGRAMME SERVICES

Accuracy

1A. The licensees shall make reasonable efforts to ensure that the factual contents of news, current affairs programmes, financial programmes, personal view programmes, documentaries, programmes adopting an investigative style of reporting, children's programmes with educational purpose, programmes dealing with medical and health issues, and contests are accurate.

Impartiality

General

2. The licensees must ensure that due impartiality is preserved as respects news programmes and any factual programmes or segments thereof dealing with matters of public policy or controversial issues of public importance in Hong Kong (except personal view programmes which are dealt with separately under paragraph 17 below). Factual programmes are non-fiction programmes which are based on material facts. They can take the form of news, current affairs programmes, personal view programmes, documentaries and programmes adopting an investigative style of reporting.

3. Due impartiality requires the licensees to deal even-handedly when opposing points of view are presented in a programme or programme segment.

Balance should be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of public importance. Programmes or programme segments under concern should not be slanted by the concealment of facts or by misleading emphasis.

4. 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.

5. A programme host should encourage the widest possible airing of views. He/She should also be alert to the danger of unsubstantiated allegations being made by participants in live programmes. Where necessary, the programme host should correct the factual errors to the best of his/her knowledge.

Impartiality Over Time

6. Although it is desirable, it is not always possible for principal opposing viewpoints to be reflected in a single programme or programme segment. Sometimes a series of programmes or programme segments may be considered as a whole. At other times, a narrower range of views may be appropriate within individual programmes or programme segments. This is an issue which calls for editorial judgement based on particular circumstances. In achieving impartiality over time, it is not always necessary to ensure that in a single programme or programme segment all sides have an opportunity to speak.

News

7. Presentation of news should observe the following rules:
- (a) Morbid, sensational, or alarming details not essential to factual reporting should be avoided. News should be presented in such a manner as to avoid unnecessary alarm.
 - (b) Pictorial representation of news should be carefully selected to ensure fairness and should not be misleading or sensational.
 - (c) Commentary and analysis should be clearly distinguished from news.
 - (d) When the presence of television cameras provokes incidents that would not otherwise have occurred, news editors and producers should make every effort to eliminate “manufactured” incidents or to reveal them for what they are.

- (e) Correction of factual errors should be made as soon as practicable after the original error, or at the end of the current programme or the beginning of a subsequent programme. In some circumstances it may be appropriate for a statement to appear in print.
- (f) No bona fide news programmes comprising local or international news item may be sponsored. No advertising matter should be offered as news or included in the contents of a news programme or newsreel.

Potential Conflict of Interest of Programme Presenters

8. The licensee shall devise and institutionalise within three months from promulgation of the Code a mechanism whereby its presenters of news programmes and factual programmes dealing with matters of public policy or controversial issues of public importance in Hong Kong are required to disclose the existence of any commercial agreement, arrangement or understanding, whether committed to writing or not, that may call into question the fairness or impartiality of the programmes. The licensee must then exercise its editorial judgement and decide whether:

- (a) the relevant programme presenter(s) should refrain from taking part in discussion of issues over which he/she may have conflict of interest; or
- (b) a disclosure announcement of the existence of a relevant commercial agreement should be made at the time of broadcast of the programme material.

The licensee shall receive and consider any complaint from any member of the public with respect to the potential conflict of interest of its programmes. The licensee shall inform the complainant and the BA of the findings of its investigation and make the findings available for public inspection free of charge by, for example, posting them on its website. Paragraph 8 does not apply to acquired programmes or channels which are not produced by the licensee.

Fairness

General

9. The licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

Reporting of Court Cases

10. Programme items which are based on extracts of court proceedings or other matters of public record must be presented fairly and accurately. In particular the reporting of criminal cases for which proceedings have commenced must not be presented in such manner that would be likely to prejudice a fair trial, and the following should be avoided:

- (a) any pre-judgement of the issues in the case, in particular of the guilt or innocence of the accused;
- (b) any discussion of the merits or facts of the case which may prejudice the relevant legal proceedings;
- (c) any comment relating to the character or conduct of the accused; and
- (d) any comment or report which tends to impair the impartiality of the court.

Dramatised “Reconstructions”

11. Dramatised “reconstructions” in factual programmes which seek to reconstruct actual events should be carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

Interviews

12. Where proposed interviewees are unable or unwilling to accept an invitation to participate in a factual programme, references to the missing participants should be made in a detached and factual manner. Care should be taken to ensure that their views are not misrepresented.

13. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewees.

14. Licensees should not misrepresent the views of interviewees by broadcasting a previously recorded interview and presenting it as the interviewees’ current views. Viewers should be informed of the date the interviews were conducted where necessary.

Right of Reply

15. Licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organizations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented.

16. Where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organization, those criticized should be given an appropriate and timely opportunity to respond.

Personal View Programmes

17. “Personal view programmes” are programmes in which the programme hosts and, sometimes, individual contributors put forward their own views. The following rules apply to all personal view programmes on matters of public policy or controversial issues of public importance in Hong Kong:

- (a) The nature of a personal view programme must be identified clearly at the start of the programme, for example, by an announcement in the following terms, “This programme only reflects the personal views of the programme host(s) and/or the individual contributor(s).”
- (b) Facts must be respected and the opinion expressed, however partial, should not rest upon false evidence.
- (c) A suitable opportunity for response to the programme should be provided.
- (d) Licensees should be mindful of the need for a sufficiently broad range of views to be expressed in any series of personal view programmes.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

18. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.

OTHER LICENSABLE TELEVISION PROGRAMME SERVICES

Services Intended for Members of the General Public in HK

19. The licensee must comply with the rules set out in paragraphs 2 to 17 above.

Services Intended for Hotel Guests and Other Special Interest Groups

20. There is no additional provisions specific to this category of television programme services apart from the general principles in paragraph 1.