

## Appendix

### **Case – Television Programme “Sports Bulletin” (體育快訊) broadcast on the Home Channel of ATV on April 29, 2012 at 6.41 pm-6.44 pm**

A member of the public complained that in a news item about a football match of La Liga between Real Sociedad and Racing Santander, the footage of another match between Espanyol and Sporting de Gijón was erroneously shown.

#### **The Communications Authority (CA)’s Findings**

In line with the established practice, the CA considered the complaint case and the representations of ATV in detail. The CA took into account the relevant aspects of the case, including (among others) the following –

- (a) in the concerned news item, the anchor and voice-over reported on the football match between Real Sociedad and Racing Santander, but footage of a match between Espanyol and Sporting de Gijón was shown;
- (b) ATV was not aware of the obvious mistake throughout the broadcast of the footage and no correction was made. The voice-over about the match even matched with all the actions in the 42-second wrong footage;
- (c) ATV’s representations that the programme was technically not a news programme but a sports programme which was clearly separated from the main news bulletin with sufficient demarcation, and that the

provision applicable to the factual contents of news should not apply to the concerned programme; and

- (d) ATV took nearly four months to respond to the CA Secretariat's written inquiry in relation to this case, despite the CA Secretariat's two written reminders in the interim.

***Relevant Provisions in the Generic Code of Practice on Television Programme Standards (TV Programme Code)***

- (a) Paragraph 1A of Chapter 9 – the licensees shall make reasonable efforts to ensure that the factual contents of news, among others, are accurate; and
- (b) Paragraph 7(e) of Chapter 9 – correction of factual errors in news should be made as soon as practicable after the original error.

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

- (a) regarding ATV's representations that the concerned programme was a sports programme rather than a news report, although news was not defined in the TV Programme Code, an average viewer would not find it hard to define. The concerned programme was a news report on sports items which adopted the style and format commonly found in news reports in which an anchor reported on a few sports items of the day, which could be clearly distinguished from general sports programmes. The CA considered that the concerned programme was a news programme on sports items and should be subject to the

accuracy requirement applying to news;

- (b) although the lapse would not cause serious harm to the viewing public, the way and manner in which it occurred reflected ATV's inadequacy in monitoring the accuracy of its news and that it had not made reasonable efforts to ensure that the factual contents of news were accurate; and.
- (c) ATV took nearly four months to respond to the CA Secretariat's written inquiry in relation to this case despite the CA's Secretariat's two written reminders to urge for early response. This reflected badly on the part of ATV in responding to public complaints and has caused serious delay to the processing of the case.

## **Decision**

In view of the above and taking into account the way and manner in which the current lapse occurred and the precedents, the CA considered that ATV had not made reasonable efforts to ensure that the factual contents of news are accurate and respond to public complaints in a responsible manner. The CA decided that ATV should be **seriously warned** to observe more closely the relevant provisions in the TV Programme Code, to step up measures to avoid similar lapse and to respond to complaint cases in a timely manner.