

Hon Wong Yuk Man
The Chairman
Panel on Information Technology and Broadcasting
Legislative Council of HKSAR

2 September 2013

Dear Mr. Wong,

Re: Drama series *Ombudsman Special* (“申訴”) –
“Who shall decide on Justice?” (“公義誰定”)

I write to express my deep concern over the integrity of Radio and Television of Hong Kong (“RTHK”) and the Office of the Ombudsman of Hong Kong (the “Ombudsman”), in particular, their independence and impartiality in producing the drama series *Ombudsman Special* (“申訴”).

The drama series is jointly produced by the Ombudsman and RTHK, and is currently broadcast on TVB Jade weekly. Live webcasts and video archives are also available on the RTHK website <http://www.rthk.hk/ombudsman/>.

The issue on 20 August entitled “Who shall decide on Justice?” (“公義誰定”) was about the mischief of our disability allowance system, under which a worker who lost a leg was denied of the right to receive disability allowances. The story presumably is based on a case previously handled by the Ombudsman with necessary modification. The parties to be complained of include the relevant doctor(s) and the Social Welfare Department. The identity of all parties is fake, and in fact, their identity is not necessary for the purpose of the drama.

At 6:01-6:23 of the drama, however, the office of a legislative councillor was shown. There were two banners and the name of the councillor could clearly be seen. At 7:22-7:45 in a conversation between the victim and an officer of the Ombudsman, the former even listed out the work of that councillor and praised for his effective services.

With due respect, the identity of the legislative councillor is immaterial and unnecessary in the drama. As a result of exposing his identity, the drama appears as if it were an advertisement, promoting him as a sincere, diligent and responsible councillor. This is inappropriate, unprofessional and apparently biased for a particular political party or a legislative councillor. Such drama if being shown during election period amounts to an election advertisement and bears election expenses.

The *Producers' Guidelines of RTHK* requires RTHK programme-makers to maintain a high degree

of impartiality, and more importantly, not to be influenced by pressures from political, commercial or other sectional interests or by personal bias. Chapter 9 of the *Generic Code of Practice on Television Programme Standards* promulgated by the Communications Authority in January 2013 also requires TV programmes to be impartial. Chapter 11 also prohibits indirect advertising.

The drama was jointly produced by the Ombudsman and RTHK. At such, the Ombudsman should have known the matter or otherwise have approved the content of the drama. This casts doubt as to how serious the Ombudsman treats its vision – "To ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of services".

May I request the Panel on Information Technology and Broadcasting to look into the matter? This particular drama, at least the aforesaid parts, should be removed from RTHK website in no time and the parties concerned should tell the public whose idea to have the councillor's identity exposed in the drama. They should also undertake to refrain from promoting any political party or their member(s) in future.

If I can be of any assistance, I could be contacted through email:

Thank you.

Yours faithfully,

cc: The Communications Authority
The Office of the Ombudsman
RTHK