

Ofcom Broadcast and On Demand Bulletin

Issue 403
26 May 2020

The World Today

China 24

Type of case Broadcast Standards

Outcome In Breach

Service CGTN

Date & time *The World Today*, 11 August 2019, 17:00

The World Today, 26 August 2019, 08:00

The World Today, 31 August 2019, 07:00

The World Today, 2 September 2019, 16:00

China 24, 21 November 2019, 12:15

Category Due impartiality

Summary Various news items on protests in Hong Kong were not duly impartial on a matter of major political controversy and a major matter relating to current public policy. In breach of Rules 5.1, 5.11 and 5.12 of the Broadcasting Code. Ofcom is minded to consider these breaches for the imposition of a statutory sanction.

Introduction and summary

This document sets out Ofcom's Decisions in relation to the above five programmes, which were broadcast on CGTN between 11 August 2019 and 21 November 2019. During this period there were ongoing protests in Hong Kong. These protests were initially in response to the Hong Kong Government's Extradition Law Amendment Bill that would have allowed criminal suspects in Hong Kong to be sent to mainland China for trial. The protests were organised by the Anti-Extradition Law

Amendment Bill Movement (“AELABM”). The Licence for the CGTN service is held by Star China Media Limited (“SCML” or “the Licensee”).

Ofcom identified the broadcasts of *The World Today* during routine monitoring and identified the broadcast of *China 24*, on 21 November 2019, in the course of considering a fairness and privacy complaint from a member of the public about a different news item in this programme. Ofcom considered that the programmes raised issues warranting investigation under the due impartiality rules set out in Section Five of the Ofcom Broadcasting Code (“the Code”). As required under our [published procedures](#), we wrote to the Licensee about the four editions of *The World Today* on 17 September 2019 and about *China 24* on 17 December 2019 requesting its comments under the relevant rules of the Code. SCML provided its written representations on 14 October 2019 and 13 January 2020, respectively. Ofcom prepared Preliminary Views in relation to each of the five programmes, which we sent to the Licensee on 18 February 2020. The Licensee provided its written representations on 17 March 2020.

In accordance with our published procedures, having watched each programme, considered all relevant information and the various representations made by SCML, Ofcom has decided that all of the five programmes outlined in these Decisions are in breach of the Code. We have set out our full reasoning in each corresponding decision.

Background

CGTN is “the international English language news channel of China Media Group, China’s public broadcaster on television and radio”¹. Programming for the channel is jointly produced by CGTN’s Beijing headquarters and its overseas regional production centres. In the UK, the channel broadcasts on satellite. The Licence for CGTN is held by Star China Media Limited (“SCML” or “the Licensee”).

As outlined in the above introduction, the broadcasts were dealing with ongoing protests in Hong Kong.

Chronology of events

- 3 April 2019: The Hong Kong Government introduced amendments to Hong Kong’s extradition laws that would allow criminal suspects to be sent to mainland China for trial.
- 9 June 2019: An estimated one million people marched to the government headquarters against the Extradition Law Amendment Bill.

¹ Taken from the Licensee’s initial response dated 17 September 2019. Information on CGTN’s website says: “China Global Television Network, or CGTN, is an international media organization launched on December 31, 2016. It is the international division of CCTV, which – along with CNR [China National Radio] and CRI [China Radio International] – will collectively be known as the China Media Group... CGTN seeks to cover China and the world, reporting the news from a global perspective. It seeks to offer a distinctive alternative to the international information flow. CGTN aims to differentiate itself from other media organizations by providing more balanced reporting. The platforms focus on nations, regions, and stories that are often underreported by other international media”.

- 12 June 2019: A demonstration took place in which police fired tear gas and rubber bullets at protesters.
- 15 June 2019: Carrie Lam, the Chief Executive of the Hong Kong Government, issued a statement saying she would indefinitely delay the extension bill.
- 2 August 2019: Protests took place for the ninth consecutive weekend with violent clashes becoming a regular feature of the protests.
- 19 and 20 November 2019: The US Senate and the US House of Representatives passed the Hong Kong Human Rights and Democracy Act 2019 (“the HKHRD Act”), amid continuing protests in Hong Kong².

The protests evolved beyond the initial demand of the withdrawal of the Extradition Law Amendment Bill to include support for democracy in Hong Kong and demonstrations against what protesters saw as the poor handling of the protests, and the use of force, by the Hong Kong police.

Ofcom’s due impartiality rules

Reflecting our duties under the Communications Act 2003 (“the Act”), Section Five of the Code requires that the impartiality requirements of sections 319 and 320 of the Act are met.

Section 319 requires that news in television and radio services is presented with due impartiality. Section 320 sets out special impartiality requirements, which include the preservation in the case of every television service of due impartiality on matters of political or industrial controversy and matters relating to current public policy. This section requires Ofcom, for the purposes of setting the due impartiality rules in the Code, to take account, in particular, of the need to ensure the preservation of impartiality in relation to matters of major political or industrial controversy and major matters relating to current public policy.

Ofcom considered that the five programmes we investigated constituted news programmes as well as dealt with matters of major political controversy and major matters relating to current public policy. Therefore, for reasons we expand on further below at page seven, the following rules applied in relation to each of the five programmes:

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public

² The HKHRD Act was “aimed at protecting Human Rights in Hong Kong” and drew “condemnation from Beijing”. Under the Act, U.S. Secretary of State Mike Pompeo would have to certify at least once a year that Hong Kong retains enough autonomy to qualify for special U.S. trading consideration. It also would provide for sanctions against officials responsible for human rights violations in Hong Kong. See [U.S. Senate passes HK rights bill backing protesters, angers Beijing](#), Reuters, 19 November 2019 and [U.S. House passes Hong Kong rights bills, Trump expected to sign](#), 20 November 2019.

policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

The obligation to preserve due impartiality in news (Rule 5.1) applies to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy.

To assist broadcasters in complying with due impartiality rules in Section Five of the Code, Ofcom has [published Guidance](#). Among other things, Ofcom’s Guidance makes clear that it is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with³; and there are a range of editorial techniques for maintaining due impartiality⁴.

Our Guidance also states that the broadcasting of comments either supporting or criticising the policies and actions of any political organisation or elected politician is not, in itself, a breach of the due impartiality rules⁵. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

Ofcom’s Code and Guidance is drafted, and given effect to, in accordance with the right to freedom of expression set out in Article 10 of the European Convention of Human Rights. Freedom of expression is one of the essential foundations of a democratic society. It encompasses the broadcaster’s right to freedom of expression as well as the audience’s right to receive information and ideas without interference. It applies not only to the content of information but also to the means of transmission or reception. Any interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need).

Each time Ofcom applies the Code to broadcast content, Ofcom gives careful consideration to the broadcaster’s and the audience’s Article 10 rights. In order to reach a decision on whether due impartiality was maintained in these programmes, Ofcom has taken into account freedom of expression and relevant contextual factors.

³ [Ofcom’s Section Five Guidance](#), paragraph 1.6.

⁴ *Ibid*, paragraph 1.17.

⁵ *Ibid*, paragraph 1.34.

Licensee's response – general comments

The Licensee first made general comments about the CGTN service and its approach to due impartiality. It said that the channel's mission was to:

- seek to cover China and the world, reporting the news from a global perspective;
- seek to offer a “distinctive alternative to the international information flow”;
- aim to “differentiate itself from other media organisations by providing more balanced reporting”; and
- through its platforms, focus on nations, regions and stories that are often underreported by other international media.

SCML said that it recognised and understood the importance of maintaining due impartiality when broadcasting in the UK on matters of major political and industrial controversy and major matters relating to current public policy, “such as the current Hong Kong protests”. Whilst it recognised that “we cannot present the Chinese point of view as the only point of view when reporting on matters of major controversy” the Licensee expressed its wish “to inform our international audiences of the Chinese perspective, which, is often alternative to the mainstream Western media”. SCML added that this meant the audience expectations of CGTN are “likely to be different to the audience's expectations of a UK broadcaster, such as the BBC”.

The Licensee cited various factors as being relevant and should be taken into account by Ofcom when assessing whether “any harm would have been caused to the audience in this case”:

- CGTN has a relatively small UK audience;
- the audience is “unlikely to be surprised by the Chinese views aired on CGTN and will be able to evaluate those views in context, particularly when the audience is likely to be aware of the mainstream positions (as presented on other television channels and news platforms)”;
- the audience “may wish to see another perspective on news events, in particular a Chinese perspective from a Chinese channel which is unfiltered by a UK broadcaster”;
- Ofcom was alerted to the content in these cases by its own monitoring rather than an audience complaint; and
- paragraph 1.14 of Ofcom's Guidance Notes on Section Five of the Code states that “Ofcom research has also demonstrated that there are greater expectations for news channels that are perceived to be aimed at a UK audience than there are for channels with a global audience”.

SCML said that “as the Chinese public broadcaster”, it found it “particularly challenging” when trying to obtain alternative views “when reporting on the ground about the protests in Hong Kong”. While it recognised Ofcom's Section Five Guidance⁶ addresses the issue of “where alternative views are not readily available”, the Licensee cited the “difficulties of the situation that we face”. SCML cited the example of one of its Hong-Kong-based correspondents estimating that “she has tried to approach and contact over 50 young protestors and/or the opposition when reporting on the Hong Kong protests over the past few months”. However, it said that “most of them have rejected such approaches as

⁶ Ibid, Paragraphs 1.17 and 1.37.

they are hostile to the media from mainland China and to Mandarin-speaking reporters”. The Licensee said that it had included “brief contributions” from the “very small number” of protestors who had agreed to be involved in its programmes, and referred to its broadcasts on 25 August 2019, 6 September 2019, and 18 September 2019 as instances where viewpoints from protestors had been included in CGTN reports.

Licensee’s response to the Preliminary Views

We sent the Licensee Preliminary Views finding each programme in breach of Rules 5.1, 5.11 and 5.12. We also stated that we considered these five cases, taken together, to be a serious failure of compliance and we were minded to consider these breaches for the imposition of a statutory sanction. We invited the Licensee to make representations to Ofcom before we reached a Decision.

In its written representations, the Licensee stated that “we acknowledge and regret that Ofcom has found that each of the five broadcasts are in breach of the impartiality rules in the Code”.

SCML went on to emphasise points it had made in its initial representations, including “the importance to CGTN of presenting a Chinese perspective on world events” in accordance with the right to freedom of expression. It said this was “particularly the case when reporting on matters, such as the Hong Kong protests, where the Chinese perspective is often alternative to that of the mainstream Western media”. The Licensee also re-iterated that CGTN’s small UK audience would be unlikely to be surprised by the Chinese views aired on CGTN and would be able to evaluate these in the context of the mainstream positions presented on other media, and that Ofcom received no audience complaints relating to the news items in question.

SCML further submitted that it did not consider that the five cases, taken together, warranted the imposition of a statutory sanction. The Licensee argued that CGTN’s compliance record “compares favourably with mainstream UK broadcasters and surpasses a number of overseas media organisations broadcasting into the UK”. It said that “CGTN has been broadcasting in the UK since 2003 and in that time, we have been found to be in breach of the Ofcom Code only once”⁷ and had not been sanctioned.

The Licensee also provided several examples of “relevant precedents” set by Ofcom in other due impartiality investigations. First, SCML highlighted Ofcom’s sanction against Baltic Media Alliance Limited (BMAL)⁸ and said: “Ofcom noted that this [the decision to sanction] was in light of BMAL’s previous compliance record: it was their sixth breach in five years of the due impartiality rules”. It also highlighted Ofcom’s sanction against Talksport⁹: “they [Talksport] had 21 Code breaches previously recorded against them, including two breaches of impartiality and a further two breaches of

⁷ In 2014, Ofcom found CCTV News [breached Rules 5.1, 5.11 and 5.12](#) in relation to four news programmes which reported on pro-democracy protests occurring in Hong Kong.

⁸ [Sanction decision against Baltic Media Alliance Limited](#) published on 17 February 2020.

⁹ [Sanction decision against Talksport](#) published on 17 February 2020.

impartiality relating to election coverage, one of which they were sanctioned over in 2008. We further note that the breaches by Talksport related to three, three-hour long programmes”. Finally, the Licensee highlighted Ofcom’s sanction decision against RT published in July 2019¹⁰ and said “they [RT] had 14 breaches previously recorded against them since May 2012, including eight breaches of impartiality and a further breach of impartiality relating to election coverage. We note that RT had also met with Ofcom on three occasions to discuss compliance”.

SMCL added that “taking all of the above into account vis-à-vis CGTN's good compliance record...we submit that it is not appropriate, necessary or proportionate for Ofcom to impose a sanction on CGTN in the circumstances, and respectfully request Ofcom not to do so”.

Finally, the Licensee submitted that it takes its responsibilities to comply with the Code seriously and it is “carefully considering” whether to strengthen CGTN's compliance processes further.

Decision

As the Licensee made general representations common to all five programmes, we have structured our Decisions and the reasoning to discuss all the general factors first, before going on to consider the individual programmes and the Licensee’s specific representations in respect of those programmes.

Application of Section Five of the Code

Ofcom first considered whether the requirements of Section Five of the Code should be applied in these cases. The obligation under Rule 5.1 to preserve due impartiality in news applies to any matter covered in a news programme and not just matters of political or industrial controversy and matters relating to current public policy. News includes news bulletins, news flashes and daily news magazine programmes.

We considered that it was legitimate for the Licensee to broadcast news programmes which reported on the ongoing protests in Hong Kong from a Chinese perspective. We also recognised that it is essential that programmes subject to the due impartiality requirements in Section Five are able to explore and examine issues and take a position even if that is highly critical; and that while broadcasters are required to include and give due weight to an appropriately wide range of significant views, they may debate and discuss such views¹¹. The items in each of the cases were broadcast as part of news programmes. We considered they clearly constituted news, and the Licensee did not dispute this. Therefore Rule 5.1 applied in each case.

Ofcom also considered whether the further requirements of Section Five of the Code should be applied in these cases: that is, whether the programmes concerned matters of major political or industrial controversy or major matters relating to current public policy. The Code states that such matters will vary according to events, but these will generally be matters of political or industrial controversy or matters of current public policy which are “of the moment” and of national, and often international importance, or are of similar significance within a smaller broadcast area. Rule 5.11 requires that due impartiality is preserved on major matters in each relevant programme or clearly

¹⁰ [Sanction decision against RT published on 26 July 2019](#).

¹¹ See paragraph 1.59 of [Ofcom’s Guidance to Section Five](#).

linked and timely programmes. Rule 5.12 requires that, where appropriate, news broadcasters must ensure that, in addition to preserving due impartiality at a basic level, when reporting on a matter of this significance they must include “an appropriately wide range of significant views” and give those views “due weight”.

All five news programmes dealt with the ongoing political events in Hong Kong that had commenced in April 2019. As explained above, these involved protests and demonstrations in Hong Kong which began in response to the Hong Kong Government introducing amendments to Hong Kong’s extradition laws and continued after the amendment had been withdrawn. Throughout the summer of 2019, a growing wave of demonstrations and protests were held in public spaces in Hong Kong, and tensions between Hong Kong police and the protestors became increasingly acute. These events attracted much media and political discussion across the world. The protests also formed part of a longstanding tension between the Hong Kong Government and some of its residents who oppose the role of the Chinese Government in Hong Kong’s affairs.

Ofcom considered that the ongoing protests in Hong Kong, including the policies and actions of the Hong Kong and Chinese authorities, were the subject of political debate and political controversy both within the UK and internationally and were of significant global importance. We therefore concluded (and the Licensee agreed) that as well as engaging Rule 5.1, all five programmes were dealing with a matter of major political controversy and a major matter relating to current public policy, and the Licensee was further required to preserve due impartiality pursuant to Rules 5.11 and 5.12 of the Code.

Ofcom’s response to the Licensee’s general comments

We took account of the Licensee’s arguments that the channel aims to broadcast a “Chinese perspective on world events” to its global audience. SCML considered, therefore, that audience expectations were likely to differ from those of an audience to a UK news channel. SCML also argued that CGTN’s audience is “unlikely to be surprised by the Chinese views aired on CGTN and will be able to evaluate those views in context, particularly when the audience is likely to be aware of the mainstream positions (as presented on other television channels and news platforms)”. It added that CGTN’s audience “may wish to see another perspective on news events, in particular a Chinese perspective from a Chinese channel which is unfiltered by a UK broadcaster”.

As we have discussed above, Ofcom recognises the Licensee’s right to make programmes that provide its audience with a Chinese perspective on news events. However, when its programmes feature politically controversial matters, the Licensee still needs to comply with Section Five of the Code by ensuring that due impartiality is preserved. These rules require broadcasters to ensure that alternative viewpoints are reflected, as appropriate, on matters of political and industrial controversy and current public policy (and in this case on a matter of major political controversy and a major matter relating to current public policy, which required the Licensee to take additional steps to maintain due impartiality). The way due impartiality is preserved is an editorial matter for each individual broadcaster.

We considered the Licensee’s argument that it faced challenges as the Chinese public broadcaster in obtaining alternative views due to the tension between the protestors and media in mainland China.

We did not consider, however, that providing alternative views on CGTN was dependent on individual protestors being willing to appear in programming. As the Licensee acknowledged in its representations, the Guidance on Section Five suggests a range of editorial techniques for maintaining due impartiality where alternative viewpoints are not readily available. For example, the Guidance says that a broadcaster could “summarise with due objectivity and in context the alternative viewpoints...make clear with appropriate frequency and prominence that a broadcaster has sought alternative views from particular individuals or organisations; and/or ensure that the views expressed in a news item are challenged critically by presenters and reporters within the programmes”. Ofcom considered that SCML could – and should – have used such or other editorial techniques, to reflect alternative viewpoints in this programme, even if it was not able to find any interviewees to feature in the programme that represented the perspective of the protestors.

We also acknowledge that the Licensee submitted, in response to Ofcom’s Preliminary View, that a statutory sanction was not warranted in these cases. In particular, SCML made detailed representations on various previous due impartiality cases in which Ofcom imposed a sanction and distinguished these from the present cases.

For the reasons set out in full in each individual Decision, Ofcom considers that these five breaches, taken together, represent a serious failure of compliance. Therefore, subject to receiving the Licensee’s representations on this issue, Ofcom is minded to consider these breaches for the imposition of a statutory sanction. If, after consideration of these representations, Ofcom decides to proceed with its consideration of a statutory sanction, Ofcom will follow the process set out in our published procedures for statutory sanctions in broadcast cases¹². Ofcom will consider the Licensee’s compliance record and all relevant precedent cases as part of that process.

¹² Ofcom’s [Procedures for the consideration of statutory sanctions in breaches of broadcast licences](#).

Ofcom's investigations into individual programmes

In Breach

The World Today, 11 August 2019, 17:00

Introduction

The World Today is a 30-minute news programme on CGTN and is aimed at a global audience. During routine monitoring, Ofcom identified an item in this programme that reported on protests taking place in Hong Kong.

The news item

From the CGTN studio in Beijing, a studio presenter introduced the item and footage was shown of clashes between Hong Kong protestors and police, as well as photographs of injuries sustained by some police officers.

Studio Presenter: *"We start in Hong Kong where protestors have thrown objects including petrol bombs at police. There were reports of several attacks on police in Wan Chai, Tsim Sha Tsui and Cheung Sha Wan. One officer sustained burns when a petrol bomb was thrown at a police station. Sunday's protests took place despite a police ban. Many shops in the area were shuttered."*

Caption: *"Police injured by petrol bomb in Tsim Sha Tsui"*

The item then included three statements from people representing different businesses/professional organisations based in Hong Kong: Tsui Chi Chung from the Hong Kong Chamber of Professional Property Consultants (Interview One), Dr. Kan Ho Yin from the Wan Chai and Central & Western District Industries and Commerce Association (Interview Two) and Li Sau Hung from the Hong Kong Economic and Trade Association (Interview Three). These video statements were dubbed with an English voiceover.

Studio Presenter: *"Well business people in Hong Kong are calling for an end to violence in the city. They say disruptions in the past two months have hurt Hong Kong's economy".*

Caption: *"Violence taking toll on economy"*

Interview One: *"Retail stores are closed, restaurants lost half their consumers, hotel prices dropped to half their previous levels, and tourist numbers also nearly halved. The violence has a wide impact, if Hong Kong continues like this, the finance industry will also be hit. I think the priority now is stability, not to harm the economy. Everyone should understand that Hong Kong is a commercial society and one of the reasons it can succeed is due to its commerce".*

Interview Two: *“We should focus on improving the economy, people’s livelihoods and social stability. If Hong Kong does not have a good social order, everything will be out of question. We call on Hong Kong residents to support Hong Kong and the Hong Kong Government at this key point”.*

Interview Three: *“Hong Kong is a wonderful place, and no one will benefit from destabilising it. Rioting hurts Hong Kong’s economy, it makes people fear for their safety and hurts Hong Kong’s credibility overseas. It’s not good for anyone”.*

The news item then ended.

It was Ofcom’s view that the programme was dealing with a matter of major political or industrial controversy and major matter relating to current public policy, namely, the ongoing anti-government AELABM protests in Hong Kong.

We therefore considered that this programme raised potential issues warranting investigation under the following rules of the Code:

Rule 5.1: “News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11: “Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

Ofcom requested comments from the Licensee on how this content complied with these rules.

Response

The Licensee made several general points about the nature of the CGTN service and the expectations of its audience as summarised earlier on pages four to six.

In terms of the specific content in this programme, SCML agreed with Ofcom’s assessment that the programme was dealing with a “matter of major political or industrial controversy and major matters relating to current public police”. The Licensee said that was “clearly signposted as focusing on the direct impact of the protests on Hong Kong’s economy and featured Hong Kong business people calling for stability and an end to violence in the city in a reasonable way”. It explained that the “purpose of this segment was to examine the economic impact on Hong Kong of the ongoing protests, as opposed to directly dealing with the issues that the protestors were protesting about”. SCML added

that the news item was “focused on the factual situation” and “viewers would have been able to come to their own conclusion”.

SCML said that “in light of the editorial challenges that reporting on the Hong Kong protests presents for a Chinese public broadcaster, we are acutely aware of our impartiality and other obligations under the Code and are genuinely concerned” to have been notified of Ofcom’s investigation. It said that “we have added to our team covering the Hong Kong protests, a very experienced Supervising Producer with several years of news journalism and production experience working for Western media outlets, to oversee such coverage”.

SCML did not provide further representations on the specific content in this programme in its response to Ofcom’s Preliminary View.

Decision

Reflecting our duties under the Act, Section Five of the Code requires that the impartiality requirements of sections 319 and 320 are met.

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

SCML submitted that it was a relevant consideration that this case had arisen through Ofcom’s monitoring rather than an audience complaint. However, this had no bearing on the Licensee’s obligation to comply with the due impartiality rules or on our assessment of its compliance.

Application of Section Five of the Code

For the reasons set out above at page seven, Ofcom considered *The World Today* was a news programme which dealt with a matter of major political or industrial controversy and major matter of current public policy, namely the ongoing protests in Hong Kong. Therefore Rules 5.1, 5.11 and 5.12 applied in this case.

The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in this news programme. The Code and Guidance make clear that “due” is an important qualifier to the concept of impartiality. “Due impartiality” does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in several ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom’s Guidance to Section Five of the Code makes clear that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of each case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality. Context includes factors such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

The news item reported on the ongoing protests in Hong Kong in a way which, in Ofcom’s view, could be categorised as reflecting the viewpoint of the Hong Kong authorities, including the actions taken by Hong Kong police in response to the protests. For example:

Studio Presenter: *“We start in Hong Kong where protestors have thrown objects including petrol bombs at police. There were reports of several attacks on police... One officer sustained burns when a petrol bomb was thrown at a police station. Sunday’s protests took place despite a police ban... Well business people in Hong Kong are calling for an end to violence in the city...”*

Interview One: *“The violence has a wide impact, if Hong Kong continues like this, the finance industry will also be hit. I think the priority now is stability, not to harm the economy”.*

Interview Two: *“If Hong Kong does not have a good social order, everything will be out of question. We call on Hong Kong residents to support Hong Kong and the Hong Kong Government at this key point”.*

Ofcom considered these statements presented a one-sided perspective on the violence and other issues currently facing Hong Kong. This was maintained throughout the item as a whole and gave the impression that the protestors were solely responsible for the violence and disruption. There was no attempt to acknowledge or explore any alternative view at any point during the item, for example that the Hong Kong police may have played a part in escalating tensions with protestors or that violence may have occurred on both sides.

In light of these statements, we considered whether as required by Rules 5.11 and 5.12 an appropriately wide range of significant views on the events of the Hong Kong protests were included and given due weight in this programme. In the Licensee's representations, it explained that this news item aimed "to examine the economic impact on Hong Kong of the ongoing protests, as opposed to directly dealing with the issues that the protestors were protesting about" and because the item was focused on the "factual situation, viewers would have been able to come to their own conclusion".

We acknowledge that it was legitimate for the Licensee to report on the impact of the protests on Hong Kong's economy and to present the view of business individuals based in Hong Kong. However, the three viewpoints included in the item were aligned with one another and were generally in support of the position of the Hong Kong authorities. These viewpoints were not challenged and at no point in the item was any counterview or further context provided, for example an explanation of the views or motivations of those taking part in the protests or how and why tensions between the protestors and the Hong Kong police had escalated. We did not therefore consider there were any other significant views on the matter of the Hong Kong protests included in the programme in line with the requirements of Rules 5.11 and 5.12.

The Licensee cited three examples of when it had featured the viewpoint of the protestors in news programmes broadcast on 25 August 2019, 6 September 2019 and 18 September 2019. In this context, paragraph 1.11 of Ofcom's Guidance to Section Five states:

"Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked 'special' news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6¹³ of the Code".

We did not consider that the three programmes cited by the Licensee could be considered as editorially linked within the meaning of the Code to the programme in the present case. This was because there was no material at all within this edition of *The World Today* which referred explicitly to, and so potentially linked, the programme to the other three programmes cited by the Licensee (such as announcements or other content signalling the existence of an editorial link, for example that the other programmes would also discuss the issue of the Hong Kong protests).

In summary, we considered that the news item overall only presented the view of the Hong Kong authorities and did not include any other viewpoints on the protests.

Ofcom also considered general contextual factors that were relevant to this programme, such as the nature of the CGTN service and the expectations of CGTN's audience. To avoid repetition, we have

¹³ Rule 5.6 states: "the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air".

summarised the Licensee's representations and our decision in respect of these matters above at pages four to nine.

For all the reasons set out above, Ofcom's Decision is that the Licensee failed to include and give due weight to an appropriately wide range of significant viewpoints in relation to the relevant matter of major political controversy and major matter relating to current public policy dealt with in the news item as required under Rules 5.11 and 5.12 and, taken overall, due impartiality was not preserved during the news item as required under Rule 5.1.

Breaches of Rules 5.1, 5.11 and 5.12

In Breach

The World Today, 26 August 2019, 08:00

Introduction

The World Today is a 30-minute news programme on CGTN and is aimed at a global audience. During routine monitoring, Ofcom identified an item in this programme that reported on protests taking place in Hong Kong.

The news item

Section One

The first section contained studio reporting on the protests from the past weekend, before moving to a reporter who reported live from Hong Kong. The reporter's audio was interspersed with footage showing clashes between protestors and police.

The studio presenter from CGTN's Beijing studio introduced the item:

Studio Presenter: *"In Hong Kong the past weekend witnessed some of the most intense confrontations between demonstrators and police since protests escalated in July. Gunshots were heard in Tsuen Wan on Sunday night. Police confirmed an officer fired a warning shot into the air and no one was hurt. The police official also defended the officer's decision".*

Caption: *"Official: Officer fired warning shot under life-threatening circumstances"*

Reporter: *"Well yesterday at 2.30pm a rally started but then one hour after that turned violent. A number of protestors deviated from authorised routes, and then they removed roadside fences, they smashed roadblocks and obstructed traffic, they smashed traffic lights. And they even destroyed a toll gate of a cross harbour tunnel, and they also smashed street vendors and stalls and caused chaos in multiple locations in Hong Kong. And eventually clashes broke out between the radical protestors and the policemen. The protestors attacked the policemen by throwing bricks and petrol bombs at the policemen, pointing laser beams at them, they even smashed police cars. So the police, after warning them repeatedly but in vain, the policemen had to use tear gas and used water cannon trucks for the very first time to disperse people. And last night at midnight the police held a press conference, the spokesperson said six policemen at a site drew their weapons and one of them opened one shot in the air".*

Footage was then shown from the previous evening's press conference, with a police spokesperson giving a statement with a dubbed English voiceover:

Police Spokesperson: *"The lives of our colleagues were threatened. After repeated but futile warnings, six police officers had no other choices but to pull out their guns to protect themselves, other colleagues and the safety of the people at the scene. One of them fired one warning shot in the air but hit no one. In this case he showed courage and restraint. Under the circumstances at that time the action he took was necessary and reasonable".*

Reporter: *"The policemen also announced that 36 people were arrested on suspicion of unlawful assembly and the possession of offensive weapons and also attacking the police. 15 policemen were injured and sent to the hospital".*

Section Two

The next section focused on a political group called Politihk Social Strategic. The report was introduced by the studio presenter from the Beijing studio before moving to a pre-recorded package which included interviews with the Chairman of Politihk Social Strategic, other members of the group and audio from a CGTN reporter ("Reporter Two").

Caption: *"Pro-police voices struggling to be heard"*

Studio Presenter: *"China says much of the foreign media coverage of the Hong Kong protests has focused on accusing the police of violence. People who support the police say they have found it increasingly difficult for their opinions to be heard".*

Footage was shown of the group's campaign video in production featuring people identifying themselves as social activists. The social activists make several personal statements for the campaign video, accompanied by English subtitles, for example: *"I am a Hong Konger who was born and raised in Hong Kong"* and *"My name is Monet. I am not young anymore, I've been in social movement for five years"*.

Reporter Two: *"Fifty-five year-old Tang Tak-Shing is the chairman of this small political group called Politihk Social Strategic. Now they are shooting a video for one of their Facebook accounts to express their political opinions. They have several social media accounts on Facebook, voicing views that differ from the anti-Government protests in Hong Kong".*

Footage was then shown of an interview with the Chairman of Politihk Social Strategic, Tang Tak-Shing, with a dubbed English voiceover. This item contained footage of a demonstration.

Mr Tak-Shing: *“In 2014 there was a riot called “Occupy Central”. That was the first time, that we really think we had to walk out on to the streets, and to organise our rally...against the other side”.*

Then footage was shown of Mr Tak-Shing shouting into a megaphone at a rally. He shouted various statements, shown with English subtitles, including: *“We’ll show Hong Kong’s democratic power to the world”* and *“No more distortion of facts. No more biased reports”*.

Reporter Two: *“On August 24, Tang organised a demonstration in front of the headquarters of RTHK or Radio Television Hong Kong, accusing the organisation of biased reports on Hong Kong police. RTHK is a public broadcasting service in Hong Kong that depends entirely on Government funding”.*

Then three Hong Kong residents give statements:

Resident One: *“Because they don’t cover the whole story, everything is so fake, same for the western media. It’s just like completely false. They don’t show the other side, they only show their side, their violence, they show the police are violent, but they don’t show their violence you know what I mean, it’s just so unfair”.*

Resident Two: *“Like they always show the clip that shows that the police or whoever is bad. But when you look at the real long video, you can see the truth. The same has been happening all around the world”.*

Reporter Two: *“In the past three months most of the media in Hong Kong have focused their reports on violence used by Hong Kong police against protestors”.*

Resident Three: [dubbed English voiceover] *“It’s a pity that no media in Hong Kong are presenting and covering our voice. We support the Hong Kong police. We want peace instead of violence. I hope Hong Kong’s young people can calm down and think carefully. Young people wake up!”*

Reporter Two: *“Police say around 1,200 people participated in this rally. Most of the protestors here are in their 40s or 50s. While the young anti-government protestors are good at making viral pictures, videos and posters – these people don’t have these skills”.*

Mr Tak-Shing: *“We can only rely on the word of mouth and people’s spontaneous actions to spread our information on social media and instant messaging groups. The only money we spent this time was on making dozens of banners which cost around 1000 Hong Kong dollars”.*

Reporter Two: *“The lack of funding has always been a problem. They borrowed this small and messy office from a friend for free, but they have to move out before September. It will be their fourth time to look for a new work space this year”.*

This was followed by further interviews from a member of the group:

Social Activist: [dubbed English voiceover] *“Some people say we get paid for doing this, but if that were true, we wouldn’t be having problems like finding an office. We wouldn’t be eating at a restaurant like this. We really don’t have much money, but the most important thing is we speak out for truth and justice”.*

Reporter Two: *“On the second day after the demonstration Apple Daily, a popular newspaper and news website in Hong Kong, made a video mocking this pro-government gathering. Tang says the media and the people should show respect for each other. He knows he is facing an uphill battle, but he and his colleagues won’t give up”.*

Section Three

The final section included an interview with Member of the Legislative Council of Hong Kong, Regina Ip Lau Suk-Yee, and clips from an interview with the Chinese Embassy’s Minister to the United Kingdom, Minister Ma Hui, carried out by Sky News. During this report, footage was shown of clashes between protestors and the police, including images of protestors appearing to vandalise buildings. There was also footage shown of scenes in and around Hong Kong during the day and some aerial footage of the city.

Caption: *“HK LegCo member: US Congressmen admit to not ‘understanding’ situation”*

Studio Presenter: *“Four US congressman have admitted to not properly understanding what is happening in Hong Kong. Now, those are the exact words of a member of Hong Kong’s legislative council who attended a meeting with the American politicians in the US state of Montana. In an exclusive interview with CGTN’s parent company, China Media Group, Regina Ip Lau Suk-Yee said the two sides held deep discussions on the unrest in the Chinese city, and she reminded them that Hong Kong police have acted with restraint”.*

Caption: *“HK LegCo member: Police have behaved in a rational way”*

Ms Suk-Yee: *“Facing reports on the Hong Kong police in the US media, I’ve told four congressmen that the rioters have taken part in very violent acts. I reminded them that not a single person has been*

killed during the over two months of unrest. The congressmen understand and say they respect the police. There have been many cases in the US where the police have shot people dead and been found as not guilty. US politicians totally understand the restraint of Hong Kong police. And they know how US officials and the Government protect police officers”.

Caption: *“HK LegCo member: Demands need to be expressed lawfully”*

Studio Presenter: *“She acknowledged that there are social problems in Hong Kong including high rent and housing prices, but she says that demands need to be expressed in a lawful and rational way. She added the violence had undermined the rule of law and the majority of Hong Kong residents can’t tolerate this. She also said that not many people are familiar with China’s “one country, two systems¹⁴” principle and that it needs to be better explained in the future”.*

Caption: *“HK LegCo member: “One country, two systems” needs to be better explained”.*

Ms Suk-Yee: *“We need to explain to people in Hong Kong the “one country, two systems” principle in a more detailed way. Maybe in the past 22 years we talked too much about the “two systems” but didn’t elaborate enough on the “one country” which is fundamentally important. We need to emphasise the “one country” and it explain it in a way that is more understandable to the young people”.*

Studio Presenter: *“During an interview hosted by UK media Sky News, the Chinese Embassy’s Minister to Britain defended China’s “one country, two systems” model saying it must be properly understood and respected. He added that under this legal and political framework, amending the extradition law suspended by Chief Executive Carrie Lamb would have been fair and just”.*

Caption: *“One country” is equally important to “two systems”.*

Minister Ma: *“We practice this “one country, two systems”. So, Hong Kong people exercise a high degree of autonomy, Hong Kong people governing themselves but under the framework of “one China”. The whole thing we have to regard, we have to remember that it is “one country, two systems”, not “two countries, two*

¹⁴ “One country, two systems” is a Chinese constitutional principle whereby certain regions, such as Hong Kong, have their own political systems which are distinct from those of mainland China.

systems". "One country" is equally important, like also the "two systems". You cannot, or we cannot emphasise one selected over the other side. Actually, the amendment of the Ordinance does not violate the "One country, two systems", or does not encroach on their rights. To amend the Ordinance is to plug the loophole of the Hong Kong legal system. Actually, it contributes to justice rather than the otherwise".

Caption: *"Ma: Amendment of extradition law does not violate "One country, two systems"*

Studio Presenter: *"Minister Ma also urged the Sky News anchor and his colleagues to stop glorifying the violent behaviour of radical protestors in Hong Kong. He said the unrest is bound to damage the interest of Hong Kong and that illegal actions can never be the correct way to solve a problem".*

Caption: *"Ma calls on western media to stop glorifying radical protestors".*

Caption: *"Ma: Some use pro-democracy as a cover for violence"*

Minister Ma: *"They are using the pro-democracy, using the cover of pro-democracy, to engage in violent, illegal activities. We could see this, they ransacked the LegCo, they attacked the central government's liaison office, Yin Hong Kong, they defaced the national ambulance, including the national... and also the national flag. So, they engaged in violence, in illegal activities. What is happening in Hong Kong now it is very obvious that apart from some peaceful protests, some people have degenerated into violent, criminal activities. If the violence, if the disorder continues it will harm the interests of Hong Kong, harm the livelihoods of the Hong Kong people, and also harm the interests of each individual business actually. So, the position of the central government is very clear that if the situation continues to degenerate, and becomes uncontrollable for the Hong Kong SAR¹⁵ Government, the central government will not sit on its hands".*

Caption: *"Ma: Central government won't sit on its hands if situation deteriorates".*

The news item then ended.

¹⁵ Hong Kong Special Administrative Region of the People's Republic of China.

It was Ofcom's view that the programme was dealing with a matter of major political or industrial controversy and major matter relating to current public policy, namely, the ongoing protests in Hong Kong which began in June 2019 against proposals to allow extradition to mainland China.

We therefore considered that this programme raised potential issues warranting investigation under the following rules of the Code:

- Rule 5.1: "News, in whatever form, must be reported with due accuracy and presented with due impartiality".
- Rule 5.11: "Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes".
- Rule 5.12: "In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented".

Ofcom requested comments from the Licensee on how this content complied with these rules.

Response

The Licensee made several general points about the nature of the CGTN service and the expectations of its audience as summarised earlier on pages four to six.

In terms of the specific content in this programme, SCML agreed with Ofcom's assessment that the programme was dealing with a "matter of major political or industrial controversy and major matters relating to current public policy". Referring to the news item on the political group Politihk Social Strategic, the Licensee drew Ofcom's attention to the voiceover included in the report ("*In the past three months, most of the media in Hong Kong have focused their reports on violence used by the Hong Kong police against protestors*"). The Licensee said the inclusion of this voiceover "acknowledged that there has been violence used by the Hong Kong police against protestors and it was against this background and context that we illustrated the challenges of a small NGO seeking to operate in Hong Kong and represent the minority voice in Hong Kong in support of the government and the police".

The Licensee said the purpose of the final part of the news report – which for the purposes of this investigation Ofcom has referred to as Section Three – "was to focus on the meaning of 'one country, two systems' and the lack of understanding about what it means both locally and internationally". It added that the contribution from Regina Ip Lau Suk-Yee "acknowledged that there are social problems in Hong Kong, including high rent and housing prices..." as highlighted in the voiceover. The Licensee said that this "clearly indicated that the protestors have legitimate concerns". It also added that the "discussion around what 'one country, two systems' means was not critical of any individual or group, but rather focused on the fact that it needed to be better explained in the future and in a way that is more understandable to young people".

Finally, SCML said that the inclusion of statements from the Minister of the Chinese Embassy in the UK “explicitly acknowledged that there have been ‘peaceful protests’ in Hong Kong to reflect the wider picture of what was occurring in Hong Kong at the time”.

In conclusion SCML said that “in light of the editorial challenges that reporting on the Hong Kong protests presents for a Chinese public broadcaster, we are acutely aware of our impartiality and other obligations under the Code and are genuinely concerned” to have been notified of Ofcom’s investigation. It said that “we have added to our team covering the Hong Kong protests, a very experienced Supervising Producer with several years of news journalism and production experience working for Western media outlets, to oversee such coverage”.

SCML did not provide further representations on the specific content in this programme in its response to Ofcom’s Preliminary View.

Decision

Reflecting our duties under the Act, Section Five of the Code requires that the impartiality requirements of sections 319 and 320 are met.

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

The obligation to preserve due impartiality in news (Rule 5.1) applies to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy.

SCML submitted that it was a relevant consideration that this case had arisen through Ofcom’s monitoring rather than an audience complaint. However, this had no bearing on the Licensee’s obligation to comply with the due impartiality rules or on our assessment of its compliance.

Application of Section Five of the Code

For the reasons set out above at page seven, Ofcom considered *The World Today* was a news programme which dealt with a matter of major political or industrial controversy and major matter of current public policy, namely the ongoing protests in Hong Kong. Therefore Rules 5.1, 5.11 and 5.12 applied in this case.

The preservation of due impartiality

Ofcom went on to assess whether this news programme preserved due impartiality on these matters. The Code and Guidance make clear that “due” is an important qualifier to the concept of impartiality. “Due impartiality” does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in several ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom’s [Guidance](#) to Section Five of the Code makes clear that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of each case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality. Context includes factors such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

Ofcom considered the news item reported on the ongoing protests in Hong Kong in a way which largely reflected the viewpoint of the Hong Kong authorities. For example, the news item included statements from a police spokesperson, Member of the Legislative Council of Hong Kong, Regina Ip Lau Suk-Yee (“Ms Suk-Yee”) and the Chinese Embassy’s Minister to Britain, Minister Ma Hui (“Minister Ma”):

Police Spokesperson: *“The lives of our colleagues were threatened. After repeated but futile warnings, six police officers had no other choices but to pull out their guns to protect themselves, other colleagues and the safety of the people at the scene...”*

Ms Suk-Yee: *“Facing reports on the Hong Kong police in the US media, I’ve told four Congressmen that the rioters have taken part in very violent acts... US politicians totally understand the restraint of Hong Kong police. And they know how US officials and the Government protect police officers...”*

Minister Ma: *“...So, Hong Kong people exercise a high degree of autonomy, Hong Kong people governing themselves but under the*

framework of “one China”... Actually, the amendment of the Ordinance does not violate the “One country, two systems”, or does not encroach on their rights. To amend the Ordinance is to plug the loop hole of the Hong Kong legal system. Actually, it contributes to justice rather than the otherwise... So, the position of the central government is very clear that if the situation continues, to degenerate, and becomes uncontrollable for the Hong Kong SAR [Special Administrative Region] Government, the central government will not sit on its hands”.

We also considered that Section Two of the item, which reported on the activities of a small political group described as “*pro-police*” and “*pro-government*”, presented a perspective on the Hong Kong protests which was aligned with that of the Hong Kong authorities. For example, this item was introduced by the studio presenter as follows:

Caption: *“Pro-police voices struggling to be heard”*

Studio Presenter: *“China says much of the foreign media coverage of the Hong Kong protests has focused on accusing the police of violence. People who support the police say they have found it increasingly difficult for their opinions to be heard”.*

The item then went on to include various statements which, in Ofcom’s view, strongly suggested that the media’s press and broadcast coverage of the events in Hong Kong had been inaccurate and/or biased against the Hong Kong authorities. For example:

Resident One: *“Because they don’t cover the whole story, everything is so fake, same for the western media. It’s just like completely false. They don’t show the other side, they only show their side, their violence, they show the police are violent, but they don’t show their violence you know what I mean, it’s just so unfair”.*

Resident Two: *“Like they always show the clip that shows that the police or whoever is bad. But when you look at the real long video, you can see the truth. The same has been happening all around the world”.*

Resident Three: [Dubbed English voiceover] *“It’s a pity that no media in Hong Kong are presenting and covering our voice. We support the Hong Kong police. We want peace instead of violence. I hope Hong Kong’s young people can calm down and think carefully. Young people wake up!”*

Reporter Two: *“On the second day after the demonstration Apple Daily a popular newspaper and news website in Hong Kong made a video mocking this pro-government gathering...”*

Alongside these viewpoints, Ofcom considered that throughout the programme there were several statements which implied the protestors were solely responsible for violence associated with the protests:

Reporter: *“Well yesterday at 2.30pm a rally started but then one hour after that turned violent. A number of protestors deviated from authorised routes, and then they removed roadside fences, they smashed road blocks and obstructed traffic, they smashed traffic lights. And they even destroyed a toll gate of a cross harbour tunnel, and they also smashed street vendors and stalls and caused chaos in multiple locations in Hong Kong. And eventually clashes broke out between the radical protestors and the policemen. The protestors attacked the policemen by throwing bricks and petrol bombs at the policemen, pointing laser beams at them, they even smashed police cars. So, the police after warning them repeatedly but in vain, the policemen had to use tear gas and used water cannon trucks for the very first time to disperse people. And last night at midnight the police held a press conference, the spokesperson said six policemen at a site drew their weapons and one of them opened one shot in the air”.*

Ms Suk-Yee: *“Facing reports on the Hong Kong police in the US media, I’ve told four Congressmen that the rioters have taken part in very violent acts”.*

Studio Presenter: *“Minister Ma also urged the Sky News anchor and his colleagues to stop glorifying the violent behaviour of radical protestors in Hong Kong. He said the unrest is bound to damage the interest of Hong Kong and that illegal actions can never be the correct way to solve a problem”.*

Minister Ma: *“They are using the pro-democracy, using the cover of pro-democracy, to engage in violent, illegal activities. We could see this, they ransacked the LegCo, they attacked the central government’s liaison office, Yin Hong Kong, they defaced the national ambulance, including the national... and also the national flag. So, they engaged in violence, in illegal activities. What is happening in Hong Kong now it is very obvious that apart from some peaceful protests, some people have degenerated into violent, criminal activities. If the violence, if the disorder continues it will harm the interests of Hong Kong, harm the livelihoods of the Hong Kong people, and also harm the interests of each individual business actually. So, the position of the central government is very clear that if the situation*

continues, to degenerate, and becomes uncontrollable for the Hong Kong SAR Government, the central government will not sit on its hands”.

Ofcom’s Guidance¹⁶ to Section Five states that if a news item includes criticism of individuals or organisations then broadcasters should consider whether they need to reflect the viewpoints of the individuals or organisations being criticised within their news output in an appropriate and proportionate way and/or reflect any refusal to comment of that individual or organisation. This edition of *The World Today* did not include any explanation of the protestors’ perspective on recent events, in contrast to the views expressed by the presenter, reporter and interviewees throughout the item.

In light of these various statements, which could be characterised as being largely supportive of the viewpoint of the Hong Kong Government and critical of the protestors, we considered whether as required by Rules 5.11 and 5.12 an appropriately wide range of significant views on the ongoing Hong Kong protests were included and given due weight in this programme.

We acknowledged that the Member of the Legislative Council said in her interview: *“that there are social problems in Hong Kong including high rent and housing prices...”*. The Licensee explained that the inclusion of this statement “clearly indicated that the protestors have legitimate concerns”. However, at no point in the item were the social problems in Hong Kong described as being a potential motivation for – or otherwise linked to – the actions of the protestors. Therefore, without accompanying context or further explanation, we do not consider it could be said that this brief statement sufficiently represented the views of the protestors or provided an alternative viewpoint to that of the Chinese and Hong Kong authorities, with due weight.

Ofcom also acknowledged that during Minister Ma’s interview with Sky News, he said:

“What is happening in Hong Kong now it is very obvious that apart from some peaceful protests, some people have degenerated into violent, criminal activities”.

We consider that this statement indicated, to a limited extent, an alternative view on the Hong Kong protests, namely that some of the protests were peaceful and that not all the protestors had resorted to violence. However, in Ofcom’s view, given the brevity of the comment and the various statements made throughout the programme as a whole – which were largely critical of the protestors and implied they were solely responsible for the violence associated with the protests – this was also not sufficient to meet the due impartiality requirements of Rules 5.11 and 5.12.

We further took into account that during Section Two of the news item, the Studio Presenter said:

“China says much of the foreign media coverage of the Hong Kong protests has focused on accusing the police of violence”.

¹⁶ Paragraph 1.12.

We did not accept the Licensee’s submission that this comment “acknowledged that there has been violence used by the Hong Kong police against protestors”. The statement did not indicate an acceptance of the position that the Hong Kong police may have engaged in violent action; rather, the comment served to reflect the view expressed by the Chinese authorities of the way in which foreign media had reported the violence. Furthermore, the Studio Presenter went on immediately to say that “People who support the police say they have found it increasingly difficult for their opinions to be heard”, and Section Two included several statements which were highly critical of the foreign media coverage, including that it was inaccurate and biased against the Hong Kong authorities. This had the effect of undermining any view which could be said to challenge that of the Hong Kong authorities – for example that the Hong Kong police had also been responsible for some of the violence associated with the protests – and therefore we similarly did not consider that this brief statement gave due weight to an alternative viewpoint.

We also took into account the Licensee’s submission that the purpose of Section Three of the item was to focus on the meaning of the “one country, two systems” principle and highlight the “lack of understanding about what it means locally and internationally”. While we consider that this section of the item went some way to providing relevant context, in Ofcom’s view it also served to emphasise the position of the Hong Kong and Chinese authorities. In particular, Minister Ma’s statement about “one country, two systems” began with an explanation of this principle, but then went on to express support for the controversial proposal to amend Hong Kong’s extradition laws which was the initial cause of the protests:

Minister Ma: *“We practice this ‘one country, two systems’. So, Hong Kong people exercise a high degree of autonomy, Hong Kong people governing themselves but under the framework of ‘one China’. The whole thing we have to regard, we have to remember that it is ‘one country, two systems’, not ‘two countries, two systems’. ‘One country’ is equally important, like also the ‘two systems’. You cannot, or we cannot emphasise one selected over the other side. Actually, the amendment of the Ordinance does not violate the ‘One country, two systems’, or does not encroach on their rights. To amend the Ordinance is to plug the loop hole of the Hong Kong legal system. Actually, it contributes to justice rather than the otherwise”.*

We did not therefore consider this section of the report expressed a range of views on the background to the Hong Kong protests.

The Licensee cited three examples of when it had featured the viewpoint of protestors in news programmes broadcast on 25 August 2019, 6 September 2019 and 18 September 2019. In this context, paragraph 1.11 of Ofcom’s Guidance to Section Five states:

“Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked ‘special’ news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure

compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6¹⁷ of the Code”.

However, we did not consider that the three programmes cited by the Licensee could be considered as editorially linked within the meaning of the Code to the programme in the present case. This was because there was no material at all within this edition of *The World Today* which referred explicitly to, and so potentially linked the programme to the other three programmes cited by the Licensee (such as announcements or other content signalling the existence of an editorial link, for example that the other programmes would also discuss the issue of the Hong Kong protests). In summary, we did not consider that the programme gave due weight to an appropriately wide range of significant viewpoints on the issue of the Hong Kong protests.

Ofcom also considered general contextual factors that were relevant to this programme, such as the nature of the CGTN service and the expectations of CGTN’s audience. To avoid repetition, we have summarised the Licensee’s representations and our decision in respect of these matters above at pages four to nine.

For all the reasons set out above, Ofcom’s Decision is that the Licensee failed to include and give due weight to an appropriately wide range of significant viewpoints in relation to the relevant matter of major political controversy and major matter relating to current public policy dealt with in the news item as required under Rules 5.11 and 5.12 and, taken overall, due impartiality was not preserved during the news item as required under Rule 5.1.

Breaches of Rules 5.1, 5.11 and 5.12

¹⁷ Rule 5.6 states: “the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

In Breach

The World Today, 31 August 2019, 07:00

Introduction

The World Today is a 30-minute news programme on CGTN and is aimed at a global audience. During routine monitoring, Ofcom identified an item in this programme that reported on protests taking place in Hong Kong.

The news item

The programme opened with the following statement:

Studio Presenter: *“An off-duty police officer in Hong Kong is attacked and the assailants are still at large”.*

Caption: *“HONG KONG UNREST
Off-duty police officer stabbed by 3 assailants Saturday night”.*

Studio Presenter: *“Millions could be left stateless in India. Find out why. Welcome to The World Today live from Beijing, I’m Erica Pitzi. Hong Kong police are still looking for the suspects who attacked an off-duty police officer who was walking to a metro station on Saturday night. Three masked assailants stabbed him on the hand, back and shoulder. The suspects then ran away and the 45-year-old officer was rushed to a nearby hospital where he had surgery. Hong Kong’s Commissioner of Police, Lo Wai-Chung, visited the officer in the hospital and condemned the assault”.*

A clip was played of Lo Wai-Chung, the Hong Kong Police Commissioner, speaking at a press conference, who said the following:

Lo Wai-Chung: *“After an initial investigation we’ve learned that he [the injured police officer] has no personal grudges with anyone. To continue our investigation, we do not rule out any possibilities at this stage. This attack has deeply saddened and angered me. It is despicable behaviour, ambushing off-duty officers. We will try our best to bring those responsible to justice”.*

The news item then returned to the studio:

Caption: *“HONG KONG UNREST
Chief Executive not ruling out invoking emergency law”*

Studio Presenter: *“The ongoing violence in Hong Kong has left some to express their support for the Emergency Regulations Ordinance¹⁸: a legal code which would allow government to take tougher measures to restore social order. At a recent press conference, Chief Executive Carrie Lam did not deny that this is a possibility”.*

A clip was played of Carrie Lam, the Chief Executive of Hong Kong, speaking at a press conference.

Reporter 1: *“It would be considered a nuclear option once invoked and when Mrs Lam was asked whether the government would consider invoking it, she did not dismiss it”.*

Carrie Lam: *“All laws in Hong Kong, if they can provide legal means to stop violence and chaos, the [Hong Kong] SAR [Special Administrative Region] Government is responsible for looking in to them”.*

Reporter 1: *“The Emergency Regulations Ordinance would give the Chief Executive the authority to ban ill-disposed media, impose curfews and roll out anti-mask laws without the approval of the Legislative Council. The last time it was used was back in the 1960s by the British Colonial government to quell riots. But many feel that given the chaos of the current situation, now is the time”.*

Clips were played of various individuals reacting to the developments:

Solicitor: *“We hope the government can stop the violence as soon as possible to bring peace to Hong Kong. All laws, if invoked, should be considered. If appropriate, they should be used”.*

Hong Kong Legislative

Council member: *“Residents hope the central government, or the government of Hong Kong, can take a tougher stance to stop those who want to destroy society as soon as possible. Residents want to invoke the Emergency Regulations Ordinance as soon as possible so that our society can return to peace”.*

Reporter 1: *“The protests began in June and have spiralled into the worst violence the city has seen in decades. Clashes between protestors and police have spread throughout the city, with many injured as the violence has escalated. It's also dragged down the economy, the government says Hong Kong's gross domestic product contracted by 0.4% in second quarter. Since*

¹⁸ The *Emergency Regulations Ordinance* was introduced in 1922 and confers on the Hong Kong Chief Executive the power to make regulations on occasions that the Chief Executive believes to be an emergency or causing public danger.

then, businesses across the city have been severely affected amid the chaos. And multiple countries have issued travel alerts to Hong Kong”.

Solicitor: *“The Emergency Regulations Ordinance doesn’t impose restrictions on any freedoms. Instead, it aims to deal with persistent violence in order to stop it and end the chaos”.*

The news item then returned to the studio:

Caption: *“HONG KONG UNREST
Outspoken lawmakers suffer threats and hate mail”*

Studio Presenter: *“Law makers in Hong Kong who have spoken out against the protests are becoming targets for hate mail, threats and vandalism. Our reporter Gu Yung Fey sat down with one Legislative Council member about his views on the unrest and about the abuse he has endured”.*

A clip was played of Legislative Council member Junius Ho walking into his office.

Reporter 2: *“Hong Kong legislator Junius Ho is famous for his outspoken, fiery attitude and his solid pro-government stance. The 57-year-old lawmaker staunchly supports the decision by Hong Kong police to buy three water-canon trucks in the legislative council”.*

A clip of Junius Ho speaking in the Legislative Council was shown saying the following:

Junius Ho: *“If we do buy water cannon trucks, we're going to buy the best water cannon trucks. We're not buying some toy water guns to play”.*

Reporter 2: *“On the night of August 25th, for the first time, police used the trucks to deter riots”.*

Junius Ho was shown speaking in an office (with Reporter 2 speaking in voice-over):

Junius Ho: *“Well, it was a good start, although the effect itself was not too pleasing. I guess it will take some more time for the operation. But nobody wants to see all this sort of heavy weaponry vehicle to be brought into use unless otherwise the situation warrants it to be used”.*

Reporter 2: *“Protestors accused Ho of involvement in the white-clad-mob attack¹⁹ on July 21st, which he adamantly denies”.*

Junius Ho: *“Since then, my family and I have received threatening phone calls and mails. Some people came to my office in Yuan Long to harass me”.*

Reporter 2: *“On July 23rd the graves of Ho's parents were vandalised and desecrated”.*

Junius Ho: *“How can it be right for people like me to be outspoken to face this sort of thing? Revenge, so to speak, by people who thought that I had a different view or different standpoint than them”.*

Junius Ho was then shown preparing for a live video on his smartphone. Images of people engaging with his video stream through written messages were then shown, all of which appeared to be supportive of Mr Ho, many of which were in Mandarin but one of which said in English *“support”* with a ‘thumbs up’ emoji.

Reporter 2: *“Every week, Ho conducts three live streams talking to his supporters about his political views. He admits that the ongoing protests will have an impact on the [Hong Kong] District Council elections in November”.*

Junius Ho: *“From the recent result from the registration of the voters, a majority of them are the young voters and the percentage is particularly high. So therefore, there may be a suggestion, or a hint, that the forthcoming District Council election the young people may come out to vote on their candidates”.*

Reporter 2: *“He has kept a long record of every anti-fugitive offenders protest since June, including the number of participants, location, amount and use of violence”.*

Junius Ho: *“I come to the conclusion that nobody could just do it if not otherwise with a very big mastermind behind over what they describe as millions of people to join the march, not only at the streets, but at different locations at the same time. Whatsoever – if you break the law, you break the law. There is no marginal. I would say that all of the talks are nothing except for trying to justify their own position in breaking the law, in advancing their*

¹⁹ It was reported that on 21 July 2019, an armed mob of over 100 men dressed in white indiscriminately attacked civilians on streets in Hong Kong and attacked passengers in the Yuen Long Metro station.

ulterior purpose. They're actually trying to seek for Hong Kong independence”.

Reporter 2: *“Ho says he doesn't know when the crisis in Hong Kong will end, but he is calling for the government to launch the anti-mask law²⁰ to mitigate the intensifying violence in the city”.*

During the bulletin, rolling news captions were scrolling across the bottom of the screen. These included: *“Global Times: Off-duty police officer in Hong Kong stabbed by 3 men with masks; Hong Kong police condemn knife attack on off-duty officer; PMI for China’s manufacturing sector dips to 49.5 in August from 49.7 in July, indicating contraction”.*

The news item then ended.

It was Ofcom’s view that the programme was dealing with a matter of major political or industrial controversy and major matter relating to current public policy, namely, the ongoing protests in Hong Kong which began in June 2019 against proposals to allow extradition to mainland China.

We therefore considered that this programme raised issues warranting investigation under the following rules:

- Rule 5.1: “News, in whatever form, must be reported with due accuracy and presented with due impartiality”.
- Rule 5.11: “Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service in each programme or in clearly linked and timely programmes”.
- Rule 5.12: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

Ofcom requested comments from the Licensee about how the content complied with these rules.

Response

The Licensee made several general points about the nature of the CGTN service and the expectations of its audience as summarised earlier on pages four to six.

In terms of the specific content in this programme, SCML agreed with Ofcom’s assessment that the programme covered matters of major political or industrial controversy and major matters relating to current public policy. The Licensee said that the first part of the news item reflected “that some have expressed their support” for the Emergency Regulations Ordinance. It went on to say that the news

²⁰ i.e. the Emergency Regulations Ordinance.

item did not “apportion blame for the violence to one side or the other” but stated that “there have been clashes between both sides and that many have been injured”. According to SCML, this “demonstrates an understanding that the violence and injuries have been on both sides”. The Licensee said that the news item “goes on to say how the economy and travel to Hong Kong had been affected [by the protests], a factual situation that speaks for itself and allows viewers to come to their own conclusions”.

SCML also said that the second part of the news item “profiles a Legislative Council member [Junius Ho] and his personal account of the abuse he has endured as a result of speaking out against the protests”. The Licensee said that this part of the news item included a description of Junius Ho (describing him as being “*famous for his outspoken, fiery attitude and solid pro-government stance*” as well as the protesters’ view of Mr Ho (“*protestors accused Ho of involvement in the white-clad mob attack on July 21st, which he adamantly denies*”).

In conclusion, SCML said that “in light of the editorial challenges that reporting on the Hong Kong protests presents for a Chinese public broadcaster, we are acutely aware of our impartiality and other obligations under the Code and are genuinely concerned” to have been notified of Ofcom’s investigation. It said that “we have added to our team covering the Hong Kong protests, a very experienced Supervising Producer with several years of news journalism and production experience working for Western media outlets, to oversee such coverage”.

SCML did not provide further representations on the specific content in this programme in its response to Ofcom’s Preliminary View.

Decision

Reflecting our duties under the Act, Section Five of the Code requires that the impartiality requirements of sections 319 and 320 are met.

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

The obligation to preserve due impartiality in news (Rule 5.1) applies to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy.

SCML submitted that it was a relevant consideration that this case had arisen through Ofcom's monitoring rather than an audience complaint. However, this had no bearing on the Licensee's obligation to comply with the due impartiality rules or on our assessment of its compliance.

Application of Section Five of the Code

For the reasons set out above at page seven, Ofcom considered *The World Today* was a news programme which dealt with a matter of major political or industrial controversy and major matter of current public policy, the ongoing protests in Hong Kong. Therefore Rules 5.1, 5.11 and 5.12 applied in this case.

The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in the programme. The Code and Guidance make clear that "due" is an important qualifier to the concept of impartiality. "Due impartiality" does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom's [Guidance](#) to Section Five of the Code makes clear that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality. Context includes a number of factors such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

The news item in this programme reported on the ongoing protests in Hong Kong in a way which overwhelmingly reflected the viewpoint of the Hong Kong Government and police in relation to those protests. In particular, we considered the news item featured statements which supported the potential implementation of the Emergency Regulations Ordinance²¹ by the Hong Kong Government as a response to the violence associated with the protests, and which implied the protestors were solely responsible for this violence. For example, the news item included the following statements:

²¹ See footnote 18. The introduction of Emergency Regulations Ordinance as a response to the 2019 Hong Kong protests has attracted widespread criticism, including a provision to ban the use of face-masks during the protests.

- Reporter 1: “[t]he Emergency Regulations Ordinance would give the Chief Executive the authority to ban ill-disposed media, impose curfews and rollout anti-mask laws without the approval of the Legislative Council... But many feel that given the chaos of the current situation, now is the time”;
- Hong Kong Legislative Council member: “[r]esidents hope the central government, or the government of Hong Kong, can take a tougher stance to stop those who want to destroy society as soon as possible. Residents want to invoke the Emergency Regulations Ordinance as soon as possible so that our society can return to peace”;
- Solicitor: “[t]he Emergency Regulations Ordinance doesn’t impose restrictions on any freedoms. Instead, it aims to deal with persistent violence in order to stop it and end the chaos”; and,
- the final segment of the item about Junius Ho returned to this topic and included the following statement from Reporter 2: “Ho says he doesn’t know when the crisis in Hong Kong will end, but he is calling for the government to launch the anti-mask law to mitigate the intensifying violence in the city”.

The Licensee said that the part of this news item, which included the statement below, was describing “how the economy and travel to Hong Kong had been affected [by the protests], a factual situation that speaks for itself and allows viewers to come to their own conclusions”:

“The protests began in June and have spiralled into the worst violence the city has seen in decades. Clashes between protestors and police have spread throughout the city, with many injured as the violence has escalated. It’s also dragged down the economy, the government says Hong Kong’s gross domestic product contracted by 0.4% in second quarter. Since then, businesses across the city have been severely affected amid the chaos. And multiple countries have issued travel alerts to Hong Kong”.

SCML further argued that the news item did not “apportion blame for the violence to one side or the other”.

In our view, however, the above statements were closely aligned with the Hong Kong Government’s position. They discussed the merits of, and support for, implementation of the Emergency Regulations Ordinance to tackle violence arising from the protests. No alternative viewpoint was put forward at any point in the item, such as that opposing the implementation of the Emergency Regulations Ordinance or that the violence connected to the protests may not have been committed solely by the protestors. There was no discussion of the views or motivations of those taking part in the protests.

We accepted that the statement identified by the Licensee about the negative effects of the protests on Hong Kong’s economy and tourism industry provided some factual detail on the impact of the protests: However, in the absence of any further context, we considered this statement contributed to the one-sided nature of the item, and did not acknowledge or explore any view that was contrary to the position of the Hong Kong authorities on recent events.

In our view, further support for the viewpoint of the Hong Kong authorities was shown in the final section of the news item, which featured various statements by the Hong Kong Legislative Council member Junius Ho, as follows:

- Reporter 2 said: *“Hong Kong legislator Junius Ho is famous for his outspoken, fiery attitude and his solid pro-government stance. The 57-year-old lawmaker [i.e. Mr Ho] staunchly supports the decision by Hong Kong police to buy three water-canon trucks in the legislative council”*;
- Mr Ho said: *“Whatever – if you break the law, you break the law. There is no marginal. I would say that all of the talks are nothing except for trying to justify their own position in breaking the law, in advancing their ulterior purpose. They're actually trying to seek for Hong Kong independence”*; and,
- the news item showed the various ways that Mr Ho’s pro-Hong Kong authorities views have some support. For example, Reporter 2 said *“Every week, Ho conducts three live streams talking to his supporters about his political views”*. Images of people engaging with his video stream were shown, all of which appeared to be supportive of Mr Ho, many of which were in Mandarin but one of which said *“support”* with a ‘thumbs up’ emoji.

We acknowledged that, as argued by the Licensee, part of this segment involved Mr Ho providing “his personal account of the abuse he has endured as a result of speaking out against the protests”. However, regardless of the fact that Mr Ho was at some points speaking from personal experience, we considered that this segment overall was a further example of content in the news item which was clearly presenting one perspective on the protests which was aligned with the position of the Hong Kong authorities.

In light of these various statements which could be characterised as aligned with the viewpoint of the Hong Kong Government, we considered whether, as required by Rules 5.11 and 5.12, an appropriately wide range of significant views were included on the Hong Kong protests and related issues and given due weight in this programme.

We considered the Licensee’s representations that the use of the word *“some”* when the studio presenter discussed support for the implementation of the Emergency Regulations Ordinance (*“The ongoing violence in Hong Kong has left some to express their support for the Emergency Regulations Ordinance”*) provided an alternative viewpoint. Ofcom acknowledged that this provided an indication that while some did support the Hong Kong authorities introducing Emergency Regulations Ordinance, others did not. However, no detail was provided on what this alternative perspective was – for example, why some people did not support the implementation of this law – or how it related to the protests. In our view, in the context of the programme as a whole, this singular statement did not express an appropriately wide range of significant views with due weight in line with Rule 5.12.

We also considered SCML’s representation that a view opposing that of Junius Ho was reflected in the statements that: Mr Ho was *“famous for his outspoken, fiery attitude and solid pro-government stance”*; and that *“protestors accused Ho of involvement in the white-clad mob attack on July 21st, which he adamantly denies”*. Ofcom acknowledges that these statements implied that some people disagreed with Mr Ho and that the explicit introduction of him as having a *“solid pro-government stance”* meant that the audience would have been expecting views that were supportive of the Hong

Kong Government. However, in our view these statements had the effect of reinforcing Mr Ho's position and dismissing the view of the protestors. We therefore did not consider that they provided sufficient challenge to the various statements which were supportive of the Hong Kong authorities and implicitly critical of the protestors.

The Licensee cited three examples of when it had featured the viewpoint of the protestors in news programmes broadcast on 25 August 2019, 6 September 2019 and 18 September 2019. In this context, paragraph 1.11 of Ofcom's Guidance to Section Five states:

"Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked 'special' news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6²² of the Code".

However, we did not consider that the three programmes cited by the Licensee could be considered as editorially linked within the meaning of the Code to the programme in the present case. This was because there was no material at all within the edition of *The World Today* in this case which referred explicitly to, and so potentially linked the programme to, the other three programmes cited by the Licensee (such as announcements or other content signalling the existence of an editorial link, for example that the other programmes would also discuss the issue of the Hong Kong protests).

In summary, we did not consider that the news item included any content that could be characterised as reflecting the viewpoint of the protestors or otherwise challenging the viewpoint of the Hong Kong authorities, for example on the possible introduction of the Emergency Regulations Ordinance as a response to the protests.

Ofcom considered general contextual factors that were relevant to this programme, such as the nature of the CGTN service and the expectations of CGTN's audience. We have summarised the Licensee's representations and our Decision in respect of these matters above at pages four to nine.

For all the reasons set out above, Ofcom's Decision is that the Licensee failed to include and give due weight to an appropriately wide range of significant viewpoints in relation to the relevant matter of major political controversy and major matter relating to current public policy dealt with in the news item as required under Rules 5.11 and 5.12 and, taken overall, due impartiality was not preserved during the news item as required under Rule 5.1.

Breaches of Rules 5.1, 5.11 and 5.12

²² Rule 5.6 states: "the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air".

In Breach

The World Today, 2 September 2019, 16:00

Introduction

The World Today is a 30-minute news programme on CGTN and is aimed at a global audience. During routine monitoring, Ofcom identified an item in this programme that reported on protests taking place in Hong Kong.

The news item

The programme opened with the following statement:

Studio Presenter: *“Now to Hong Kong, where city officials have condemned the weekends violent acts, comparing some of them to terrorism”.*

Caption: *“HONG KONG UNREST
SAR government condemns illegal and violent acts”*

A clip was played of John K.C. Lee, Hong Kong Secretary for Security, speaking at a press conference, who said the following:

John K.C. Lee: *“Radical protestors turn a blind eye to the rules. Their law-breaking and violent deeds have increasingly escalated, showing signs of terrorism. They have comprehensively sabotaged the City's operation order and rule of law”.*

Caption: *“HONG KONG UNREST
Protests spark chaos at intl. airport, subway entrances”.*

Studio Presenter: *“The violence continued this morning as protestors once again blocked subway entrances and called for a two-day general strike. At a press briefing this morning, officials said that they were open to activating certain laws and regulations including the Emergency Regulations Ordinance,²³ which would allow the government to take tougher measures to restore social order”.*

Caption: *“HONG KONG UNREST
Schools resumed after weekend violence”*

Studio Presenter: *“Despite the weekend's unrest schools reopened after the summer recess today... there were many demonstrations in many universities as students skipped class to make their voices*

²³ The Emergency Regulations Ordinance was introduced in 1922 and confers on the Hong Kong Chief Executive the power to make regulations on occasions that the Chief Executive believes to be an emergency or causing public danger.

heard. One educational official criticised their actions though, saying schools are no place for protests”.

A clip was played of Kevin Yeung, the Hong Kong Secretary for Education saying the following:

Kevin Yeung: *“The schools should not be used as places for raising political demands or trying to exercise pressure on the government on political issues and we would like to keep schools as a calm, peaceful and orderly place for students to study”.*

The news item then returned to the studio:

Caption: *“HONG KONG UNREST
A close look at intl. media criticism of local police”*

Studio Presenter: *“Some international media outlets have been reporting that Hong Kong police had quote ‘chased protestors at a subway station and beat passengers on a train at Prince Edward station on Saturday night’. But just how accurate is their reporting? Take a look”.*

On-screen text: *“Facts tell: Did HK police chase protestors into MTR station and beat passengers on the train?

Some media outlets reported saying ‘Police chase protestors into MTR Station and beat people on a train’.

Hong Kong riot police have stormed a metro station, using batons to beat passengers as violent clashes deepened political unrest in the city for the 13th weekend in a row.

But is this the truth?

The fact is that a group of men dressed in black clashed with the passengers and then attacked them. A video online shows protestors attacking passengers indiscriminately inside the station first.

Protesters harassed passengers and sprayed them with fire extinguishers. The protestors assaulted a female commuter who is recording their behaviour.

Rioters paralyzed the subway services, disrupting order. Hong Kong police were called to the scene to stop the violence.

Some protestors even changed and disguised as normal residents. One of the ‘residents’ even pulled up his mask while being caught on camera. During the operation, police arrested*

63 violent demonstrators...for taking part in unauthorized assemblies, damaging public property and obstructing police.

On August 31, 32 MTR stations, accounting for over a third of total 91 MTR stations in Hong Kong, were vandalized, and trains on five railway lines were temporarily suspended”.

The programme then reported on Junius Ho, a member of the Hong Kong Legislative Council official introduced as a *“local lawyer and legislator who says he is being unfairly victimised”*.

Caption: *“HONG KONG UNREST
Officials fearing for their personal safety amid violence”.*

Studio Presenter: *“The protests in Hong Kong have been escalating over the past two months. They've got so out of hand that some officials say they are fearing for their own personal safety. CGTN spoke to one local lawyer and legislator who says he is being unfairly victimised”.*

Reporter: *“It all started in late July when footage of the lawyer, Ho Kwan-Yui [Junius Ho] was seen shaking hands with white-shirted men who later clashed with black-clad protestors”.*

Subtitles: *“Black clad protesters: go to hell, you hicks”*

Reporter: *“The video sparked outrage, but Ho [Junius Ho] said his actions were totally taken out of the context”.*

Subtitles: *“What happened back then?”*

Junius Ho: *“I have three reasons why I was there, first I live in Yuen Long; second, I was accompanying a friend back there; third, I initiated an event on July 17 saying anyone threatened by violence or protests could go to us public interest lawyers for legal consultation. So, I was meeting people for that reason. And I organised ‘Pro-police and protect Hong Kong’ rally on June 30 which was a success and seen by over 10,000 people. And on July 20, we had it for the second time, so many residents understood what I was doing. They came to shake my hand”.*

Videos were shown as the reporter spoke, showing footage of Junius Ho with people wearing white shirts, this was followed by footage of what appeared to be people vandalising his office and then images of vandalised graves.

Reporter: *“Ho tried to clarify everything on social media, but his efforts have been in vain. The video was seen as proof of his relationship with the white-shirted men, the so-called*

'gangsters'. Things soon spiralled out of control. On July 22nd, Ho's office in Sui Wan was damaged. The next day, the graves of his parents were desecrated. Flowers used for worship was burned".

Subtitles: *"How did you feel?"*

Junius Ho: *"I'm sorry to my parents. I never dreamed that such things could happen in Hong Kong. People differ in their opinions, but you can't vandalise people's ancestors' graves. Why is it so bad for me with these people? There's nothing. Politically I'm only voicing for Hong Kong and the Hong Kong people. I'm a member of the Legislative Assembly, so I speak for my voters. Why do these people do whatever it takes and even go against humanity? I'm disappointed for Hong Kong. Why are there such people with no moral standards? People with no conscience to do harm to others".*

Subtitles: *"How do you decide to face it?"*

Junius Ho: *"It has to do with faith. A spirit of law is very important. I still have strong faith in the spirit of law, even if some people don't do things in accordance with it. It doesn't mean I have a reason to fight back illegally".*

Reporter: *"It got worse. Ho received death threats in the days after the incident. He says he has risked his personal safety to make his voice heard because he hoped Hong Kong to get rid of the current unrest as soon as possible. He said he hoped the problems which are exposed by the riots will draw close attention from various circles".*

The news item ended.

During the report about Junius Ho, footage was shown intermittently as the reporter spoke of people fighting with the caption *"Black-clad men bully residents"*.

During the bulletin, rolling news captions were scrolling across the bottom of the screen. These included: *"Hong Kong government condemns weekend violence, says it's "bordering terrorism"; Hong Kong stocks open lower after more violent demonstrations"*.

It was Ofcom's view that the programme was dealing with a matter of major political or industrial controversy and major matter relating to current public policy, namely, the ongoing protests in Hong Kong which began in June 2019 against proposals to allow extradition to mainland China.

We therefore considered that this programme raised issues warranting investigation under the following rules:

- Rule 5.1: “News, in whatever form, must be reported with due accuracy and presented with due impartiality”.
- Rule 5.11: “Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service in each programme or in clearly linked and timely programmes”.
- Rule 5.12: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

Ofcom requested comments from the Licensee about how the content complied with these rules.

Response

The Licensee made several general points about the nature of the CGTN service and the expectations of its audience as summarised earlier on pages four to six.

In terms of the specific content in this programme, SCML agreed with Ofcom’s assessment that the programme was dealing with covered matters of major political or industrial controversy and major matters relating to current public policy.

The Licensee said that the first part of the news item had reported that schools in Hong Kong had resumed after a weekend’s violence. It said that both sides of the story had been shown: “on the one hand, shots of the school where students attended the flag-raising ceremony, and on the other hand, shots of the demonstrations in some universities as students made their voices heard”.

SCML said that the second part of the news item related to how international media outlets were reporting on the violence of the Hong Kong protests “i.e. that the police caused violence by chasing protestors and beating them on a train at Prince Edward station, by showing a number of news headlines criticising the police”. The Licensee added that “the report counter-balanced that perspective with the police and government perspective based on some video footage shown, i.e. that the protestors first attacked passengers and Hong Kong police were called to stop the violence.” SCML argued that viewers “were accordingly left to reach their own conclusion”.

The Licensee said that the third part of the news item featured Junius Ho, a lawyer and member of the Hong Kong Legislative Council, who “gave his personal account of fearing for his own safety as a result of the protests and how he has been affected”. It added that this part of the news item also “made the protestors' view clear” through the following statement:

“It all started in late July when footage of the lawyer, Ho Kwan-Yiu [Junius Ho], was seen shaking hands with white-shirted men who later clashed with black-clad protestors in the Hong Kong subway. The video sparked outrage but Ho said his actions were totally taken out of

context...Ho tried to clarify everything on social media, but his efforts have been in vain. The video was seen as proof of his relationship with the white shirted men, or so-called gangsters”.

In conclusion, SCML said that “in light of the editorial challenges that reporting on the Hong Kong protests presents for a Chinese public broadcaster, we are acutely aware of our impartiality and other obligations under the Code and are genuinely concerned” to have been notified of Ofcom’s investigation. It said that “we have added to our team covering the Hong Kong protests, a very experienced Supervising Producer with several years of news journalism and production experience working for Western media outlets, to oversee such coverage”.

SCML did not provide further representations on the specific content in this programme in its response to Ofcom’s Preliminary View.

Decision

Reflecting our duties under the Act, Section Five of the Code requires that the impartiality requirements of sections 319 and 320 are met.

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

The obligation to preserve due impartiality in news (Rule 5.1) applies to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy.

SCML submitted that it was a relevant consideration that this case had arisen through Ofcom’s monitoring rather than an audience complaint. However, this had no bearing on the Licensee’s obligation to comply with the due impartiality rules or on our assessment of its compliance.

Application of Section Five of the Code

For the reasons set out above at page seven, Ofcom considered *The World Today* was a news programme which dealt with a matter of major political or industrial controversy and major matter of current public policy, the ongoing protests in Hong Kong. Therefore Rules 5.1, 5.11 and 5.12 applied in this case.

The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in the programme. The Code and Guidance make clear that “due” is an important qualifier to the concept of impartiality. “Due impartiality” does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom’s [Guidance](#) to Section Five of the Code makes clear that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality. Context includes a number of factors such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

During the programme, we considered the perspective of the Hong Kong Government and police on the ongoing protests was consistently presented unchallenged. For example:

- Studio Presenter: *“officials said that they were open to activating certain laws and regulations including the emergency regulations ordinance, which would allow the government to take tougher measures to restore social order”*;
- Studio Presenter: *“there were many demonstrations in many universities as students skipped class to make their voices heard. One educational official criticised their actions though, saying schools are no place for protests”*;
- Kevin Yeung: *“the schools should not be used as places for raising political demands or trying to exercise pressure on the government on political issues and we would like to keep schools as a calm, peaceful and orderly place for students to study”*; and,
- On-screen text: *“[r]ioters paralyzed the subway services, disrupting order. Hong Kong police were called to the scene to stop the violence”*.

In addition, frequent statements were made that associated the protestors with the violence which had occurred as part of the Hong Kong protests. For example, the studio presenter said at the beginning of the programme: *“city officials have condemned the weekends violent acts, comparing*

some of them to terrorism". The clip that followed featured a Hong Kong city official, speaking at a press conference who called the protestors "*radical*" and said that their actions showed "*signs of terrorism*".

The programme went on to dispute how other international media outlets had reported on the ongoing protests in Hong Kong, during which the subtitles included the following statements:

- "*video online shows protestors attacking passengers indiscriminately*";
- "*[p]rotestors harassed passengers and sprayed them with fire extinguishers*";
- "*[t]he protestors assaulted a female commuter*"; and,
- "*[d]uring the operation, police arrested 63 violent demonstrators...for taking part in unauthorized assemblies, damaging public property and obstructing police*".

The news item also included a report about Hong Kong "*Officials fearing for their personal safety amid violence*" and focused on the experiences of Hong Kong Legislative Council member Junius Ho, during which he made clear his opposition to the protests:

"...I initiated an event on July 17 saying anyone threatened by violence or protests could go to us public interest lawyers for legal consultation...And I organised 'Pro-police and protect Hong Kong' rally on June 30 which was a success and seen by over 10,000 people".

Mr Ho further implicitly accused the protestors of desecrating his parents' graves:

"I never dreamed that such things could happen in Hong Kong. People differ in their opinions, but you can't vandalise people's ancestors' graves. Why is it so bad for me with these people [i.e. the protestors]? There's nothing. Politically I'm only voicing for Hong Kong and the Hong Kong people. I'm a member of the Legislative Assembly, so I speak for my voters. Why do these people do whatever it takes and even go against humanity?...Why are there such people with no moral standards? People with no conscience to do harm to others... I still have strong faith in the spirit of law, even if some people don't do things in accordance with it. It doesn't mean I have a reason to fight back illegally".

The reporter also reinforced Mr Ho's criticism of the protestors by saying:

"It got worse. Ho received death threats in the days after the incident. He says he has risked his personal safety to make his voice heard because he hoped Hong Kong to get rid of the current unrest as soon as possible. He said he hoped the problems which are exposed by the riots will draw close attention from various circles".

As highlighted in Ofcom's Guidance on Section Five of the Code, the broadcast of highly critical or supportive comments concerning the policies and actions of, for example, a political party or a group

of people, is not in itself a breach of due impartiality rules. It is essential that news programmes are able to explore and examine issues, even if it is about a highly controversial issue. However, as envisaged by section 320 of the Act – which is given effect by Rules 5.11 and 5.12 – a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of matters of major political controversy. How this is done is an editorial matter for the broadcaster.

Given the degree to which this programme was critical of the protestors in Hong Kong and the degree to which it reflected the viewpoint of the Hong Kong Government and police, and taking into account that it was dealing with a matter of major political controversy, alternative viewpoints on this matter – such as the views of those participating in the protests – should have been appropriately reflected.

In light of the various statements outlined above which could be characterised as being aligned with the viewpoint of the Hong Kong Government, we considered whether, as required by Rules 5.11 and 5.12, an appropriately wide range of significant views were included on this issue and given due weight in this programme.

SCML argued that the following content in the programme provided an alternative view:

- during the report on schools reopening, footage taken from above was shown of a demonstration which appeared to be at a university;
- during the report about international media reports on the Hong Kong protests, images of headlines that were critical of the Hong Kong police were shown; and,
- during the report about Mr Ho, the reporter represented the views of the protestors by saying that the video “*sparked outrage*” and “*was seen as proof of his relationship with...so-called gangsters*”.

We do not consider that the inclusion of footage of a demonstration at a university, without any accompanying explanation of the viewpoint of the university students who were demonstrating, could be said to represent an alternative view to that of the Hong Kong authorities.

In terms of the segment that focused on international media reporting on the protests, we acknowledged that this could be said to reflect an alternative view, namely that it was Hong Kong police who “chase[d] protestors into [a] MTR station and beat passengers on the train”. However, we did not consider that these extracts of international media headlines were sufficient to give due weight to an appropriately wide range of significant views, as required under Rules 5.11 and 5.12, within the context of the programme as a whole. This is because the item immediately went on to dispute the accuracy of the international media reports, which we considered had the effect of undermining the views presented in those reports and reinforcing the position of the Hong Kong authorities: that it was the protestors who were responsible for the violence and harassment carried out against civilians. The item did not include any response from the protestors to these allegations.

We similarly did not consider that two brief comments identified by the Licensee during the segment focusing on Mr Ho provided an alternative view on the Hong Kong protests. While these comments contained an allegation against Mr Ho (which he then refuted) and indicated that not everyone supported him (i.e. the video of him “*sparked outrage*”), they did not relate to the specific issue of the

Hong Kong protests or provide a differing perspective on this matter to that of the Hong Kong authorities, for example the views or motivations of those taking part in the protests.

While the above content may have indicated an alternative perspective existed, very limited detail was provided on what this was or how it related to the actions of the protestors. In our view, therefore, the programme did not appropriately reflect a range of significant viewpoints on the Hong Kong protests and related issues with due weight, as required by Section Five.

The Licensee cited three examples of when it had featured the viewpoint of the protestors in news programmes broadcast on 25 August 2019, 6 September 2019 and 18 September 2019. In this context, paragraph 1.11 of Ofcom's Guidance to Section Five states:

“Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked ‘special’ news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6²⁴ of the Code”.

However, we did not consider that the three programmes cited by the Licensee could be considered as editorially linked within the meaning of the Code to the programme in the present case. This was because there was no material at all within the edition of *The World Today* in this case which referred explicitly to, and so potentially linked the programme to the other three programmes cited by the Licensee (such as announcements or other content signalling the existence of an editorial link, for example that the other programmes would also discuss the issue of the Hong Kong protests).

Ofcom considered general contextual factors that were relevant to this programme, such as the nature of the CGTN service and the expectations of CGTN's audience. We have summarised the Licensee's representations and our Decision in respect of these matters above at pages four to nine.

For all the reasons set out above, Ofcom's Decision is that the Licensee failed to include and give due weight to an appropriately wide range of significant viewpoints in relation to the relevant matter of major political controversy and major matter relating to current public policy dealt with in the news item as required under Rules 5.11 and 5.12 and, taken overall, due impartiality was not preserved during the news item as required under Rule 5.1.

Breaches of Rules 5.1, 5.11 and 5.12

²⁴ Rule 5.6 states: “the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

In Breach

China 24, 21 November 2019, 12:15

Introduction

China 24 is a prime-time news programme which focuses on news stories related to China. In the course of considering a fairness and privacy complaint from a member of the public about a news item in this programme, we watched the whole 40-minute programme and assessed three other news items which related to recent protests in Hong Kong.

The news items

News item one

From the CGTN studio in Beijing, a studio presenter introduced the first news item, which lasted approximately three minutes. This focused on the protests at the Hong Kong Polytechnic University campus and the number of people prosecuted for involvement with the protests. It also reported on the passing of the Hong Kong Human Rights and Democracy Act 2019 (“the HKHRD Act”). The news presenter said:

“Chinese Foreign Minister Wang-Yi has condemned the US Senate Bill, saying it indulges violent criminals and aims to muddle or even destroy Hong Kong. The Hong Kong government has also expressed its strong opposition to the proposed US law. In a statement it said the US’ ‘Hong Kong Human Rights and Democracy Act’ would represent an interference in the city’s internal affairs. The Hong Kong regional government also said it sends the wrong signal to violent protesters and will not help authorities restore calm. China’s Foreign Ministry had similar remarks”.

There followed a clip of Mr Geng Shuang, Chinese Foreign Ministry Spokesperson, making a statement to the press. He spoke in Mandarin and the following English interpretation was provided:

“We strongly condemn and resolutely oppose the so called ‘Hong Kong Democracy and Human Rights Act’ passed by the US Senate. We ask the US side to face up to the situation and stop meddling in China’s internal affairs. If the US continues down the wrong path, China will take resolute measures to fight back. No one should underestimate China’s determination to safeguard its sovereignty and development interests, and its determination to implement the one country, two systems policy and to maintain Hong Kong’s prosperity and stability”.

During this news item, the following caption was displayed:

“US HONG KONG BILL. FM Wang: Proposed law ‘indulges violent criminals’”.

News item two

News item two was broadcast approximately four and a half minutes after news item one and lasted around four minutes. It began with the presenter asking a correspondent for the latest developments at the university campus and about what people were saying on the HKHRD Act. The correspondent gave details of the number of people still on the campus and said that the police were waiting for them to leave the campus because of a lack of food and water and other necessities. She also detailed the numbers, age ranges and types of profession of people recently arrested and prosecuted for involvement in rioting. She then said that the Hong Kong government had that morning “*released a statement expressing strong opposition to the passage of the [HKHRD] Act by the US*”. The correspondent added:

“Hong Kong believes that by passing this Act, the US is sending an erroneous signal to the violent protesters and that’s not going to help to deescalate the situation in Hong Kong”.

A silent clip of what appeared to be Senator Marco Rubio passing the HKHRD Act was shown as the correspondent invited the audience to listen to the reaction of Hong Kong officials to the Act. Clips of recorded interviews were then shown, with an English translation in voice-over. In the first clip, Horace Cheung Kwok-Kwa, Hong Kong Legislative Councillor, said:

“In the past few months, we have noticed that the US Congress members who initiated this Act have made unfair comments on the situation in Hong Kong. This seemed to ignore the violent acts that have been happening almost every day and the UN Commission on Human Rights had spoken about the violence and has condemned such acts²⁵. But, none of such comments were made by American congressmen. So, I think those who sponsored this act have no idea of the truth of what’s

²⁵ In a [press statement](#) on 13 August 2019, the United Nations Human Rights Office of the High Commission stated that the High Commissioner “condemn[ed] any form of violence or destruction of property and urge[d] everyone participating in the demonstrations to express their views in a peaceful way”. The press statement added that it had reviewed “credible evidence of law enforcement officials employing less-lethal weapons in ways that are prohibited by international norms and standards...creating a considerable risk of death or serious injury”. It “urge[d] the Hong Kong SAR authorities to act with restraint, to ensure that the right of those who are expressing their views peacefully are respected and protected, while ensuring that the response by law enforcement officials to any violence that may take place is proportionate and in conformity with international standards on the use of force, including the principles of necessity and proportionality”.

In a [press statement](#) on 19 November 2019, the United Nations Human Rights Office of the High Commission stated that it was “gravely concerned about the increasing violence by groups of young people engaging in the protests who are clearly very angry, with deep-seated grievances”. It said this could not be condoned. It added that the “vast majority of the people” had exercised their right of freedom of assembly peacefully and lawfully – and the authorities had “by and large respected the exercise of this right”. It urged the authorities to “facilitate a peaceful resolution” through “truly inclusive dialogue”, “to find peaceful solutions to the grievances raised by a significant number of Hong Kong citizens”. It also said, “Accountability for violence is also key – both in the case of individuals who have broken the law and committed acts of violence, but also in the case of allegations of excessive use of force by the police”.

happening in Hong Kong. I think what they have done is totally inappropriate”.

In the second clip, Chan Wing-Kei, Former Member of the Standing Committee of Chinese People’s Political Consultative Conference, said:

“When the United States talks about democracy and freedom, whose democracy and freedom is it talking about? The rioters or that of most of the Hong Kong people? The United States has now passed the Bill that equals its support for the rioters and their freedom and democracy. It fails to consider the basic human rights and freedoms of most of the Hong Kong people. I believe that the US Senate has set a bad example”.

In the third clip, David Wong Yau-Kar, Hong Kong Deputy, National People’s Congress, said:

“The US actually enjoys a large trade surplus with Hong Kong. It has a lot of investments in Hong Kong or through Hong Kong to the mainland and East Asia. That means the US has a great economic interest in Hong Kong. I think the US should be careful on this matter”.

The correspondent concluded the item by saying:

“Well, the US has been earning from Hong Kong the largest bilateral trade surplus among its global trading partners for the past decade, so the Act actually will also create a negative impact on America’s own interest as well”.

A caption read:

“HONG KONG UNREST. HK government expresses strong opposition to acts passed by US Senate”.

News item three

News item three was broadcast approximately 15 minutes after news item two and lasted around five minutes. It focused on the participation of minors in the Hong Kong protests and the role of the Hong Kong educational system. The presenter began by discussing the age groups of the AELABM protesters. She said that an *“increasing number of underage young people in Hong Kong [were] fuelling the protests in the city”*. She gave various statistics, including that in October 2019, *“about 8% of the nearly 1,200 people arrested were minors”*. She said that a 12-year-old boy had pleaded guilty to vandalism and that he was *“the youngest person to be convicted over the civil unrest since it broke out in June”*. She then interviewed Benjamin Chiao, Academic Dean and Professor at the Paris School of Business in Shenzhen. She asked for the Dean’s view of the minors’ involvement in the protests, the reason for it and how the authorities should treat them, based on his *“contact with students”* and noting that he had previously worked as an educator in Hong Kong. The Dean said:

“I think these minors are underaged, fundamentally lack the right judgment to make the right decision, they’re easily affected by herd

behaviour. A lot of these minors are negative, clearly affected by the malicious media, some of which could sustain years of losses because they're largely supported by outside forces. The minors have been told that violence is the only solution left and they have tasted blood by now. Some even said they would sacrifice their lives for that. But the problem is, they don't even care if they are sacrificing others' lives too, even innocent people. Some of them are highly hypocritical, I think. They fight for the freedoms to speak but silence people with different political views. They turn blind eyes to the injuries they have caused innocent people. Even cases with burning people alive. It is I think hard to reconcile between the blue and yellow camps²⁶ by now. I think one important strategy is for society to merge some middle political view growth; not yellow, not blue, perhaps a new green camp to attract this extreme youngsters' flag. I think ultimately love is the cure. We need to feel their pain and we need to educate them. These young people are very passionate but with the wrong methods to achieve the wrong goal. If they're anti-Chinese, they should be shameful because over half of their parents if not immediate parents all came from mainland China. If they're against the Chinese government, history will tell them that they bet on the wrong side. It is China, who has pulled hundreds of millions of people out of poverty within decades, largely by peaceful means, no regimes have ever done better in history. And by now enough evidence should be there to prove their double standards and hypocrisy of the mastermind behind the, call it the revolution. And while we need to forgive, I think you also need to uphold the law, to put the offenders to jail. Back to you".

The presenter said that questions were being raised over Hong Kong's "basic education" and that some were saying it was "a factor in the teenagers' misguided behavior". She asked the Dean if there was a connection. The Dean said:

"Absolutely. I've seen Hong Kong textbooks for kindergartens with a monster named China, is but an example of how a negative image of China is being portrayed to the youngsters since an early age. And now you see why it's so easy for the malicious media to echo what's deeply rooted in the subconscious mind of the youngsters. Even though one underlying reason for the continuing violence should be familiar to anyone with a deep understanding of history. All the preconditions are being carefully staged with the help of outside entities together with the

²⁶ Businesses in Hong Kong that are seen to support pro-democracy activists are associated with the colour yellow. Businesses that are seen to support the Beijing government are associated with the colour blue. See [Hong Kong protesters are using apps to avoid restaurants they suspect are pro-China](#), Australian Broadcasting Corporation, 22 December 2019. See also [Second death in week as Xi Jinping demands end to Hong Kong violence](#), The Guardian, 14 November 2019.

opposition party to provoke the police and the government to use stronger and stronger forces. Even though any direct intervention using armed forces will be legally justifiable under the basic law, such intervention will be negatively portrayed by the international community as an act of suppression of Hong Kong's freedom. But the history course is very deficient in Hong Kong high schools, which was substituted by liberal studies courses after the 1997 hand over. So, I think history needs to be taught properly again and uh because students are criticising the Hong Kong democracy now, which there was none during the colonial days, just 20 years ago".

The presenter drew the item to a close, thanking the Dean for his contribution.

During this news item, the following captions were displayed:

"Under-age rioters given special treatment in Poly U siege".

"HONG KONG UNREST. Hundreds of minors identified among rioters".

The programme did not include any further news items on the Hong Kong protests.

It was Ofcom's view that the programme was dealing with matters of major political or industrial controversy and major matters relating to current public policy, namely the ongoing protests in Hong Kong and related issues, such as the HKHRD Act.

We therefore considered that the programme raised potential issues warranting investigation under the following rules of the Code:

- Rule 5.1: "News, in whatever form, must be reported with due accuracy and presented with due impartiality."
- Rule 5.11: "In addition to the rules above, due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes."
- Rule 5.12: "In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented."

Ofcom requested comments from the Licensee on how this material complied with these rules.

Response

The Licensee made several general points about the nature of the CGTN service and the expectations of its audience as summarised earlier on pages four to six.

The Licensee said that this edition of *China 24* had given a “completely factual account” of the situation at the university campus, the tactics the police had adopted there and statistics on the people recently prosecuted for involvement in the protests. It said that “due to the straightforward, factual nature” of this reporting, it did not consider that CGTN had breached any of the relevant impartiality rules. It also said that its reporting of statistics on young people involved in the protests was “completely factual in nature”.

SCML said that CGTN had been covering the US Government’s HKHRD Act since its inception. It said that this edition of the programme contained what was clearly a sequential news story reporting on developments after the HKHRD Act had been passed. It said that in the lead news item the presenter “simply reported on the Chinese and Hong Kong governments’ reactions” to the passing of the Act and in particular “the reaction of China’s foreign ministry and the Hong Kong government”. It said that in the subsequent item on this matter “the presenter spoke to the [correspondent] in a live cross in order to obtain the Hong Kong government’s reaction...in further detail”. It said this item included the views of three Hong Kong officials on the potential impact of the HKHRD Act on the protesters and the Hong Kong people, as well as the potential impact on trade relations between the US and China.

The Licensee said that the schedule, on-air promotions and its branding “clearly signposted” *China 24* as “a daily current affairs show reporting on news and analysing the biggest stories of the day, from a Chinese perspective”. It said it was “therefore entirely appropriate that the programme should seek comment from government officials in China and Hong Kong to get their reaction to the [HKHRD Act]”. It added that the passing of the HKHRD Act was “given air time and coverage across CGTN’s news coverage, and accordingly, viewers would have been able to come to their own conclusion on this sequential news item”.

SCML said that as the Chinese public broadcaster, it found it “particularly challenging” when trying to obtain alternative views “when reporting on the ground about the protests in Hong Kong” as protestors “are often hostile to the media from the Chinese mainland and to Mandarin speaking reporters”. SCML said that to address this challenge, it had “assigned two experienced international correspondents from North America to Hong Kong”. It said these correspondents had “managed to talk to some protesters, including the masked protesters, to hear their voices and stories”. It gave the following examples:

- on 19 November 2019, it broadcast a second follow-up interview between CGTN reporter Xu Xinchun and a 24 year-old masked protester called ‘Robin’;
- on 22 November 2019, it broadcast Jim Spellman’s interview of “protesters for both sides”, that is those attending a “pro-democracy protest” and those who were there “in support of the government”;
- on 26 November 2019, it broadcast Jim Spellman’s interview of “priests at the Polytechnic University who were there in support of the protesters”;

- on 1 December 2019, it broadcast a recent interview of a young masked protester by its anchor Liu Xin; and
- on 22 December 2019, it broadcast Nathan King’s interview with a “black-masked protestor called ‘Vendetta’”.

In addition, SCML said that when it was “unable to secure interviews with opposition candidates in our coverage of the Legislative Council elections, on 24 November 2019 [it] broadcast profiles of those candidates together with their stance on particular issues, including calling for the Hong Kong Government to meet the protesters’ five demands²⁷”. It added that it also broadcast on 22 November 2019 a “package on the US [HKHRD Act] which included a soundbite from [US House of Representatives Speaker] Nancy Pelosi regarding human rights issues in Hong Kong”.

SCML therefore asked Ofcom to take into account that there were “a number of examples of news items broadcast by CGTN, which include[d] and [gave] due weight to an appropriate range of significant views, across the whole of CGTN’s news coverage”. The Licensee also said that the programme in this case, *China 24*, “has its place in the 24-hour schedule alongside the CGTN news bulletins, which reflect a range of voices, opinion and context for all stories that are covered”.

SCML assured Ofcom that it was “aware of [its] impartiality and other obligations under the Code and...concerned to have received this complaint”. It said it had “also added to [its] team covering the Hong Kong protests, an experienced Supervising Producer with several years of news journalism and production experience working for Western media outlets, to oversee such coverage”.

SCML did not provide further representations on the specific content in this programme in its response to Ofcom’s Preliminary View.

Decision

Reflecting our duties under the Act, Section Five of the Code requires that the impartiality requirements of section 319 and 320 are met.

Rule 5.1 of the Code states that:

“News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.11 states that:

²⁷ In early July 2019, a small group of protesters “broke into Hong Kong’s Legislative Council [and] laid out five demands: the withdrawal of the extradition bill; the retraction of the government’s characterisation of the protests as riots; an independent investigation into police violence; amnesty for arrested protesters; and the implementation of universal suffrage”. See [Beijing’s game plan for stifling the Hong Kong protests is now clear](#), The Guardian, 14 August 2019.

“As the protest movement is leaderless, not everyone has the same goals in mind. But in general, five main demands have emerged: withdraw the [extradition] bill, for leader Carrie Lam to step down, an inquiry into police brutality, for those who have been arrested to be released, and greater democratic freedoms”. See [Why Hong Kong is protesting: Their five demands listed](#), CNN, 30 August 2019.

“Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes”.

Rule 5.12 states that:

“In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

The obligation to preserve due impartiality in news (Rule 5.1) applies to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy.

SCML submitted that it was a relevant consideration that Ofcom had only received one viewer complaint about *China 24* which related to a segment of the programme that was not part of Ofcom's consideration. However, this had no bearing on the Licensee's obligation to comply with the due impartiality rules or on our assessment of its compliance.

Application of Section Five of the Code

For the reasons set out above at page seven, Ofcom considered *China 24* was a news programme which dealt with a matter of major political or industrial controversy and major matter of current public policy, the ongoing protests in Hong Kong. Therefore Rules 5.1, 5.11 and 5.12 applied in this case.

The preservation of due impartiality

Ofcom went on to assess whether due impartiality was preserved in the programme. The Code and Guidance make clear that “due” is an important qualifier to the concept of impartiality. “Due impartiality” does not therefore mean an equal division of time must be given to every view, or that every argument must be represented. Due impartiality can be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures this.

Ofcom's [Guidance](#) to Section Five of the Code makes clear that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality rules. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five of the Code is complied with.

The Code also makes clear that the approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content and the extent to which the content and approach is signalled to the audience. In addition, context, as set out in Section Two (Harm and Offence) of the Code is important in preserving due impartiality.

Context includes a number of factors such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations.

The third news item in this programme featured an interviewee who made a number of statements about the young people involved in the Hong Kong protests, including his views on the reasons behind young people being motivated to join the protest movement and the serious violence allegedly perpetrated by them. For example:

“I think these minors are underaged, fundamentally lack the right judgment to make the right decision, they’re easily affected by herd behaviour. A lot of these minors are negative ... The minors had been told that violence is the only solution left and they have tasted blood by now. Some even said they would sacrifice their lives for that. But the problem is, they don’t even care if they are sacrificing others’ lives too, even innocent people. Some of them are highly hypocritical, I think. They fight for the freedoms to speak but silence people with different political views. They turn blind eyes to the injuries they have caused innocent people. Even cases with burning people alive”.

This interviewee also referred to the connection between the Chinese government and the protestors’ behaviour, as well as the role the Hong Kong education system had to play in the protests:

- *“If they’re against the Chinese government, history will tell them that they bet on the wrong side. It is China, who has pulled hundreds of millions of people out of poverty within decades, largely by peaceful means, no regimes have ever done better in history”.*
- *“I’ve seen Hong Kong textbooks for kindergartens with a monster named China, is but an example of how a negative image of China is being portrayed to the youngsters since an early age. And now you see why it’s so easy for the malicious media to echo what’s deeply rooted in the subconscious mind of the youngsters”.*
- *“... the history course is very deficient in Hong Kong high schools, which was substituted by liberal studies courses after the 1997 hand over. So, I think history needs to be taught properly again... because students are criticizing the Hong Kong democracy now, which there was none during the colonial days, just 20 years ago”.*

We considered the overall effect of these statements was to present a view which was generally supportive of the Chinese government and negatively portrayed the Hong Kong protests and the actions of the protestors, including by implying that the protestors were solely responsible for the violence and damage which had occurred.

In addition, news items one and two contained a number of statements which, in Ofcom’s view, presented a one-sided view on recent developments associated with the Hong Kong protests, namely the passing of the HKHRD Act. The programme featured statements from a variety of Hong Kong and Chinese officials, which expressed condemnation and strong opposition to the Act. For example, in a recorded interview, a Hong Kong Legislative Councillor criticised the US Congress for being “unfair” and ignorant of “the truth of what’s happening in Hong Kong” and for ignoring the violence that had

been occurring. Also, the Former Member of the Standing Committee of Chinese People’s Political Consultative Conference said that the Act supported *“the rioters and their freedom and democracy”*, but *“fail[ed] to consider the basic human rights and freedoms of most of the Hong Kong people”*. He added that *“the US Senate ha[d] set a bad example”*.

While we acknowledge that it was legitimate for the Licensee to report on the Hong Kong and Chinese officials’ position on the passing of the HKHRD, we consider the programme failed to provide any alternative viewpoints or further context on this issue, such as an explanation of the rationale for the Act.

In our view, there was no attempt during the three news items to explore an alternative perspective, for example to explain the protesters’ motivations and objectives from their point of view, or an acknowledgment that the Hong Kong police may have played a part in escalating tensions with protestors and that violence may have occurred on both sides.

As highlighted in Ofcom’s Guidance on Section Five of the Code, the broadcast of highly critical or supportive comments concerning the policies and actions of, for example, a political party or a group of people, is not in itself a breach of due impartiality rules. It is essential that news programmes are able to explore and examine issues, even if it is about a highly controversial issue. However, as envisaged by section 320 of the Act – which is given effect by Rules 5.11 and 5.12 – a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of matters of major political controversy. How this is done is an editorial matter for the broadcaster.

In light of the various statements about the young protesters and the HKRHD Act, which provided a one-sided perspective that could be described as supporting the views of the Hong Kong and Chinese Governments, we considered whether, as required by Rules 5.11 and 5.12, an appropriately wide range of significant views were included and given due weight in this programme.

The Licensee said that the programme had given a “completely factual account” of recent developments regarding the Hong Kong protests, including the reaction to the passing of the HKHRD. We acknowledged that the programme included factual reporting, but it also included interviews with various experts and representatives of the Hong Kong and Chinese governments, each of whom expressed views that contributed to an overall narrative which failed to consider an alternative perspective on the actions of the young protesters and the HKRHD Act. While it was legitimate for the Licensee to report on these matters, the Licensee was still required to preserve due impartiality in accordance with Section Five of the Code.

We acknowledged that at some points during the programme, there was a very limited acknowledgment of the existence of a differing perspective on the Hong Kong protests and associated issues, such as the HKHRD Act. For example:

- *“The United States has now passed the Bill that equals its support for the rioters and their freedom and democracy”*. (Chan Wing-Kei, Former Member of the Standing Committee of Chinese People’s Political Consultative Conference);
- *“They fight for the freedoms to speak but silence people with different political views”*. (Benjamin Chiao, Academic Dean and Professor at the Paris School of Business in Shenzhen);

- “It is I think hard to reconcile between the blue and yellow camps²⁸ by now”. (Benjamin Chiao).

However, in the context of the programme as a whole, we did not consider these brief comments were sufficient to preserve due impartiality. While they may have indicated an alternative perspective existed, very limited detail was provided on what this was or how it related to the actions of the protestors. Further, the one brief reference to the motivation of the protestors – “*they fight for the freedom to speak*” – was immediately followed by a critical statement, “*but silence people with different political views*”, which we considered had the effect of undermining the protestors’ perspective. In our view, therefore, the programme did not appropriately reflect a range of significant viewpoints on the Hong Kong protests and related issues with due weight, as required by Rules 5.11 and 5.12.

The Licensee cited examples of when it had featured the viewpoint of protestors in news programmes broadcast on CGTN on 19, 22, 24 and 26 November 2019, and 1 and 22 December 2019. It also cited a broadcast on 22 November, which it said was related to the HKHRD Act and included a soundbite from the Speaker of the US House of Representatives, Nancy Pelosi, talking about human rights issues in Hong Kong. SCML therefore argued that it had given “due weight to an appropriate range of significant views”. Paragraph 1.11 of Ofcom’s Guidance to Section Five states:

“Due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked ‘special’ news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it was clearly signposted to the audience, in line with Rule 5.6²⁹ of the Code”.

However, we did not consider that the programmes cited by the Licensee could be considered as editorially linked within the meaning of the Code to the programme in the present case. This was because there was no material at all within the particular edition of *China 24* which referred explicitly to, and so potentially linked the programme to the other programmes cited by the Licensee (such as announcements or other content signalling the existence of an editorial link, for example that the other programmes would also discuss the issue of the Hong Kong protests).

In summary, we did not consider that this programme presented alternative viewpoints with due weight on recent developments relating to the Hong Kong protests, or on the specific issues of the passing of the HKHRD Act and the increasing numbers of young people becoming involved with the protests.

²⁸ See footnote 26 above.

²⁹ Rule 5.6 states: “the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

Ofcom considered general contextual factors that were relevant to this programme, such as the nature of the CGTN service and the expectations of CGTN's audience. We have summarised the Licensee's representations and our Decision in respect of these matters above at pages four to nine.

For all the reasons set out above, Ofcom's Decision is that the Licensee failed to include and give due weight to an appropriately wide range of significant viewpoints in relation to the relevant matter of major political controversy and major matter relating to current public policy dealt with in the news item as required under Rules 5.11 and 5.12 and, taken overall, due impartiality was not preserved during the news item as required under Rule 5.1.

Breaches of Rules 5.1, 5.11 and 5.12

Next steps: Ofcom is minded to consider these five breaches for statutory sanction

For the reasons set out in full in each individual decision, Ofcom considers the five breaches in respect of news programmes broadcast in the period from 11 August 2019 to 21 November 2019, taken together, to be a serious failure of compliance. **Therefore, subject to receiving the Licensee's representations on this issue, Ofcom is minded to consider these breaches for the imposition of a statutory sanction.**

If, after consideration of these representations, Ofcom decides to proceed with its consideration of a statutory sanction, Ofcom will follow the process set out in our published procedures for statutory sanctions in broadcast cases. In accordance with those procedures, Licensees have the opportunity to make written and oral representations before Ofcom reaches any decision as to whether to impose a sanction and if so, what form the sanction should take.

Ofcom has a range of statutory sanctions at its disposal. Any sanction we impose will be proportionate and fair, taking into account all the relevant circumstances, the Licensee's representations and any relevant previous cases.