

## Appendix

### **Case 1 – Television Programme “Gen-X Cops” (特警新人類) broadcast on the TVB Movies Channel of TVB Pay Vision Limited (TVBPV) on February 17, 2011 at 10.50pm – 12.50am**

A member of the public filed a complaint against the television programme “Gen-X Cops” (特警新人類). The substance of the complaint was that the film was full of violence and contained crude language in English and foul finger sign.

#### **BA’s Findings**

In line with established practice, the Broadcasting Authority (BA) considered the complaint case in detail, including the recommendations of its Complaints Committee and the representations of TVBPV. The BA's findings are set out below.

The BA noted that –

- (a) the film was broadcast from 10.50pm to 12.50am on the TVB Movies Channel of TVBPV, which was a general viewing channel not restricted to adults. The film was about three rebellious cops who went undercover to combat some weapons smugglers. It was classified as Parental Guidance Recommended (PG) for indecent language and violence;
- (b) the violence depicted in the programme included gun-firing, kicking and punching with blood spurting occasionally and explosion; and
- (c) frequent crude expressions in both Cantonese and English were also found. In addition, English foul expressions were used around 12 times. A foul

finger sign with lip reading of the corresponding English expression was shown twice.

The BA, having regard to the relevant facts of the case, considered that –

- (a) the depictions of violence in the film were fast-paced, well-choreographed martial art stunts without gruesome or bloody details. They were not unacceptable for a “PG” programme broadcast on a domestic pay television programme service at late night with prior warning for violence;
- (b) the crude expressions, though unrefined, could be commonly found in local films broadcast on domestic pay television channels for general viewing. Their use in the present action/crime film in which some unconventional cops went undercover with gangsters was contextually justified and not unacceptable for broadcast in a “PG” programme not targeting children;
- (c) there were around 12 times the use of English foul expressions. The use of the expression in a “PG” programme on a general movie channel had gone beyond the expectations that viewers generally had of the programme and was in breach of paragraph 7 of Chapter 4 of the Generic Code of Practice on Television Programme Standards (TV Programme Code) which stipulated that the use of downright offensive language might only be permitted in programmes on channels restricted for adults on domestic pay television programme services; and
- (d) the foul finger sign which was not ordinarily acceptable to viewers of the “PG” programme was offensive. Its inclusion in the programme was in breach of paragraph 2(a) of Chapter 3 of the TV Programme Code which stipulates that any material which is indecent or of bad taste and is not

ordinarily acceptable to the viewers should not be included in the programme.

## **Decision**

The BA considered that in respect of the English foul expressions and finger sign, the complaint was substantiated and decided that TVBPV should be **advised** to observe more closely the relevant provisions in the TV Programme Code.

### **Case 2 – Television Programme “Main News and Weather Report” (新聞及天氣報告) broadcast on the World Channel of Asia Television Limited (ATV) on February 21, 2011 at 7.30pm – 8pm**

A member of the public filed a complaint against the news bulletin “Main News and Weather Report” (新聞及天氣報告) broadcast on the ATV World Channel. The substance of the complaint was that –

- (a) a regular Monday item “Starwatch” (Item) showing a 3.5-minute trailer for a forthcoming cinema movie “The Rite” to be released the same week on Thursday (viz. February 24, 2011), and a reporter’s remark “This week we have a sneak peek at ‘The Rite’, a supernatural thriller starring Oscar-winner Anthony Hopkins” (the remark) promoted the film concerned;
- (b) such promotion in a news report was contrary to the provisions governing impartiality in news programmes;
- (c) the featuring of the above promotional materials in news programmes might be in breach of the provision which prohibited advertising matter in news programme or newsreel; and

- (d) the Item as presented might also deprive viewers of the opportunity to receive newsworthy information of public interest in one of the two main daily news bulletins provided on the ATV World Channel.

### **BA's Findings**

In line with established practice, the BA considered the complaint case in detail, including the recommendations of its Complaints Committee and the representations of ATV. The BA's findings are set out below.

The BA noted that –

- (a) the Item shown in the programme under concern on 21 February 2011 introduced a Hollywood movie “The Rite”. A reporter made the remark before the showing of a trailer consisting of movie excerpts and interviews with the director and four characters lasting for 3 minutes 21 seconds. The trailer started with the caption showing the name of the film company which lasted for 11 seconds; and
- (b) the news bulletin concerned, excluding the Item, lasted for 22 minutes 29 seconds, which exceeded the licence requirement of 15 minutes duration on the broadcast of comprehensive news bulletins.

The BA, having regard to the relevant facts of the case, considered that –

- (a) though the Item did not contain any inviting remarks or express reference to the release date or venue of the movie concerned, the movie in question had limited news value to justify the inclusion of the lengthy movie trailer

which lasted for around 3.5 minutes. The Item as presented had given undue prominence to the concerned movie and amounted to advertising material which should not be included in news programmes. The impartiality of the news bulletin had also been jeopardised due to the undue prominence given. The news bulletin was, therefore, in breach of paragraph 7(f) of Chapter 9 and paragraph 3 of Chapter 11 of the TV Programme Code which stipulated that no advertising matter should be included in a news programme and the prohibition of undue prominence to products and services of a commercial nature in a programme;

- (b) the courtesy credit given to the film company, for copyright reason, was factual and not unacceptable; and
- (c) the news bulletin, excluding the Item, lasted for over 22 minutes which was in excess of the 15-minute duration as required under the licence condition, hence viewers had not been deprived of the opportunity to receive newsworthy information of public interest.

## **Decision**

The BA considered that the complaint in respect of undue prominence was substantiated. However, taking into consideration that the nature of the breach of the present case was essentially the same as a precedent case and that ATV was informed of the BA's final decision on the precedent on June 29, 2011 which was after the Item in the present case was broadcast, the BA decided that **no further sanction** should be imposed on ATV.

**Case 3 – Television Programme “Samurai High School” (武士高校) broadcast on the J2 Channel of TVB on 11 March 2011 at 10.30pm – 11.30pm**

A member of the public filed a complaint against the television programme “Samurai High School” (武士高校). The substance of the complaint was that –

- (a) the programme portrayed violence as the only means to uphold justice and was unsuitable for the young audience even though it was labelled “PG”; and
- (b) neither verbal nor visual warning was found prior to the broadcast of the programme or in the electronic programme guide (EPG).

**BA’s Findings**

In line with established practice, the BA considered the complaint case in detail, including the recommendations of its Complaints Committee and the representations of TVB. The BA's findings are set out below.

The BA noted that –

- (a) the programme under complaint was a fictitious school drama classified as “PG” for violence and was broadcast outside family viewing hours;
- (b) the story revolved around the school life of the male lead and the change brought by a samurai ghost. There were portrayals of teenage bullying and group fights in the programme;

- (c) TVB submitted that the advice on the classification of the programme was included in TVB's EPG and official website; and
- (d) visual advice that the programme was classified "PG" for violence was found before the broadcast of the programme but there was no aural advice as required under the TV Programme Code. TVB had admitted that the lapse was part of an operational fault during the period from 22 February 2011 to 19 March 2011. For this previous lapse, the BA had given TVB a warning in May 2011 for omission of aural "PG" advice for various "PG" television programmes broadcast on J2 Channel of TVB during the period (precedent case).

The BA, having regard to the relevant facts of the case, considered that –

- (a) the depictions of group fights were presented in an exaggerated and comical manner in the context of a surrealistic story involving a samurai ghost coming from the ancient time. The depictions were relevant to the storyline and not impactful. There was no endorsement of the use of violence. With the "PG" classification and the prior advice on violent content, viewers in general would not consider the depictions of violence in the programme unacceptable.
- (b) regarding the allegation about the lack of verbal or visual warning in the EPG, in fact, the relevant advice had been provided in TVB's EPG and official website before the programme was broadcast on March 11, 2011. There was no evidence that TVB had not made reasonable efforts to include advice or classification symbols in its programme guide, whether in printed or in electronic form; and

(c) regarding the omission of aural advice for the “PG” classification of the programme, it was in breach of paragraph 6 of Chapter 8 of the TV Programme Code which provided that aural and visual advice on the classification of programmes should be given before the start of the programme.

## **Decision**

The BA decided that the aspect of the complaint regarding the omission of aural advice for the “PG” classification of the programme, was substantiated. However, taking into consideration that the programme under complaint was broadcast within the same period as that of the precedent case, that the nature of the lapse was essentially the same, and that a sanction had already been imposed on TVB for the precedent case, the BA decided **not to impose any further sanction** on TVB.